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Contents

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A Decade of the Women's Studies Journal

As the in-coming editor of the *Journal*, I am full of admiration for those who have preceded me. Margot Roth and the Auckland Women's Studies Association Collective launched the *Journal* on its path ten years ago in 1984. Anne Else and the Wellington Collective took it over in 1988. The *Journal* arrived in Dunedin and came under the wing of the Women's Studies Section of the English Department at Otago University in 1992. Its movement down the country has meant an up-scaling in terms of the institutional resources it now receives. The *Journal*'s current situation in academe mirrors the development of women's studies at the universities, a fact noted by Margot Roth in her guest editorial. It signals the burgeoning of scholarship in the field which is a matter for celebration.

The *Journal* has a diverse audience and, in order to meet the needs of our readers, we encourage you to send us your opinions on our content. We would particularly welcome debate over positions put forward in papers. In this issue we begin what we intend to be an on-going section entitled *Policy Issues for Women*. We hope that this section will provide a channel for communication for those without the time to write scholarly papers but who wish to raise feminist awareness of current events. Linda Mitchell opens this forum examining the current crisis in early childhood education.

If there is a theme to this volume, it may be that of voice. How to bring our voices to bear on policy so that initiatives for the education of women and girls do not disappear is the focus of Liz Gordon's paper. Nan Seuffert explores how to insert feminist voices into legal practice, and Elisabeth McDonald analyses the way in which women's stories are silenced in the courtroom. Valerie Hazel critiques ideas surrounding the politics of voice using the example of Jane Campion's *The Piano*. Finally, the Archives piece explores evidence which might help researchers get around the historical silence shrouding menstruation.

As an historian, I can only agree with Margot Roth that words

on paper — the current form of the *Journal* — matter. The printed volumes ensure that some of the feminist concerns of the decade will not be lost. The introduction of the telephone, and now email, has reduced the sources available to the historian. The *Journal*, however, has benefitted immeasurably from the new technology available to us. The current possibilities of rapid transmission of words around the country through disks and email allows deadlines to get perilously close. I want here to note the contribution of all the editors, Margot, Anne, Annabel Cooper and Maud Cahill, who have dealt with the deadline headaches and kept in print a *Journal* without which the feminist community in New Zealand would be much impoverished. I would also like to celebrate the achievements of the *Journal*'s contributors, for without them we would not exist. And, without the original impetus, the *Journal* would not be where it is today. Margot Roth was a big part of that impetus and we have invited her to reflect on the *Journal*'s current direction.

Barbara Brookes

Dear Journal — With Love

Margot Roth

Firstly, I am gratified to be asked to contribute to the *Journal* in its tenth anniversary year. Also, I am pleased that this *Journal* editor happens to be an historian because as the years whizz by at accelerating speed, I had certainly failed to note that the *Journal* has survived for one whole decade. The WSA ought to congratulate itself on this achievement because New Zealand is cluttered up with back copies of large numbers of 'little' magazines with little lives. I am collectively and individually proud to have been a member of the group at the beginning of it all. Secondly, because this is rather a last-minute project it is not going to be one of those referenced scholarly pieces indicating the depths of my research into the rapidity of change over the course of what various forms of advertising keep telling me are my 'golden years'. (I idly wonder sometimes what the other epochs were — tin? plastic?).

One of the reasons for my overshooting the deadline the editor gave is an example of how my study of change has large gaps. I was prevented from completing another piece I was working on, delaying my start on this one, because my printer flew into one of its uncontrollable rages. These beasts that one brings in from the technological wilds always know if one is still uncertain about how fully they have been domesticated, and if one makes the smallest slip, they attack.

I found this episode particularly galling because it reinforced my unhappy consciousness of the learning deficits I had already registered after reading the article in the latest *Journal* (1994: 10, 1) about electronic discussion lists and email and everything. Me, I still have a struggle in getting pagination right all the time and the printer to mind its p and its q not to mention its fonts. Anyway, as I understand it, this email caper requires all kinds of

Women's Studies Journal, 10 : 2 (September, 1994).

extra bits that are beyond me. Believe it or not, I have only one fixed telephone that has a dial with holes over the numbers that you put your fingers in to connect — 'only connect'? — with people not necessarily linked to any kind of network. I don't have a fax either: deep down I still have this lingering conviction that instant long distance communication occurs only in times of Emergency. It reflects my generation, along with the notion (affecting more than just my generation) that girls couldn't really do anything technically useful or intellectually advanced.

Possibly if appropriate sums of money and a cure for aging came in my direction I might be inclined to overcome my technophobic inertia to spend hours in the important exchange of what I 'say and think and feel' with 'communities of cyberspace ... (that) ... are real and vibrant' (p.139). But of course it is untrue to add (p.138) 'that the network is open to all', as the editorial in that same *Journal* points out. Which women and girls get access to computers? Where do they locate the machines that will enable them to tune in (an old-fashioned phrase) to all that real, vibrant information? As the editorial says, we've heard all those assurances about equality and so on before.

In fact, I do not have real worries about a lack of computer or any other kinds of skills among the majority of women, and I think the network opportunity will appeal to many. This is partly because we are a Pacific nation and as such recognise and practise an oral tradition — we are inclined to forget that the absorption of cultural attitudes may be a two-way exercise. (I have no real evidence to substantiate this claim, but would point to the enormous growth and popularity of oral history, together with the fact that we have one of the highest rates of telephone usage in the world.) The impression I get from reading about the two electronic lists, WSST-L and FMST-L, is that they are an elegant oral extension providing for a continuing conversation about specific topics, together with information about resources. Before we get too excited about 'the pleasures and politics of "women" in relationship to the system of electronic communication' (p. 128) I would suggest that debates and shared material have always been a feature of WSA publications and conferences and of more informal communication among individuals.

I will be self-indulgent here and remember, kiddies, the hours

some of us spent twenty-odd years ago compiling, typing and amending (I have longlasting memories of Twink) the New Zealand references that took up so few pages. And look at us now! It is not just the quantity that enthuses me, but the *quality.* Me, biased? Never.

So, we have a technological revolution which we are being told is such fun and profit to embrace, but at the same time we are being warned that some of us might suffer unpleasant consequences if we do (how familiar). It is perhaps symptomatic (again) of my chronological age that I have reservations about its advantages, because all the miraculous new inventions or improvements to the older ones or fresh scientific insights do not appear to have altered the distribution of power very much in my lifetime, internationally, nationally or locally. Yes, I know there are more women bumping their heads on the glass ceiling or engaged in jobs that they used to be kept out of, but, for example, as all research shows, the time spent on domestic chores has, if anything, increased; while child care has growing demands and expectations placed upon the carer with less support.

I am not about to take my Luddite axe to all computers (for one thing, I know mine would clobber me first) or to advocate abolishing 'the net' — although for myself, I cannot see virtual reality as an equal exchange for the enjoyment of sprawling all over the place with the printed word, a drink and a snack. I am bothered by the relations of ruling.

The *Journal* editorial refers to the tensions that the use of the technology will create among feminists, economically and institutionally. It also mentions that it will: 'challenge[s] the printed word's place as the primary means of academic validation'. I find this more or less throwaway challenge to the printed word as worrying not just because I am obstinately clinging to the past and addicted to print, but because of bitter experience.

For over a quarter of a century I was a voluntary member of the Auckland Workers Educational Association (WEA). Because at one time the WEA was funded by the government, we had dealings with the Education Department for whom we were singularly unimportant. Unless the government was reducing or eliminating our grant, or inquiring about some nasty subversive programme they thought we might be running, the department

on the whole did not write to us, whether or not they owed us a letter. It was almost impossible to get sensible replies IN WRITING containing the information we sought; which puts small organisations at a huge disadvantage when policy changes are brought in after some of the top lads have been to the pub together, then chattered (or conformed to the oral tradition) to the rest of the top lot up and down the country through teleprinters (early on), telephone conference calls and now computers — all means of taken-for-granted communication beyond the financial means of many voluntary and semi-voluntary groups. I fear — perhaps unjustifiably — that without a statement on a bit of paper power inequalities may increase.

Through the WEA I was involved in various women's studies programmes with groups in the non-formal education area as well as in Auckland University's Centre for Continuing Education. However, in the field of non-formal adult education generally, such activities have been largely overlooked and, more recently, edged out. Now, women's studies are almost entirely, it seems, in universities and polytechnics, where the majority of women are not. And the more that 'the net' becomes a part of the lives of a minority with its own symbols, esoteric language and oral history, the fewer of the majority it will catch. Personally, because so much of my life is pre-anything, I find it very difficult to comprehend post-this-and-that. I have little understanding of, for instance, the topic for the next issue of the *Journal* 'Post-colonialism' in an age where the World Bank is demanding what it calls 'structural adjustment' from the countries it gives loans to; this seems to me blatant colonialism. And 'articulation of locality'? — my place or yours, I suppose.

If such artifacts as the printed *Journal* become obsolete because of improved technology, so be it. I am totally confident that in whatever form it manifests itself the *Journal* will continue to be thought-provoking and valuable for women, because, to me, the WSA is so important. Perhaps we could begin the next decade by sorting out how to ensure that ready access to technology keeps pace with its increasing sophistication, and that students and practitioners of women's studies remain passionately engaged in the subversive pursuit of making their knowledge, which is power, more accessible to all women.

Whatever Happened to the National Policy for the Education of Girls and Women in New Zealand?

Liz Gordon

Shortly after the Labour Government announced the policy of *Tomorrow's Schools* in 1988, another policy was announced, with rather less fanfare. It was the *National Policy for the Education of Girls and Women in New Zealand*, developed by the Women's Advisory Committee on Education (WACE). In a letter to the Minister of Education, David Lange, the Committee noted that:

> The changes proposed by the Government in *Tomorrow's Schools*, which establishes the framework for equity, provides an ideal opportunity for the implementation of such a policy.[1]

Times have changed very considerably since this optimistic statement was made. The Advisory Committee has itself been disestablished, as has, more recently, the Girls' and Women's Section in the Ministry of Education. In this paper I wish to examine the reform of education under *Tomorrow's Schools* from the perspective of the ideals espoused in the National Policy some six years ago.

A National Policy for the Education of Girls and Women in New Zealand

The idea for the National Policy appears to have come from the Women's Advisory Committee itself, as one of a large number of initiatives aimed at putting gender inequalities on the political agenda. The role of the Advisory Committee was to 'advise the Minister on all matters relating to the education of girls and women', and to suggest action, monitor policies, develop priorities

Women's Studies Journal, 10 : 2 (September, 1994).

and 'explore avenues for implementation'. Thus, the development of a national policy could be seen to be well within the brief of the Committee, although the lack of a specific political mandate for such a policy weakened the force of the recommendations, in contrast to Australia's equivalent policy which was developed federally under the aegis of a supportive Minister of Education, Susan Ryan, and provided compulsory guidelines for State governments.[2]

The National Policy identified six areas of the education system where work needed to be done to improve the educational outcomes for girls and women. Specifically excluded from this framework were issues to do with equal employment opportunities, although the Committee noted that this was another area where work was needed. The six areas were as follows:

> Establishing both *national and local educator* responsibility and a plan of action.
> *Raising awareness* of the educational needs of women, particularly the needs of Maori and Pacific Island women.
> *Pre-service and in-service training* for all those involved in education.
> *Equal access* to and participation in education through:
> • fundamental curriculum reform
> • specific areas of curriculum reform
> • flexible, accessible, responsive services.
> The *successful education of Maori girls and women* through reforms at every level of education.
> Achieving equity in the learning environment through:
> • institutional organisation and practice
> • teaching and learning processes and classroom/ workshop management
> • improving the social and cultural environment
> • improving the physical environment.[3]

This was demonstrated in Figure 1.

The key focus of the National Policy was, as can be seen in Figure 1, the issue of 'national and local responsibility', from which the other five elements would proceed. The policy noted that this would be achieved through 'plans' to improve 'the outcomes of education for females ... in a systematic, results-oriented way'.[4] Much of the work in reaching this goal would fall to the

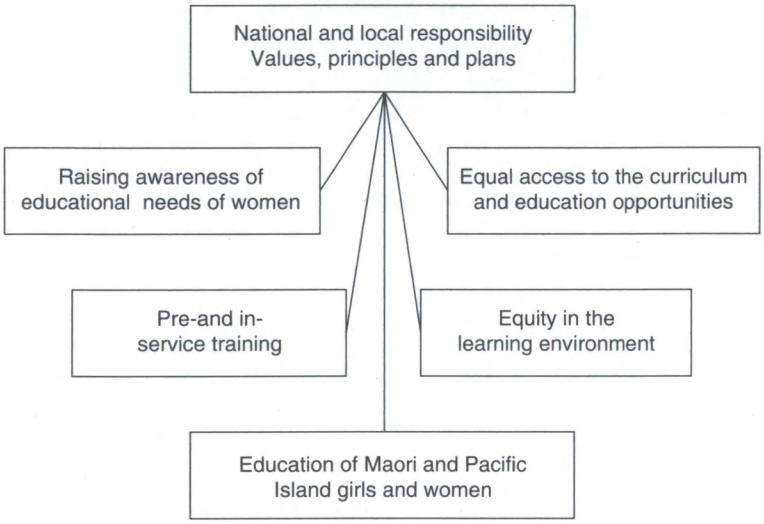

Figure 1: National policy for the education of girls and women

Ministry of Education, which would 'develop and maintain policy objectives'. The Ministry would achieve these through an appropriate organisational structure, adequate staff to 'fulfil policy and review objectives', and allocate resources 'to meet the objectives of a gender-equity programme'. The Ministry would also establish a data base on 'existing outcomes' for girls and women, develop a clear relationship with the review and audit process, and develop further 'policy objectives in this area'.[5]

Locally, plans would be based on national objectives, through the school charter, but priorities would be set by individual boards. Evaluation procedures would also be developed locally, as would certain resources, including specific staffing.[6] Finally, the review and audit process would 'provide specific staffing with appropriate experience to monitor' local plans, report on the achievement of gender-equity objectives and 'provide a full review of the first phase of implementation of the National Policy for the Education of Girls and Women'.[7]

If the issue of national and local responsibility was to provide the gateway into all the other policy goals for girls and women,

then it is not hard to see why these goals, six years on, are as elusive as ever. Hardly any of the conditions of the policy are in place today. Some never existed. Others got restructured, abolished or simply placed low on the agenda. Most problematic of all is the relationship between central and local levels in the schooling system. If *Tomorrow's Schools* offered 'an ideal opportunity' for the implementation of a national policy on the education of girls and women in New Zealand, it is an ideal that has sadly faded over time. In the remainder of this paper I will examine why.

Equity and efficiency: conflicting policy goals

The election of a National Government in October 1990 is generally considered, with some justification, to have been the point at which equity concerns were dropped in favour of an emphasis on efficiency.[8] While it is obvious that the overt focus on equity, and gender equity in particular, has lost ground since then, it is clear that the conflict between equity and efficiency was grounded in the policy of *Tomorrow's Schools* itself. The Picot Report, and the policy on which it was based, contained contradictory assumptions which have never been resolved.

One early piece of research which demonstrated this was Ken Wilson's study of six discrete paragraphs in the Picot Report.[9] He asked a number of members of the Committee to outline their interpretations of these paragraphs. The results were stark, often uncovering interpretations that were directly opposed to one another.

The equity/efficiency relationship was at the heart of these contradictory interpretations. The aims subsumed opposing views, in particular, of the goals of devolution; one encompassing a view of devolution as community empowerment, the other seeing devolution as a means by which the central state could shed responsibility for education.

Under the community empowerment view, the purpose of devolution was to broaden the basis of decision-making in education. In particular, small communities, Maori and Pacific Island groups and women would be empowered to have a say in, if not control, the direction of education in individual schools. This view was epitomised in the 1989 advertising campaign that pre-

ceded the election of boards of trustees. 'If you can manage one of these', the advertisement boomed, showing a child, 'you can manage one of these', showing a school. The images were of men and women, Maori and pakeha, amicably discussing issues in a warm educational setting. This view was further expressed in Section 99(1) of the 1989 Education Act which stated:

> It is desirable, so far as is reasonably practicable, —
> (a) That every Board should reflect —
> (i) The ethnic and socio-economic diversity of the student body of the school or institution; and
> (ii) The fact that approximately half the population of New Zealand is male and half female; and
> (iii) The character of the school or schools, or institution, it administers; and
> (iv) The character of the community (whether geographical or otherwise) served by the school or schools, or institution, it administers; and
> (b) That every Board should have available from within its membership expertise and experience in management.
> **Subsection**
> (2) A Board or person, when co-opting or appointing trustees, shall have regard to subsection (1) of this section.

This policy was directly contradicted by the alternative view which stemmed from the new right perspective. This perspective was being pushed at the time by Treasury and the State Services Commission.

The new right view understood devolution to be an administrative tool to provide the basis for a reduction in the size and scope of the state. Devolution, according to this position, would wrest power from the educational professionals and bureaucrats, who had run and expanded the system in their own interests, and vest it in the consumers of education. In the process, the state would be in a position to force efficiencies in the system, which would be able to be achieved without reducing the quality of education because of the effects of market competition on school performance.

Although Treasury and others have used the concept of equity to justify the re-organisation of the schooling system,[10] in fact the aim of a market system must be the creation and maintenance of

systems of inequalities. Indeed Marginson argues that the term equity is used increasingly by market economists in the 'opposing meaning of the right to invest in the education market — equal rights to participate in a market in which social inequalities are natural, are sanctioned and legitimated'.[11] Some are more honest about this than others. One writer who was prepared to state the effects of a market system was Stuart Sexton, who was brought to New Zealand by the NZ Business Roundtable in 1990. In his report, Sexton notes of the emphasis on equity, as it has been understood in New Zealand:

> This is a disastrous recipe for mediocrity . . . . Give the dull, lazy child every opportunity and the child may still achieve little, but little is better than nothing. Give the bright, diligent, enthusiastic child every opportunity and the sky is the limit. The tallest of poppies will result.[12]

Paige Porter, writing in the Australian context, notes that the logical outcome of new right theories is the dissolution of concepts of democracy and the common good:

> Corporate managerialism in the public sector, together with economic rationalism, portrays itself as concerned simply with more cost-efficient means to democratically-determined ends, but often actually determines the end not just the means. To the extent that it does this, democracy is marginalised in the interests of a narrow definition of efficiency.[13]

Without democracy, there are no guaranteed citizen's rights. Without such rights, there is no basis for claims by any group, whether it be women, Maori, gays and lesbians or people with disabilities, for inclusion.

Thus the twinning of equity with efficiency under *Tomorrow's Schools* set up contradictory agendas over which competing groups have struggled for control. These struggles take place both within the central state and within the devolved educational institutions. They have profound implications for all groups working to commandeer a share of the educational resources.

It is in this light that the barrage of legislation, regulation and ideological posturing that has occurred in the education sector since 1989 needs to be viewed. For the purposes of this paper, the fate of the *National Policy for the Education of Girls and Women*

in New Zealand is the focus. To examine this further, we need to look at the two 'levels' identified as crucial in the policy: national and local.

The Reformation of the Central Educational State

The architects of the *National Policy* failed to foresee at least two aspects of the new structural arrangements which would be developed within the central state. The first was that the strict separation between the new central agencies of education would be so vigorously upheld. The *National Policy* called for a clear relationship between the Ministry and what was to become the Education Review Office, in order to facilitate further policy responses. In fact the strict separation of these agencies, along with the New Zealand Qualifications Authority, has tended to harden into a relationship which is at times quite competitive. The implication of this for any overview of 'women's educational policy' is that it must be tackled in a variety of discrete structural locations which operate according to different logics. In other words, the institutional arrangements make the job of change much harder.

Secondly, the effects of the twin processes of devolution, and reformation of the Ministry into a smaller policy organisation, were underestimated. The scope for top-down policy change on issues of *principle* as opposed to fiscal or organisational factors, became severely constrained. Further, the new prime role of the Ministry, to give policy advice to the Minister, was to lay the central state agencies of education much more open to political control than had previously been the case. Thus, the abolition of the Girls' and Women's Section of the Ministry reflected, albeit indirectly, the policy priorities of the National Government.

Other changes within the central state also undermined the conception outlined in the National Policy. Foremost amongst these was the various re-organisations of the Education Review Office. To begin with this organisation largely reflected the Policy's views. Staff were appointed with a specific emphasis on equal educational opportunities, and the review teams were conceived as a group with varied specialities, able to construct an overview of the educational processes in schools. However, barely

six months after the reforms were implemented, the Lough Report recommended that ERO have its staff and its functions dramatically reduced, in line with the corporate managerialist blueprint of the state.[14] This recommendation was accepted. A major shift has occurred in the Education Review Office since this time. The main emphasis of the organisation has been redirected towards monitoring compliance with national legislation and regulations, and with the school charter. The focus is now on the comparison of actual outcomes with the aims and goals of educational institutions. It may be argued that, from the position of gender equity, such a shift in focus will facilitate improvements for women and girls by highlighting current inequities. Here it is necessary to examine the implications of the bureaucratic shift from policy and resource inputs to the outcomes of policy.

Within the state as a whole, the shift from input to outcome-oriented policy has been very widespread. It emerges from what Boston calls the New Public Management,[15] and is based on the belief that, without the discipline of the market, workers within an organisation will seek to maximise their own self-interest, unchecked by any concern with the effects of their actions. Outcome-oriented policies are designed to instil a form of discipline, in the absence of the threat of market failure, into the work of state agents. Specifically, agents are responsible for the results they achieve, and are called to account if those outcomes do not match what has been predicted.

The *National Policy* also embraced, at least in part, an outcome-oriented model. Indeed, such an approach looks, on the surface, to be very attractive to those pursuing equity goals for a variety of groups. It is possible to evaluate educational outcomes relating to such goals. However, there are a number of problems with this model. It is very clear in the policy and throughout the literature, that gender equity goals rely heavily on the introduction of adequate *processes*, whether these relate to classroom management, curriculum, pedagogy or evaluation. Outcome-oriented techniques, by definition, ignore processes. If the outcomes are good, the processes must be good too. This leads to a broader concern about what is lost when outcomes are the focus:

> Corporate managerialism .... co-opts the language and ideas of equity (and social justice) into techniques — sets of variables to be managed, either on the margins of organisational life, or swallowed into the organisational mainstream — while discarding the underlying principles and values. In this process of equity management, women become policy targets, *objects* of policy rather than *empowered* by the policy.[16]

Both the structural and the managerial reorganisation of the state have mitigated against the effective implementation of the National Policy for girls and women. This is not just a matter of government or bureaucratic commitment. The very form of the new educational state rejects the bases of policies of gender equity, except in the very narrow and unprincipled sense of one management objective amongst many. If this is the case at the level of the central state, however, perhaps more could be achieved at the local level, where the policy had high expectations that change would occur.

Barbie in the Middle: Schools and Gender Equity

The basis of devolution to schools was a document that defined a contract between the school and the central state: the school charter. Under the compulsory guiding principles of the charter framework as outlined to schools in January 1990, the principle of equity was highlighted as underpinning 'all activities in this school':

> The board of trustees will ensure that the school's policies and practices seek to achieve equitable outcomes for students of both sexes, for rural and urban students; for all students irrespective of their religious, ethnic, cultural, social, family and class backgrounds, and irrespective of their ability or disability.[17]

Two aspects of 'equity' are then highlighted in the framework: equal educational opportunities and the need to 'include programmes that redress existing inequities and address the current and future needs of students, particularly ... women and girls'.[18] Further on, the framework states that schools must 'enhance learning by ensuring that the curriculum' and 'the school's policies and practices' are non-sexist and 'seek to achieve equitable out-

comes'.[19] Schools must also 'provide role models', and 'eliminate any sexual harassment of students, parents and staff members in the school'.[20] Schools must also be good employers and 'provide equal access, consideration and encouragement in areas of recruitment, selection, promotion, conditions of employment and career development'.[21]

The compulsory aspects of the school charter relating to gender equity are partially in line with the aim of the *National Policy* to have national and local plans to improve educational outcomes for girls and women. However, absent from the charter framework are key elements outlined as crucial in the *National Policy.* Specifically, the charter framework does include 'core values and principles' although it nowhere makes clear why these principles are important. Missing completely from the charter framework are either 'priorities for action' or 'strategies for improving the outcome of education for girls and women'.[22] On one level this is easily understood; the charter is a document of principle from which action will proceed, not an action plan in its own right. However, it begs the question of how, where and in what form the priorities and strategies of bringing about improved educational outcomes for girls and women would be developed, especially since this work would need to take place in every school in New Zealand.

With the election of a National Government in 1990, the equity goals of school charters lost a great deal of their status. The new Minister, Lockwood Smith, considered equity to be akin to 'social engineering'[23] and, more seriously, to be an impediment to freedom:

> However, over the last two or three decades a predominating influence on educational policy-making in New Zealand has been the desire to achieve equality — too often more equal outcomes. But there is an inevitable tension between the notions of equality and freedom. Achievement of equality implies centralised decision-making, centralised control of resources and a welter of regulations, whereas freedom and choice in education implies local decision-making, local control of resources, and a minimum of regulation of what parents and schools can and cannot do. Achievement of more equal outcomes tended to result in a levelling-down, achieve-

> ment of the lowest common denominator, the greyness of same. What this country needs, however, is to be revitalised by a spirit of competition, a confidence that we can take on the world and win.[24]

On a number of occasions the new Minister stated his intention to make the equity goals of school charters voluntary, although this proved impossible to achieve in effect. What he did do was to give schools the right to renegotiate their charters with the Ministry. Further, a set of National Education Goals were developed and listed in the *Gazette* in 1993. These are considered part of the school charter formally, but in political terms take precedence over charter content.

The National Education Goals do not mention gender equity at all. Maori are acknowledged as having rights under the Treaty of Waitangi which underpin their claim for 'increased participation and success' in the education system. Those with 'special needs' are also mentioned as in need of identification and support. Apart from these two groups there is a recognition of the need for equality of educational opportunity 'by identifying and removing barriers to achievement'. Finally, however, the goal of education is seen as 'to enable all students to realise their full potential as individuals'.

I do not wish to examine the ways in which these statements make women and issues of gender equity in education invisible; that is clear enough. What is of concern is that these statements are so broad that, in linking into all people's variant understandings of what needs to be achieved in education, they clarify and advance none. The National Education Goals do not direct people towards a principled analysis of the schooling system which would allow strategies for change to be developed.

Since 1990 there has been persistent political undermining of the strong equity goals outlined in the charter. This has been presented as a choice between equity and market competition. At the same time the new structures of education proved inadequate to direct downwards the kinds of priorities and strategies for gender equity proposed in the *National Policy*. Yet, in most schools, the equity requirements outlined in the charter framework still remain a compulsory part of the charter (few schools,

according to the Ministry of Education, have as yet renegotiated their charters). The responsibility for a range of gender equity goals sits squarely with boards of trustees around the country: how do they deal with these?

To answer this question, we need to examine research which has been undertaken since the reform process. Surprisingly few studies have examined the implications of equity policies, especially in the area of gender equity. One piece of research which directly linked in to the issues discussed here was undertaken by the Monitoring Today's Schools project out of the University of Waikato.[25] The study of equity focused on the school personnel's knowledge and awareness of equity issues, the value of equity policies, development and training, implementation and evaluation and funding.

This report offered a fairly rosy view of the issue of equity in schools. There was 'a high level of awareness of equity issues such as gender, race, class and disability'. The equity statements in the charter were seen as valuable, and a 'range of procedures' had been adopted to achieve equity goals. The areas of implementation and evaluation were rather more uneven, and most people were happy with the form of special needs funding, although the criteria were seen as inadequate.

Another report gave a rather less optimistic picture of equity, especially relating to women and girls.[26] Even the fairly unproblematic concept of equal opportunities revealed major issues, although the respondents:

> were almost unanimous in support of it. However, many, particularly from the primary schools, were not aware of any gender discrimination or lack of equal (the same) opportunities in their schools. Said one member: 'They're basically there now at school level. The opportunities are there in schools'.[27]

If the response to equal opportunities was equivocal, the reaction to suggestions of affirmative action was clear:

> Those who opposed [affirmative action] provisions — and the 'targeted' funding which makes them possible — saw them as incompatible with the liberal presumption of an individual's rights of entry to fair competition in the marketplace.[28]

The findings of both the studies cited above indicate that many of those involved in school governance had not examined gender equity issues in great depth. Compare the views of these respondents to, for example, Alton-Lee and Densem's analysis of the systematic male bias in primary school curricula, and the ways in which young children actively construct a gendered world and place themselves in it.[29] The *National Policy for the Education of Girls and Women* notes that widespread education about gender issues in education at the local level is a pre-requisite to successful action. Yet, since the implementation of *Tomorrow's Schools*, there has been no-one to provide such education.

The Canterbury Studies: Gender Equity and the Market

Over the past two years there have been two studies of boards of trustees in Canterbury schools.[30] The remainder of this paper will reflect on the findings of these studies and their implications for gender equity in schools.

The competing demands of equity versus efficiency are not merely abstract categories but frame the daily lived experiences of boards of trustees. There is a conflict in the composition of boards of trustees between community representation and business skills, seen most clearly in the process of co-option. All schools are able to co-opt a number of people onto the board. Under *Tomorrow's Schools*, co-option was seen primarily as a means to ensure that the board was representative of its community, or to provide expertise in specific areas lacking on the board. In practice there tends to be conflict between these two goals. One secondary school in the 1993 study, for example, delayed the process of co-option whilst its needs were assessed. The school has a range of 'community representation' needs:

> more women, single parents and unemployed parents, who are not represented despite there being, for example, 25 percent of students from single parent families. Additionally, an important issue is that the school also has a sizeable 'ethnic' population, and only one Maori representative. There was some discussion of further co-option in this direction, however there is also the Pacific Island population to consider and ... a growing Asian population in the area.[31]

There was also a stated need at this school for a lawyer on the board, preferably with expertise in industrial relations law. In a sense, this latter need was more pressing, as the school has faced ongoing court actions over a number of cases. In the absence of a Pacific Island, single parent, female lawyer with such experience, it is likely that 'business' would win out over 'community representation', assuming that this school can attract an appropriate person.

The first study revealed that, beyond issues of board representation, the implementation of gender equity policies depended almost entirely upon the inclinations of board members. In one secondary school, the woman principal had 'a specified interest' in gender equity.[32] In a primary school, there was 'some hostility towards the issue of gender inequality, with two male board members expressing aversion to such policies; one suggesting that they were a feminist "secret agenda". An attempt to introduce a new policy for girls constituted "the most significant dispute in the board's history"'.[33] Another primary school had a very general approach to equity: 'equity is seen to be about fairness, and fairness about treating all children equally'.[34]

The overwhelming impression from studying approaches to gender equity in schools is of a wide diversity of knowledge, resources and opinions. The confusion is compounded when other equity issues are considered. Boards are bombarded with a wide range of claims for equity policies, and have neither the knowledge nor the strategies needed to deal with them. There is, also, a sense of competing claims between different groups: Maori, Pacific Island students, people with disabilities, women and so on.

As a result the schools in these studies have failed, to a greater or lesser extent, to live up to the equity goals in their charters. Some schools, especially the secondary schools, have developed a range of new educational options for Maori students. Although a number of the secondary schools have adopted limited and often short-lived programmes for girls, only one has tackled issues of gender equity in a systematic, multi-faceted, way; the one with a feminist principal. The situation in primary schools is of more concern. Because the problems that arise from gender inequalities are rarely visible at this stage and do not emerge until later, these

problems are often seen not to exist.

Where gender equity goals in the curriculum are pursued, the central focus is usually on helping girls achieve in areas where they are currently under-represented; notably in maths and science. A favoured approach in the secondary schools in our studies was the development of girls-only classes in these subjects. This is a limited strategy:

> schooling reforms for girls ought to encompass a wider set of questions than, simply, their ability to enter a socially unreconstructed and inegalitarian world. Thus strategies aimed at giving girls entry into new areas of the labour market must also be set against the realisation that modern capitalism is radically rewriting the meaning of work as old life-time jobs give way to a labour market increasingly dominated by part-time and casual work . . . the debate also has to be about the kind of society we want to live in.[35]

What these studies show is an abysmal lack of purpose and a lack of social goals for a gender equitable education. In order to achieve gender equity we must have some kind of conception of what sort of society we want, and how this might be achieved.[36] Such debates are notably absent at both local and national levels of the schooling system.

However, lack of action in implementing charter requirements for gender equity cannot be totally attributable to the knowledge or inclinations of school governing bodies. There is a growing gulf between equity goals and the need for schools to compete effectively in the educational marketplace. Various studies have demonstrated that educational 'choice' and the market are causing huge inequalities to develop between schools, based largely on the class and ethnic nature of the area in which the schools are located.[37]

Parental perceptions of what a good school is appear to be heavily influenced by who goes to that school. As a result schools in middle-class areas are attracting increasing numbers of students at the expense of schools in poorer areas. The effect of this is the reduction of funding and resources in poorer schools. These schools have less ability to raise funds in the community, either from school fees or local activities, or by selling education

to full-fee paying overseas students. Huge gaps are developing between schools. An exacerbating factor for poorer schools is that students may exhibit a range of problems that have to be dealt with before learning can proceed: from hunger or a lack of warm clothing to major learning and behavioural problems. Truancy in New Zealand is closely linked to ethnicity and the personnel costs of running an effective anti-truancy programme are huge.[38]

As a result of these cumulative problems many schools simply do not have the resources to offer new programmes or to re-organise existing ones (beyond filling in the gaps when teachers have to leave due to falling rolls). In such a fraught context, the possibilities for developing programmes of gender equity are heavily constrained and face continual competition from other, often more pressing, needs.

Conclusion

The reorganisation of the schooling system that took place under *Tomorrow's Schools* has not provided the basis for the implementation of the *National Policy for the Education of Girls and Women in New Zealand.* Part of the reason for this lies in the failure to put in place the conditions seen as essential by the *National Policy* for the achievement of gender equity. The re-formation of the central agencies, the abolition of key positions and the politicisation of the education policy agenda are clearly implicated in this. At the local level, many boards do not have the necessary knowledge, experience or commitment to pursue the goal of gender equity. I doubt if most are even aware of the existence of the *National Policy.* The work that has been done appears to come from individual commitments by trustees or school staff, not from a wider pressure for change. Moreover the pressure of market competition and lack of resources is not conducive to adventurous policies of change. Those studies that have been done to date demonstrate conclusively that many parents choose schools for their children on the basis of a middle-class population and a traditional curriculum. Any school seriously attempting to introduce gender equity policies across the institution would be taking an enormous risk. If a school marketed these policies as an

attraction it would be impossible to predict the outcome. In a co-educational school, it may lead to a perception that boys' needs are ignored; this could lead to 'male flight'. Single-sex girls' schools tend to be popular choices for parents, but it is their traditions, not their radical curriculum, which are valued.

However, by far the biggest single threat to the education of girls and women is the increasing gaps between schools in wealthy and poor areas. A basic principle of the *National Policy* which was so obvious it was unstated, was that comparable educational provision would exist across all schools in Aotearoa as a baseline condition for change. The new educational market has altered all that.

Given the context outlined in this paper, one conclusion seems evident. Moves towards gender equity in schools will continue to take place only because of the individual commitment of school personnel. Trustees, on the whole, lack knowledge of what needs to be done and how it can be achieved. Moreover, in the crucial area of the curriculum, studies indicate that trustees do not wish to get more involved. Thus, the impetus for change must rest squarely on the shoulders of teachers. This, too, is a double-edged sword. Teachers have not remained immune to the changes to the structure of education which are happening around them.

Various studies have examined the effects of school reform on teachers' workloads.[39] These studies demonstrate that the administrative workload, and particularly that associated with curriculum change, has increased alarmingly over the past five years. With teachers under more pressure, and with an average workload in excess of fifty hours per week, it is hard to see how they can find the time or energy to develop gender equity programmes in school curricula.

The failure of the *National Policy for the Education of Girls and Women* to achieve much movement towards gender equity in schools cannot be seen as a defect of the policy itself. Most of the ideas contained in the policy have never been implemented. Others were put in place and then later dismantled. More seriously, the *National Policy* badly misjudged and under-estimated the effects of market reform in education on the context and content of schooling. Moves towards gender equity cannot be

generated individually in 2,600 local schools. A national policy must be backed up by a political commitment to its implementation, including strategies and resources. In 1988 it looked as if New Zealand might grasp the challenge of developing a gender equitable schooling system. In 1994 we are struggling to hold on to anything that looks like a coherent schooling system, as opposed to a mass of individual institutions buffeted by the hidden and inequitable hand of the market. The quest for efficiency has, for the moment at least, won out over the *National Policy*'s goal of equity.

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Disjointed Articulations: The Politics of Voice and Jane Campion's The Piano

Valerie Hazel

Introduction

Feminism, like other movements advocating social change, relies heavily on a politics of voice for achieving its goals. We aim to combat the effects of a patriarchal system which has kept us silent when we would speak, which devalues what we say when we do speak, and which structures what we are able to say when the floor is finally ours. We have fought to gain access to public forums, to be able to speak in the highest echelons of public life, to address the most diverse range of issues. We have encouraged and valued the articulation of women's unique experiences and worked long and hard to recover the voices of women who have gone before us. All these things and more are what I refer to with the shorthand expression 'politics of voice'.

Much of my recent work has been directed towards a re-evaluation of this politics of voice, not because I disagree with its goals, nor because I wish to belittle its achievements, but out of a realisation that there is more going on in this politics than can be encompassed by a formula which maps silence with oppression, voice with liberation. Such a pursuit springs from my desire to understand more about how this politics works, how it succeeds, how it fails, where it produces unexpected effects, and how we can mobilise rather than reduce the complexities which engage our on-going political aspirations.

The aim of this present paper is modest: I want here to explore a few of the assumptions we commonly make about the relationship between voice and silence, and to question both the

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self-evidence and the inevitability of the alignment of voice with empowerment, silence with oppression. I do this partly by looking at the prevalent model of a politics of voice, and partly by looking at the ruptures to this model provided by a reading of Jane Campion's recent film *The Piano.* I am not a film theorist therefore this paper does not engage with current debates within film theory. Instead, my interest in the film derives from the ways in which it allows me to examine some of my key concerns regarding a politics of voice, while at the same time disallowing any glib announcement of their resolution.

Section One

If we were to choose a motif to characterise second-wave feminist activity, 'breaking the silences' would surely be a strong contender. The connection between women and silence has a long history in Western civilisation, from legislative prohibitions to religious and moral injunctions. This enduring anxiety to legislate against women speaking has appeared to most feminists to be a fair indication of the oppressive effects of patriarchy. So much effort has gone into regulating women into silence, feminists have often concluded, because men do not want to hear what women have to say. It enrages men to hear that women do not always share men's view of women's place and function, and if women spoke without reserve or restriction, those arrangements which suit men so well might have to change. These conclusions, often painfully reached, are difficult to refute. Legislating women's silence has been one of the primary and most obvious ways in which men have attempted to control the discomforting things women say. Feminists have also identified several other very effective techniques which operate either alongside or instead of the legislative programme. The ontologising of the relationship between women and lying springs to mind most readily here, and the structuring of language itself as masculine. Both strategies effectively limit what is able to be said, where, by and to whom, and thus they control meaning.

To the extent that I believe all this is true, I support a broadly-based politics of voice, the exposure of masculine bias in language, and acknowledge the disruptive potential of speaking out. At the

same time however, I am interested in raising certain issues for reconsideration. Feminism makes many of its claims from within the generalised politics of voice which promotes a notion of voice as the strategy of liberation and empowerment. But what do we mean by voice, by silence?

Traditionally 'voice' has referred primarily to speech, but it has also routinely included writing, where this is deemed to be the faithful capture of speech. In this model, both speech and writing are treated as instruments in the service of individuals or groups which enable them to express their thoughts and experience to others. This instrumental relationship has a few consequences, which we will take up shortly.

Our notion of silence takes its cue from the primary relationship silence is traditionally presumed to have with absence, and voice with presence. One of the important things to note about the feminist alignment of silence with absence is that this is a kind of second-order absence rather than an absolute or essential absence. Silence marks one of two related things: first, that which never emerges into voice because discriminatory conditions make this impossible — this is what Tillie Olsen describes as 'the unnatural thwarting of what struggles to come into being, but cannot'.[1] Silence marks what is never said, but crucially should be said. Secondly, silence exists in the relationship of a (powerful) group with regard to the lives, experiences and achievements of another group. As most efforts in retrieval history or reparative social science (the 'add women in' approach) attempt to demonstrate, silence about women's specificity is commonly a property of male discourse, and not of women's. This is the silence of the canon about what was or is actually present.[2] Both these notions about silence take it to mask what could be present, to signal as absent what should be present.[3]

This approach is clearly at work in feminist theorisations which identify silence with what ought to be spoken; from this analysis we get the familiar calls to 'break the silence', be it silence about rape, about discrimination, about lesbianism, and so on. When silence is taken to function in this way, it can be understood to signal the approach of the legitimate heir to the space which silence holds ready. That which will fill this space is taken to be prior, already existing, requiring only its name to

give it full identity in discourse. This formulation constrains us within a politic committed to the notion that experience comes first, and the function of speech is to represent this experience as a condition of political action.

There are a number of assumptions at work here which invite closer examination: the requirement that silence and speech be mutually exclusive, that silence is injurious, speech is healthy, that a teleology of emancipation requires a movement from silence into voice, that speech is the transparent and adequate representation of an experience which is prior, and so on. Viewing silence solely as a situation imposed on us from the outside effectively means that not only do we tend to think of silence as a condition of repression, awaiting the release of voice, but we also neglect to take account of silence as an exercise of power itself. Taking account of this last possibility is perhaps more troubling to traditional feminist arguments, acknowledging as it does alternative interpretations of the meaning of silence. As I hope to show, something of this ambivalent relationship is signalled in *The Piano*, where silence is neither unequivocally imposed, nor freely chosen, working neither as the absence of signification nor as its positive substitute, but remaining enmeshed in both.

Such a snarled web of border crossings has become more familiar to us in recent years, in the wake of the demise of humanism as the bedrock of all political theory. Feminist theory emerging in the wake of this demise takes a cautious approach to the politics of voice, needing to take account of theories which disturb some of our traditional categories. Such theories include the questioning of the representative relationship between speech and writing, the argument that speech itself is not in opposition to silence, and the idea that we rely on the condition of silence in order to be able to speak at all. Foucault, for example, has suggested that all discourses rely on what is forbidden, and that it is the construction of prohibition which incites speech. The work of such prohibitions, Foucault argues, can be found 'at the outer limit of every actual discourse, something akin to a secret whose discovery is imperative, a thing abusively reduced to silence'.[4] Paradoxically, a politics of voice requires the process of silencing, which legitimates and enables the production of discourse.

I am not suggesting that all our assumptions about voice and silence have remained unquestioned in feminism; on the contrary, they have been disrupted from the very beginning. Any close examination of the formative works of Tillie Olsen and Adrienne Rich, for example, must admit the complexities with which they engage the problematic of silence. In brief, Olsen discovers silence at work within writing and speech, and by this identification she disturbs the division between silence and voice which has until now anchored the politics of voice. In Olsen's work, a silence within voice retains its function of marking an original suppression or thwarting; but the voice/silence opposition is displaced. Silence may remain the mark of absence, but *within* voice (the mark of presence). This possibility is structural and cannot be transcended by a better or more careful practice.[5] This suggests that, despite everything that it undoubtedly can achieve, 'voice' in and of itself cannot finally overcome silence, and should not therefore be given the sole responsibility in the struggle against oppression.

The work of Adrienne Rich advances this problematic even further, suggesting that a silence within voice must therefore be understood to be operative within signification itself. And signification, for Rich, must be understood as material, operative at the level of the body. Even as place holder, silence functions within and as part of meaning. This insistence on the signifying labour of silence further disturbs the equating of silence with absence *per se*. Such presence as silence may claim is then constituted in the same way as the presence of all signs — not as an independent fullness or essence, but as a negative determination based on the differential logic of signification. Such a configuration no longer lends itself to a theorisation which would make silence prior to voice, for silence already functions within systems of meaning, producing material effects.

It is instructive to place Rich and Olsen alongside Foucault, whose work opposes any notion

> that there reigns a vast unlimited discourse, continuous and silent, which is quelled and repressed . . . and which we have the task of raising up by restoring the power of speech to it. We must not imagine that there is a great unsaid or a great

> unthought which runs throughout the world and intertwines with all its forms and all its events, and which we would have to articulate or to think at last.[6]

Instead, for Foucault as for Rich, discourse is itself an event and as such produces, rather than merely reveals, signification. Given these interventions, the notion that we are 'breaking silence' to reveal the truth of women's experiences needs to be rethought in order to take account of the role of discourse in producing, rather than merely revealing, women's experiences. This also requires us to acknowledge that the feminist practice of 'naming the silence' is an operation of power which creates its silences in order to begin speaking, and which in doing so decrees what kinds of things can be said.

What happens when these levels of complexity are refused? A brief example may indicate more explicitly some of the consequences which concern me. *Women's Ways of Knowing* (published in 1986) is a book which promises much, but which in the end, I think, renders its objectives less credible by an uncritical allegiance to a reductive version of the politics of voice. The book has found its way onto a number of Women's Studies course guides, its attraction being that it attempts to establish a developmental framework or paradigm specific, as the title so neatly says, to women's ways of knowing things. In order to arrive at their categories or stages of knowledge, the authors undertake some fairly standard feminist social science research — they elaborate a problematic, develop some questions, gather a sample of women, interview them, transcribe the interviews and write up some conclusions which make reference to these transcriptions. It is not the research methodology which I would put at issue here so much as what the authors feel it is possible to declare on the basis of its employment. In their introduction, the authors make this claim:

> These descriptions are based on intensive interviews with many women whose words we have tried to honor and give voice to by presenting them as we heard them — at times faltering, at times eloquent. Although we have changed the names and identifying characteristics of the women, and occasionally edited their words for the sake of clarity, the women speak for themselves.[7]

Two main points: first, despite the research context, the formal structuring of the interview process, despite the transformation from the interview to a place within the citational context of the book, we are expected to accept without question that these women actually 'speak for themselves'. To stay within this point, one may also note the curious slippage which takes place between these two sentences — for in the first sentence, it is the authors who claim to 'give voice' to these women. If the authors are indeed responsible for 'giving voice' to these women, then on what basis can they then claim that 'the women speak for themselves'?

Second, the authors undertake this whole procedure because, they tell us, there is a silence about women's experiences, or in this case, women's ways of knowing. My only point here is that they do not make it clear that this silence is not generic, but specific. That is, the silence to which they refer is primarily in their discipline — we are not being asked to believe that the women interviewed never speak, or never speak about their knowledge or anything of this kind, but only that social scientists have not paid any attention before. Hence more than the question of silence, we have the question of the location of that silence, and the question of audience. It is a matter of what is said, how, by and to whom. The assumption is that the audience that these women might have had before does not count for anything, and that unless 'we' listen, their stories may well not have been spoken at all. This puts 'us' at the centre again, the measure of whose attention can 'make a difference'.

The assumption operative here, that silence masks a true knowledge and experience which can be rendered transparent by speech (or writing), itself masks a level of complexity at work in social science research. Claiming merely to contextualise the voice of women who 'speak for themselves' involves a denial of the complicity of research in the production of its objects of knowledge. For contrary to the claims made by the authors of *Women's Ways of Knowing*, truth is not revealed by social science methodology, but generated — their work is an intervention which structures knowledge in certain ways. If it can be acknowledged that the process of social science (or feminist theory for that matter) is not a reflection of knowledge but a production,

then the politics of voice is accordingly required to rethink its claims and its position *vis a vis* accountability.

As we will see in my discussion of *The Piano*, rethinking the nature of voice and silence also requires putting the relationship between voice and identity, voice and body, on the agenda. Recent work by Vicki Kirby, for example, opens up the question of voice and the primary authentication which an intersubjective body is supposed to give to speech. In 'Corporeographies', Kirby concludes that the matter of the body cannot ultimately secure the field of the human, and that a universal notion of the body cannot therefore adequately guarantee knowledge.[8] It is important to note that, far from using the irreducibility of difference to render politics impossible, Kirby's is an analysis which meticulously locates radical otherness and the irreducibility of difference within identity. From this perspective Kirby is able to question our assumptions that speaking has its origin or limit solely in human consciousness or agency. Claims such as those made by the editors of *Women's Ways of Knowing*, which rely on an unproblematic self-knowledge and the transparency of speech, are unable to account for such a construction of difference and identity. In acknowledging the crisis of legitimacy which these days faces feminist politics, Kirby calls for 'a different sense of speech', one in which the division between silence and voice becomes 'blurred and ambiguous' and the field of agency moves beyond the strictly human.[9]

Section Two

Whatever their other differences, most of those who promote a politics of voice do so on the premise that silence is a negative condition, one which must be changed if women are to attain an autonomous, healthy position in society. It is rare to find an acknowledgment that silence may not be inevitably unhealthy and oppressive. In the remainder of this paper, I want to at least consider that possibility. Adrienne Rich has reminded us that:

> Silence can be a plan
> rigorously executed
> the blueprint to a life[10]

These lines insist that silence is a power which can frame a life: a power which is not inherently positive or negative, but could be n/either. A narrative of this kind has recently made headlines in Jane Campion's *The Piano*, a film which raises a number of questions about the politics of voice. In particular, what would a relationship between a woman who doesn't speak and a man who doesn't read, have to say about the relationship between silence and modes of articulation, about what counts as voice and what gets heard, about the nature of reading and the meaning of literacy.

To a certain extent, *The Piano* disrupts the equating of silence with absence and disempowerment, engaging instead with a notion of silence as itself a mode of articulation. The central character, Ada, makes of silence 'a plan rigorously executed, the blueprint to a life'. By addressing an extended range of non-verbal modes of articulation, *The Piano* contests an understanding of the relationship between silence and articulation which assumes that the two are simply discrete and separable.

This ambivalent reading of the function of silence opens up certain questions about how silence itself may function as an operation of power. Numerous reviews assert that *The Piano* is a story of an exploited woman. It is quite true, that in some respects, Ada is a disempowered figure: her marriage to an unknown man in the colonies is arranged by her father, her beloved piano is apparently to be abandoned on the beach, and she herself is mute. Her silence has some initial appeal for Stewart (her husband), who sees in it the promise of docility and of a quiet domestic sexuality. Yet this muteness is no simple manifestation of passivity; for if Ada does not speak, in conventional terms, she is not thereby rendered inarticulate. The structural inhibitions which organise her life in particular ways (which we might easily count as oppressive) are not amplified by her muteness, as one might expect. Instead, as the narrative unfolds, her very muteness signifies the powerful, vehement demonstration of her will, and indeed is itself most coherently read as the product of that same intensity of will. Her refusal of conventional voice marks a determinedly alternative way of negotiating the world, next to which Stewart's increasingly baffled voice loses much of its claims to authority.

Yet if *The Piano* alerts us to the inadequacies of any hasty con-

flation of silence with the absence of voice, Ada's initial separation from her piano nevertheless clearly confirms the devastating dislocation experienced by those who are cut off from their habitual forms of articulation. The separation from her piano is for Ada an unbearable reduction of her world. Again, a conventional reading of Ada's position, as a woman who must barter her body for access to her piano, may well judge her to be disempowered, as prey to the perverse sexual demands of an uncouth, uneducated man. A male reviewer in Melbourne's *Age* confidently asserts that '*The Piano* is a tale of extreme sexual harassment presented as romantic entertainment'.[11] A letter to the New Zealand *Listener* tells us that 'the film perpetuates the myth that women enjoy being sexually exploited'.[12] In my view, *The Piano* is entirely ambivalent about these issues. Is Ada wholly the victim of forces outside her control, or can we acknowledge that part of the fascination of this complex dynamic is the extent to which Ada herself structures the situation? To take one example, when Baines, the neighbour who rescues her piano, begins to touch her in a way she doesn't want, she immediately alters the intensity of the music she is playing, substituting a mocking carnivalesque for the passionate and flowing melody she had been playing until then. Baines is shamed, unable to continue. In a certain sense then, Ada's touch upon the piano regulates the nature of the touch on her body.

The play of touch upon touch starkly underlines the complexity of Ada's identification with the piano, not only as voice, but also as body, as a means of making herself both legible and scriptible in particular ways. It is Ada's relationship to alternative forms of articulation which provide the film's unusual engagement with the erotic, for articulation is not simply a matter of expression, but also of joining and attachment. The piano is both embodiment and proxy: she removes a 'finger' from the piano to send the message of her love to Baines, a message seared into the side of the key and sent to a man who cannot read print (but delivered to a man who can).

Her dismemberment of the piano precedes and is mimicked by Stewart's attack on her body. What Baines receives is not the inscribed finger of the piano (which could be reinserted into its place in the keyboard), but the severed finger of her hand, a

message whose signification seems only too legible.

Yet in *The Piano*'s complex interweaving of signs, legibility (and hence audibility) is never given, but is constantly in play. The demands of literacy pass well beyond the question of who can read print. Stewart, who in that setting would count himself as literate and civilised, is the one whose sense of self is most disconcerted in the face of Ada's less conventional articulateness: her idiosyncratic relationship to alternative modes of expression demands a kind of ability to hear and read which Stewart palpably lacks. Stewart is only literate within a very narrow field; once articulation passes outside the conventional, he is unable to act effectively, his fumbling confusion developing into violence and rage. Baines, who initially engages Ada's condemnation because he can't read or write, has a more complex relationship to the reading and writing of signs; it is Stewart who is unable to fathom the negotiations over Maori land, Baines who speaks some Maori, and whose tattoos indicate the extent of his connection with them.

The film develops a fascination with meaning produced via articulations other than the voice. Stewart makes heavy work of speaking, his clumsy, ineffective speech in conspicuous contrast to the brilliance and luminosity of Ada's expression. Ada links her hands to the erotic in ways which highlight the broader possibilities of articulation: she 'speaks' with her hands, not only by playing the piano, and by signing with her child, but also by the direct touch on other bodies. The way she touches Stewart's body articulates desire, for example, and makes him extremely uncomfortable.

Speaking, using one's voice, is frequently received as bearing the primary guarantee of the individual: the voice comes from 'within' an individual embodiment whose limits are well-known. In *The Piano*, different modes of articulation reinscribe the boundaries of the human body. Ada's 'voice' is relayed through a variety of 'external' means: conventional pen and paper, signing, the voice of her daughter, her mind's voice, and most especially the body of the piano. The temptation to read each of these as simple intermediaries between Ada and others is undermined by the extent to which the limits of her body are redrawn by engagement with other bodies, most strikingly exemplified by her shifting

links to the piano. In my reading, the limits of the body must be re-thought in terms of the complexities of articulation; to be articulate is to make something of oneself available to the other, to be joined to another in an attachment whose insecurities also describe a field of possibility. Within this displacement of the conventions of articulation, the operation of voice itself is exposed: no longer in any simple sense the vehicle of intentional communication or thought, it too is a form of attachment which puts the boundaries between subject and object into question.

While *The Piano* raises the questions of literacy and speaking, putting the security of these notions at risk in ways we might find most productive, it also pulls back from any simple valorisation of the power in silence. If the film is on one level concerned with the potential of various forms of expression, with redrawing the conventions of articulation, with exposing the erotic content of articulation, it is also ultimately about a certain domestication and normalisation of these modes. The ending provides a disjunctive, somewhat ambivalent resolution to the conflicts of expression. The Ada who saw her piano as not only the sufficient, but also the necessary negotiation of the world, initially pursues the exigencies of this connection into the depths of the sea, where, at least according to the Thomas Hood poem quoted to frame this scene, silence can never be replaced by sound.

This eerie, tragic, but somehow believable denouement is somewhat surprisingly succeeded by the voiced-over scenes of a newly emergent Ada, an Ada who finds it possible to rewrite herself into the world via another, more conventional system of articulation. In these last scenes, everything which culminated in Stewart's violent attack is systematically replaced by domesticated versions: gone are the isolation, the mud and the rain-saturated bush, replaced by the township of Nelson, an established settlement renowned for its sun. The turbulent, precarious intensities of Ada's illegitimate passion for Baines are replaced by the appropriate happiness of a nuclear relationship, the domestication of passion which marks her emergence into conventional voice. This is a tamed eroticism, where silence no longer operates as a legitimate form of articulation, where it loses its capacity to function as a palpable presence. Ada practises producing speech with a cloth over her head; we might want to think about just why it is

that this shift into speech can only be achieved via the suppression of sight.

The Piano engages my attention because it raises some questions about forms of articulation and about the power of silence which have remained largely unaddressed in a feminist politics of voice. Yet I note that even while raising these questions, it also offers a conventional form of speech as some kind of solution. This eventual reinstatement of speech as the primary domestic form of articulation indicates the ambivalence which any interrogation of this territory will necessarily face. Along with this ambivalence, which I am suggesting we embrace, *The Piano* invites us to address anew the links between questions of voice and the emergent interrogations of identity, its boundaries and erotics. What we are able to claim via a politics of voice depends very much on the extent to which we are prepared to take up these questions.

By way of conclusion, let me review the kinds of questions which *The Piano* helps us to ask of our politics of voice. Of major interest is the contribution *The Piano* makes to rethinking what counts as voice, as silence, and the manner in which it disturbs the accepted opposition between the two. Is there indeed a silence which can never be replaced by sound? Is there perhaps a silence which inhabits every sound? In the face of the intensity of Ada's resolve, can we be sure that silence is an unambiguous tyranny imposed by an oppressor? I hope it is clear that I am not suggesting that silence equals empowerment, nor that *The Piano* should be read as endorsing such a position. What it does, I think, is to indicate quite clearly that silence is engaged as an operation of power in ways which our politics of voice generally ignores. But if silence does not necessarily equal empowerment, neither does voice.

As a consequence of reframing the whole notion of silence, *The Piano* takes our understandings of voice apart, questioning the adequacy of the tradition which sees voice as a transparent intermediary between the self and the world. Can reframing a politics of voice in terms of articulation offer us a productive way in which to rethink the linkages between body, voice, world, other? *The Piano* accents the erotics of articulation. What will feminism make of a notion of voice which no longer claims the guarantee of identity, nor authenticates the self and experience, but brings us to these things as enigma?

* * *

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Notes

1. Tillie Olsen, *Silences* (Delacorte Press/Seymour Lawrence, New York, 1978) p. 10.
2. Exemplary in drawing attention to this problem is Dale Spender's work *Mothers of the Novel* (Pandora Press, London, 1986) which details the career and influence of a large number of women writers of the eighteenth century.
3. We can approach this notion of silence/absence as a mark of a displaced presence by taking the rather prosaic example of the marking of attendance at school, where an individual who is marked "absent" is of course understood to be 'present' elsewhere, and the only question which interests the authorities is the location of that presence, seeing as it is not here, at school, where it ought to be. This formulation of silence is crucial to the way in which feminism tends to theorise silence negatively, as always and necessarily imposed from the outside, as something to be overcome, to be replaced by voice.
4. Michel Foucault, *The History of Sexuality*, Volume 1 (Pantheon, New York, 1986) p. 34.
5. On this point, see Jacques Derrida, *Limited Inc* (Northwestern University Press, Illinois, 1988) pp. 56–7.
6. Michel Foucault, 'The Order of Discourse', in Robert Young (ed.), *Untying the Text* (Routledge & Kegan Paul, Boston, 1981) pp. 51–77.
7. Belenky, M, B Clincy, N Golberger, and J Tarule, (eds.), *Women's Ways of Knowing: The Development of Self, Voice, and Mind* (Basic Books, New York, 1986) ix.
8. Vicki Kirby, 'Corporeographies', *Inscriptions*, 5 (1989) pp. 103–120.
9. Vicki Kirby, 'Capitalising Differences: Feminism and Anthropology', *Australian Feminist Studies*, 9 (1989) p. 10.
10. Adrienne Rich, *The Dream of a Common Language: Poems* 1974–1977 (Norton, New York, 1978) p. 17.
11. John Spooner, *The Melbourne Age*, 22 March 1994, p. 15.
12. Doreen Clare, 'Sour Note', *Listener*, 16–22 April 1994, p. 13.

The Relevance of Her Prior Sexual (Mis) Conduct to His Belief in Consent: Syllogistic Reasoning and Section 23A of the Evidence Act 1908[1]

Elisabeth McDonald

Sexuality, Credibility and the Law

A very wise woman once said, 'sexuality is the linchpin of gender inequality'.[2] To me this means that women are oppressed through our sexuality. There has been a long running debate about whether heterosexual sex can ever be consensual in conditions of male dominance.[3] In law, this debate has led to criticisms that, in defining rape or sexual violation as it does, the law assumes that all sex outside those definitions is consensual, when there may be many other kinds of pressures at work within society and within a relationship which may mean that a woman may say yes to sex when she does not want to.

'Sexuality is the linchpin of gender inequality' could also mean that we are expected to express our sexuality in particular ways, which differ from the ways men are expected to express their sexuality. For example, in the context of the partial defence of provocation (which operates to reduce a charge of murder to manslaughter), when a man has killed his 'partner', the fact that a woman may choose to sleep with another man, or to leave her man for another, has been held to be an act sufficient to deprive the ordinary man of the power of self control. Both acts are challenges or insults to male sexuality.[4]

Part of the expectation that women should behave in a certain way sexually operates in relation to the situations in which women are expected to consent. The most obvious example of this is the marital rape immunity which no longer exists under

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New Zealand law, through statutory amendment,[5] but has only relatively recently been found not to be part of the common law in England.[6] Even though it is a crime to rape your spouse, there are some indications from members of the judiciary that it is not as serious a crime (at least in terms of victim impact) as so called 'stranger rape'. For example, in the 'marital rape' case *A* v *M*, the Judge stated:

> It must be remembered that there can be circumstances of aggravation that will make the act of rape, although in itself an affront, yet an insult of a more grievous kind. For example, it could be said that the rape of a wife by her own husband is bad enough, but the rape of an *innocent woman* in her own home by a complete stranger who attacked in the course of a burglary is even worse.[7]

Of course, some members of the judiciary do realise that for women who have been sexually assaulted by men they know or have been intimate with, the effect of such an attack is devastating, often giving rise to a loss of trust and a fear of always being vulnerable, even at home. As Robin West says, this sort of fear is not familiar to most men: 'with the exception of Vietnam veterans, no white heterosexual man I have ever known knows how it feels to be afraid all of the time'.[8]

The comments of Justice Robertson in a sentencing decision in 1991 are to be commended. This was a case in which a man had attacked his wife with a machete in the grounds of the hospital in which she worked. He was charged with attempted murder. She had moved out of the matrimonial home because he was having an affair. Justice Robertson stated:

> I do not accept that because a matter has a domestic basis it is to be treated differently. There is a real extent to which the courts need to reflect the fact that violence, wherever it occurs, is violence, and in a very real way violence within a family is in fact more destructive and more serious than some other forms. The home for everyone ought to be a place where a person is safe. Whether in your judgement what your wife was doing was right or wrong, you d[o] not control her. She [i]s an individual, free and entitled to make her own decisions.[9]

Unfortunately many women and children are not safe in their homes. Although there are now more opportunities for women to leave abusive relationships, such a decision is costly, both economically and socially. The thought of being poor and alone may be enough to keep many women in these kinds of situations. It may mean that they agree to do things, or tolerate events which many of us would not do or would not tolerate. We may find such behaviour incredible or unbelievable. This does not mean it does not happen.[10] A lot of what feminism is about is recognising that these things do happen and consequently believing and thus validating the experiences of these women.

For a very long time the law has not done this. The law has been made and administered by men, as has been recently recognised by the President of the Court of Appeal in *Phillips* v *Phillips* in a statement which will no doubt be quoted by New Zealand women for many years to come. He stated:

> The six Judges who have sat on this case in the two Courts are all men, most of us of more than middle age. This is a type of case suggesting that a woman's insight would be helpful on at least one of the Benches in assessing the claims, personality and situation of a litigant woman and arriving at justice between man and woman.[11]

The fact that the law recognises primarily a male version of reality (similar criticisms can clearly be made on the basis of cultural and racial bias, among others) is not necessarily the result of a misogynist conspiracy. It may merely be that for a very long time only men have been in a position to make and administer the law and that a necessary, and perhaps unavoidable, consequence of that, is that the law responds to, recognises, and validates male concerns and interests. Not only does it do that, but at the same time that it is operating in a gender-biased way, the law is presented as and held up to be gender-neutral and value-free.

The example I will use of the law not operating in a value-free way relates to the law of evidence. Although the cases I discuss deal with sexual violation charges, my thesis goes considerably wider. It is perhaps more starkly demonstrated in the context of rape cases, so in that sense I am presenting my case in a biased way. My thesis is not new or radical. It is simply that decisions

about the relevance of a piece of evidence are subjective.[12] I do not think that many lawyers would argue with this proposition. Many textbook writers allude to it. In *Phipson on Evidence* the author states that decisions on relevance are 'founded on logic and human experience'.[13] The issue remains, of course, the meaning assigned to the words 'human experience'. One Judge in the Supreme Court of Canada went even further in recognising the subjectivity and gender bias of relevance decisions in the context in which I will examine them, decisions on the admissibility of sexual history evidence. She stated:

> Regardless of the definition used, the content of any relevancy decision will be filled by the particular judge's experience, common sense and logic . . . . There are certain areas of enquiry where experience, common sense and logic are informed by stereotype and myth . . . . This area of the law [sexual history evidence] has been particularly prone to the utilisation of stereotype in determinations of relevance.[14]

Before I go on to discuss in detail the evidence rules and their application in relation to sexual history evidence in New Zealand, I wish to give two examples of cases in which the law does not seem to recognise women's experiences. They are quite different cases, but they both demonstrate, I believe, the inability of the criminal justice system to deal with situations that are rarely faced by men.

'Taking Leave of One's Senses . . .'

The first case is that of an English woman who was involved with a man called James.[15] She wanted to continue their relationship but knew that she was competing for James with another woman. During the course of their relationship, and at James' request, she committed acts of bestiality with an Alsatian dog, which James filmed. After they eventually broke up, James edited himself out of the videos and sent copies to the woman's employer and to a newspaper. She pleaded guilty to the charges of bestiality subsequently laid by the police and named him as also being involved. They were both sentenced to three months' imprisonment, despite the fact that the police discovered many more similar videos in his possession which did not feature the woman

charged, adding credence to her story that it was done at his instigation. On appeal her sentence was reduced to three weeks (the time she had already served). The English Court of Appeal accepted that she was less culpable than him, but also had this to say:

> She said to the police that she only unwillingly involved herself in the matter out of a desperation to keep James, with whom at that time she was infatuated. *Infatuation it must have been, because nothing short of taking leave of one's senses should have persuaded any woman that a man like this with these sort of habits and perversions was worth keeping.* [16]

Similar kinds of statements are made about women who choose to stay in violent relationships. The fact that so many women do stay, and that James had many 'unwilling' participants surely indicates something about the nature of relationships between some men and some women within our society. Rightly or wrongly, women may feel they are better off in these kind of relationships than out of them, or alone. Or they may feel that it is simply unsafe for them to leave. To say that these women 'have taken leave of their senses' merely because they put up with treatment we would find intolerable indicates a lack of understanding of the power and control dimensions of familial relationships.

The second case indicates a different kind of incomprehension of women's reality. This was a matter decided in Invercargill in November of 1991. The accused (a friend of the complainant) had been giving her a massage, which he had done in the past, but always with other people present.[17] While he was massaging her right thigh his hand slipped through her knickers and touched and went inside her vagina. When the police questioned the accused he said he had touched her in that way but that it had been an accident because of the oil on his hands and on the complainant's thighs. The judge directed that no sexual violation charge should be laid because the accused did not intend to sexually violate her (because his hand slipped).

Although this might be a superficially amusing story, it has I think some serious undertones. Without exception all the women I have spoken to (and most of the men) find the accused's explanation completely unbelievable. In this sense both these cases (the first about bestiality, the second about accidental sexual violation)

provide powerful illustrations of the impact an individual's views of the world have on decisions about the credibility of witnesses. In the first case, the actions of the woman were viewed by the Court of Appeal as those of someone who had taken leave of her senses, although I would argue that such actions may commonly result from the lack of real choice for women. In the second case, the explanation of the accused that his finger slipped inside her underwear and inside her vagina was accepted by the Judge as denying the *mens rea* of the offence (intention), yet most women's understanding of anatomy and the reactions of men who find their attentions have been unwanted, find his story either ridiculous or perhaps all too familiar. What added weight to his argument about lack of intent was that he seemed to be embarrassed and apologised as soon as the woman complained. However, he also went on with the massage and for a second time his hand 'slipped' inside her underwear.

There are probably many women who have heard such a story when attentions are unwanted. A wonderful example of the same scenario was offered on that oft-cited audiovisual legal text book, *LA Law*. Gwen was kissed by her law tutor who, when she complained, said he was sorry, it was an accident and it would never happen again. It did however, and she brought a sexual harassment complaint. Of course it is very hard to conceive how a kiss can be accidental. I suppose one could accidentally plant one on the wrong person, or perhaps on an inappropriate place were it dark, but I find it hard to envisage what other activities one might be engaging in with one's mouth in a kissing position so that one slip might result in an accidental peck on the cheek, or wherever. The scenario becomes even more unlikely when the kiss is not a friendly peck but rather more, something my younger sister, when aged 7 or 8 used to call 'TV kisses'. I also find it difficult to envisage an 'accidental' sexual violation, but perhaps men and women share misunderstandings about each other's biology. After all, one judge in Indianapolis enlightened me when he said:

> I believe biologically it is wrong to entice a man knowing the situation you're creating and then saying 'no'. There is a button a man has that cannot be turned off and on like a light switch. And a man can go to prison for a very long time because of it.[18]

When the Power Dimension is Overlooked

Many cases about the admissibility of evidence in sexual abuse trials raise issues of power and control which have undoubtedly impacted on the way the complainant behaved, although this is rarely taken cognisance of in court. The complainant's relationships with members of her family, and the defendant, are obviously relevant to *when* she complains, as section 23AC of the Evidence Act 1908 recognises.[19] Despite consideration of these matters in the *Rape Study* of 1983,[20] there is still some inconsistency in the decisions about admissibility of recent complaint evidence and little recognition, except in the case of very young children, of the reasons why a woman may not raise an immediate 'hue and cry'.[21] For example, in *R* v *Duncan*[22] the Court of Appeal agreed with the trial judge that the complaint made to the girl's mother only four days after the alleged attempted intercourse was not admissible.

The complainant, a girl of 12, may arguably not have complained immediately because she may have felt diffident about saying anything given the accused's relationship with her mother (they had been lovers for a long time). Counsel for the Crown did, however, make this argument and invited the Court of Appeal 'to take into account the girl's fear of breaking [up] her mother's relationship, and [her] desire not to disturb a 'parental' relationship she had with the accused'.[23]

Another argument that was not made in *Duncan*, although it has since been accepted by the Court of Appeal in *R* v *P*,[24] is that a young girl may not even appreciate that the acts are such to call for a complaint until the matter is raised with the child by its mother. In *Duncan* the girl may not have complained immediately because she may simply have thought there was nothing abnormal about the accused's behaviour. On the night he attempted to have intercourse with her, he had first put on a pornographic video showing heterosexual intercourse. It is arguable that this kind of tactic would have encouraged her participation in sexual acts, in that the video depiction reassured her that it was normal behaviour.

In another case the power dimensions of relationships were also overlooked to a large extent. In *R* v *E*[25] the Court of Appeal

reviewed the refusal of the trial judge to allow cross-examination of the complainant, a 13 year-old girl, about her sexual history. As most of the other physical evidence against the defendant (her mother's partner) had been explained, the remaining highly probative piece of evidence was the presence of semen in the girl's vagina.[26] The girl had complained about the incident the following day to the daughter of a family friend, Mrs F, within about half an hour of seeing her at her house. The two girls then went to see Mrs F in a distressed state. The evidence the defence wished to raise was that the complainant had previously had sex with Mrs F's son, her friend's brother, *and may well have had sex with him during the half hour before she complained to Mrs F*, which would explain the presence of the semen. The trial judge had allowed defence counsel to ask the complainant whether she had had intercourse with another man during the eight days before the incident (which she denied). He also asked her who else was at Mrs F's house and where she was in the house during the time before she made the complaint, 'with a view to establishing the existence of an outside room where opportunity for sexual activity by implication may have existed'.[27] The Court of Appeal held that the defence should also have been allowed to cross-examine the complainant on her sexual conduct with the son and stated:

> There was tenuous evidence of an opportunity for intercourse over the short period of half to three quarters of an hour before she made the complaint to Mrs F. However, had these been the only considerations, they should not have elevated any cross-examination about her relations with this boy beyond the status of a mere fishing expedition, rightly excluded by the section. *The critical factor in this case was the evidence of the complainant's retraction. This made it important to give the applicant every reasonable opportunity to explore material which might further compromise her credibility* . . .[28]

The use of such evidence to attack the complainant's credibility in the absence of any evidence that she had a sexual relationship with this boy, or, more importantly, had had intercourse with him on that day immediately before disclosing distressing information to his mother, is of considerable concern. The Court noted the tenuous nature of such an inquiry but validated it on

the basis that she had retracted her complaint in the past. There was, however, no inquiry into *why* she may have retracted her complaint in the past, and yet finally proceeded with it. The defendant was her mother's lover, for whom the family had moved cities. Nothing in the judgment of the Court indicates the Court was aware of, or had considered, any family pressures that may have been placed on the complainant at various times which may have led her to say she had made the whole thing up. Instead, the Court used her past retractions to justify *any* attack on her credibility, even by way of tenuous evidence of prior sexual experience.

Her Sexuality as Indicative of His Innocence

Feminists have recently examined the concept of relevance as it informs decisions on the admissibility of evidence,[29] I want to continue this examination in the context of decisions pursuant to section 23A of the Evidence Act 1908 (see inset following page).The section provides in subsection 2 that no evidence shall be given which relates to the sexual experience of the complainant with any person other than the accused except with the leave of the Judge. Such a rule is important for many reasons. It has been established that complainants become extremely distressed if they are cross-examined about their real or perceived reputation and sexual experience. To prevent this happening and to encourage the reporting of rape, sections like 23A (also called 'rape shield statutes') have been enacted.[30]

The belief that women who have had many sexual partners or who are sex workers are more likely to lie about being raped has been widely discredited.[31] However, it is still the case that evidence about the complainant's sexual history, although having low probative value, is highly prejudicial when such evidence is admitted to show that the victim consented. In the words of Brettel Dawson:

> Information made available to a jury concerning the primary witness's past sexual activity or non-conformity to sex-role norms increases the responsibility for the assault that is attributed to her at the same time that it decreases the perceptions of the accused's guilt.[32]

Section 23A of the Evidence Act 1908

Evidence of complainant in cases involving sexual violation

(1) For the purposes of this section, 'cases of a sexual nature' means proceedings in which a person is charged with, or is to be sentenced for, any of the following offences:

(a) Any offence against any of the provisions of sections 128 to 142A of the Crimes Act 1961:

(b) Any other offence against the person of a sexual nature:

(c) Being a party of the commission of any offence referred to in paragraph (a) or paragraph (b) of this subsection:

(d) Conspiring with any person to commit any such offence.

(2) In any case of a sexual nature, no evidence shall be given, and no question shall be put to a witness, relating directly or indirectly to —

(a) The sexual experience of the complainant with any person other than the accused; or

(b) The reputation of the complainant in sexual matters,—except by leave of the Judge.

(3) The Judge shall not grant leave under subsection (2) of this section unless the Judge is satisfied that the evidence to be given or the question to be put is of such direct relevance to —

(a) Facts in issue in the proceeding; or

(b) The issue of the appropriate sentence —

as the case may require, that to exclude it would be contrary to the interests of justice:

Provided that any such evidence or question shall not be regarded as being of such direct relevance by reason only of any inference it may raise as to the general disposition or propensity of the complainant in sexual matters.

(4) Notwithstanding subsection (2) of this section leave shall not be required —

(a) To the giving of evidence or the putting of a question for the purpose of contradicting or rebutting evidence given by any witness, or given by any witness in answer to a question, relating directly or indirectly, in either case, to —

(i) The sexual experience of the complainant with any person other than the accused; or

(ii) The reputation of the complainant in sexual matters; or

(b) Where the accused is charged as a party, and cannot be convicted unless it is shown that a person other than the accused committed an offence referred to in subsection (1) of this section against the complainant, to the giving of evidence or the putting of a question relating directly or indirectly to the sexual experience of the complainant with that other person.

(5) An application for leave under subsection (2) of this section —

(a) May be made from time to time, whether before or after the commencement of the proceeding; and

(b) If made in the course of a proceeding before a jury, shall be made and dealt with in the absence of the jury; and

(c) If the accused or the accused's counsel so requests, shall be made and dealt with in the absence of the complainant.

(6) Nothing in this section shall authorise evidence to be given or questions to be put that could not be given or put apart from this section.

In other words, sexual history evidence allows juries to make verdict choices based on rape myths or other unjustified assumptions about women's sexuality.

Rape myths generally fall into three groups: (i) women precipitate rape by their appearance and behaviour (the 'she asked for it' myth); (ii) women are prone to sexual fantasies and actually desire to be raped (the 'she said no but she really meant yes' myth), and; (iii) women, motivated by revenge, blackmail, jealousy, guilt or embarrassment, falsely claim they have been raped after consenting to sexual intercourse (the 'she is lying' myth). Although these myths are more often recognised for what they are today, there is no doubt that many men, and women, still think they are statements of truth. These myths, particularly the belief that women lie about rape, have also informed the legal system's approach to rape law and procedure and they are still found in the writings of academics, the decisions of judges, and the arguments of defendants in rape trials.[33]

As well as providing commentary on the continuing currency of rape myths, use of sexual history evidence is still justified on the basis that women fantasise about rape and lie about it. It is true that because there are often only two witnesses, the defendant and the complainant, credibility is an issue in many rape trials. However, this cannot of itself be a basis for the introduction of sexual history evidence as section 23A makes clear. The only basis on which sexual history evidence is admissible is pursuant to subsection 3:

> The Judge shall not grant leave . . . unless the Judge is satisfied that the evidence to be given or the question to be put is *of such direct relevance* to facts in issue in the proceeding or the issue of the appropriate sentence, as the case may require, *that to exclude it would be contrary to the interests of justice.*

Decisions about the direct relevance of sexual history evidence reinforce rape myths and stereotypes about women's sexuality and are therefore gender biased. To demonstrate this I want to discuss the decisions about the relevance of sexual history evidence in some different fact situations.

The definition of 'relevance' for the purposes of the law of evidence is as follows:

> [A]ny two facts to which it is applied are so related to each other that, according to the common course of events, one, either taken by itself or in conjunction with other facts, *proves or renders probable* the past, present or future existence, or non-existence of the other.[34]

A more comprehensible version is that of the English Criminal Law Revision Committee, which has found favour with the New Zealand Law Commission:

> Relevant evidence tends to render probable the existence or non-existence of any fact on which the question of fault or innocence depends.[35]

In *Cross on Evidence*, Don Mathieson QC states that decisions about relevance can always be tested by reference to syllogistic reasoning. Without wanting to debate the appropriateness of this kind of test, I want to explain how syllogisms work and then apply them to decisions on sexual history evidence. The following is Mathieson's explanation and example:

> Stephen elsewhere suggested as a test for determining whether one fact should be regarded as evidence of, or relevant to, another, that the matter under discussion should be cast into the form of a syllogism of which the alleged evidentiary fact constitutes the minor premise. It is then only necessary to consider whether the major premise is a proposition the truth of which is likely to be accepted by the person who has to draw the conclusion — in the case of a lawsuit, a reasonable man. For example, suppose that goods were found in the possession of the accused shortly after they were missed, and he was unable or unwilling to given an adequate explanation of the manner in which he came by them. These would be relevant facts on a charge of stealing because, if the matter were cast into the form of a syllogism, it could be stated in the following way: men found in possession of goods which have recently been missed are frequently guilty of stealing them if they do not give an adequate explanation of their possession (major premise): the accused was found in possession of the goods in question shortly after they were missed and he gave no adequate explanation of this fact (minor premise); therefore the accused may have been guilty of stealing the goods (conclusion). As the correctness

> of the major premises on which Courts are invited to act can usually be taken for granted, the deduction method outlined above is seldom used in practise, but the test of the syllogism may be found useful whenever there is any doubt about the relevance of evidence.[36]

A syllogism, then, consists of three parts: a major premise ('a proposition likely to be accepted as truth by a reasonable man'); a minor premise (the piece of evidence which is claimed to be relevant and is sought to be introduced) and the conclusion (which solves or answers an issue in the case). A reasonably straightforward example is the following, where the issue in the case is whether C is mortal:

Major premise: (a proposition likely to be accepted as truth)

A	**B**
[All human beings]	[are mortal]

Minor premise: (evidence sought to be introduced to help answer the issue)

C	**A**
[C]	[is a human being]

Conclusion: (links parts B and C and answers the issue)

C	**B**
[C]	[is mortal]

Syllogistic Reasoning in Criminal Courts

In cases in which sexual history evidence is sought to be introduced, the Judge must be satisfied that the evidence is of 'direct relevance to facts in issue'. In deciding to admit sexual history evidence (that is, evidence about the sexual past of the complainant, including sexual abuse), the Judge will normally identify which issue the evidence is relevant to (for example, the defendant's belief in her consent). In the following cases the issue is stated in the conclusion of the syllogism and the evidence is stated as the minor premise. The major premise (a proposition likely to be accepted as truth by a reasonable man) can then be formulated from these two statements. An example of how to arrive at a major premise from a minor premise and a conclusion is the following:

Minor premise: [Evidence which has been introduced]
D was found at night carrying a jemmy
Conclusion: [Solves or answers an issue in the case]
It is likely that D is a burglar

In this case the major premise, which combines the relevant elements of the minor premise and the conclusion, would be: *People who are found at night carrying jemmies are likely to be burglars.*

In cases decided pursuant to section 23A of the Evidence Act 1908 (admissibility of sexual history evidence), it is not always clear that decisions about admissibility are based on syllogistic reasoning. Quite often, judges will merely state that the evidence is relevant without engaging in any discussion about the link (relevance) between the disputed evidence and the issue in the case. In the following examples, the major premise becomes the link between the piece of evidence (the minor premise) and the issue to be resolved (the conclusion). In revealing the connections made in decisions based on 'common sense and logic', the values inherent in judgements about relevance are exposed. In this way, the formulation of the major premise in cases when sexual history evidence has been admitted provides a powerful illustration of the beliefs which still inform members of the New Zealand judiciary.

Case A:[37]

Minor premise: [Evidence which has been introduced]
C (a white woman) has had consensual sex with several black men in the past
Conclusion: [Solves or answers an issue in the case]
C is likely to have consented to have sex with the defendant (D) (a black man)
The major premise ('a proposition likely to be accepted as truth by a reasonable man') in this case is: *White women who have consented to sex with black men in the past are likely to always consent to sex with black men.*

Case B:[38]

Minor premise: C has previously been sexually assaulted in similar circumstances to those in which D allegedly assaulted her

Conclusion: It is likely C has fabricated the charges against D (it is likely she is not a credible witness)
The major premise: *Women who claim to have been sexually assaulted more than once in similar circumstances are likely to have fabricated the second incident.*

Case C:[39]
Minor premise: C is a 'precocious' 12 year old, that is, she has had consensual sex with men in the past.
Conclusion: It is likely that C consented to sex with D
The major premise: *'Precocious' girls are likely to always consent to sex.*

Case D:[40]
Minor premise: D was told by another man (TP) that C had had consensual sex with him
Conclusion: It is likely that D believed that C consented to have sex with him
The major premise: *Men believe that women who they know have had consensual sex with another man are likely to consent to sex with them also.*

Case E:[41]
Minor premise: C was naked in bed with two men (TP and D). She had consensual sex with TP
Conclusion: It is likely that D believed she consented to have sex with him
The major premise: *Men believe that women who are naked in bed with two men, one of whom they have had consensual sex with, are likely to consent to sex with the other man.*[42]

Case F:[43]
Minor premise: C was given a 'love bite' by TP prior to the alleged rape, and showed it to her friends
Conclusion: It is likely that C consented to sex with D
The major premise: *Women who show love bites to their friends are likely to consent to sex.*

The major premises (propositions that a reasonable man would believe) from these cases read as powerful commentary on the

beliefs of the New Zealand judiciary:

> *White women who have consented to sex with black men in the past are likely to always consent to sex with black men.*
>
> *Women who claim to have been sexually assaulted more than once in similar circumstances are likely to have fabricated the second incident.*
>
> *'Precocious' girls are likely to always consent to sex.*
>
> *Men believe that women who they know have had consensual sex with another man are likely to consent to sex with them also.*
>
> *Men believe that women who are naked in bed with two men, one of whom they have had consensual sex with, are likely to consent to sex with the other man.*
>
> *Women who show love bites to their friends are likely to consent to sex.*

Alternative, more desirable, major premises would exclude the possibility of sexual history evidence in many of these cases, especially in relation to his belief in her consent. When women's sexual autonomy is validated, belief in consent based on anything except actual communication is insupportable and cannot provide the justification for admitting sexual history evidence. Judges who subscribed to the following, more enlightened, 'propositions of truth', would find it impossible to make such rulings as those made in the cases already cited:

> *Women do not lie about being raped (women who say they did not consent, did not consent).*
>
> *Women who exhibit symptoms of rape trauma syndrome have been raped.*[44]
>
> *If a woman does not say yes, there has not been consensual sex (the communicative model).*[45]
>
> *Women may choose to have sex with many men and still retain the right to say no.*

Jurisprudence: A Critical Appraisal', *Journal of Law and Society*, 19:2 (1992) pp. 195–213; Joanna Calne, 'In Defence of Desire', *Rutgers Law Journal*, 23 (1992) pp. 305–340.

4. See E. McDonald, 'Provocation, Sexuality and the Actions of "Thoroughly Decent Men"', *Women's Studies Journal*, 9:2 (1993) pp. 126 – 147.
5. Section 128(4) of the Crimes Act 1961, as amended by the Crimes Amendment Act (No3) 1985.
6. *R* v *R* [1992] 1 Appeal Cases, p. 559.
7. [1991] 3 New Zealand Law Reports, p. 228. Emphasis added. For an excellent analysis of this case see Marion Evans and Robin Mackenzie, 'From Siren to Siren: Some Counterpoint for Gender-Specific Injuries and the Law', *Women's Studies Journal*, 8:2 (1992) pp. 42 – 82.
8. Robin West, 'The Difference in Women's Hedonic Lives: A Phenomenological Critique of Feminist Legal Theory', *Wisconsin Women's Law Journal*, 3 (1987) pp. 81–145.
9. *Misimoa* Unreported, 12 July 1991, High Court Auckland T 41/91.
10. For a discussion and statistics of domestic violence in New Zealand see Ruth Busch and Neville Robertson, '"What's Love Got To Do With It?" An Analysis of an Intervention Approach to Domestic Violence', *Waikato Law Review*, 1 (1993) pp.109–140.
11. [1993] 3 New Zealand Law Reports, p. 159.
12. I ascribe to the view that the law perpetuates the myth of objectivity — that is, the belief that there is 'an external and objective reality ... available to individual knowers through the use of their reason, sometimes combined with their sense perception' (Susan Williams, 'Feminist Legal Epistemology', *Berkeley Women's Law Journal*, 8 (1993) pp. 63–105). In arguing that any (legal) decision is informed by the life experience of the decision-maker, I am arguing that such decisions are 'subjective'.
13. M. N. Howard, *Phipson on Evidence* (14th ed., Sweet & Maxwell, London, 1990) p. 110.
14. L'Heureux-Dube J in *R* v *Seaboyer*. *R* v *Gayme* (1991) 83 Dominion Law Reports (4th series), p. 193.
15. *R* v *P* (1992) 13 Criminal Appeal Reports (Sentencing) p. 369.
16. ibid., p. 370. Emphasis added.
17. *R* v *W* Unreported, 22 November 1991, High Court, Invercargill Registry T 11/91.
18. G. LaFree, *Rape and Criminal Justice: The Social Construction of Sexual Assault* (Wadsworth Publishing Co, Belmont, California, 1989) p. 95.
19. That section reads:
Delay in making complaint in sexual cases — Where, during the

trial of any person for an offence against any of sections 128 to 144 of the Crimes Act 1961 or for any other offence against the person of a sexual nature, evidence is given or a question is asked or a comment is made that tends to suggest an absence of complaint in respect of the alleged offence by the person upon whom the offence is alleged to have been committed, or to suggest delay by that person in making any such complaint, the Judge may tell the jury that there may be good reasons why the victim of such an offence may refrain from or delay in making such a complaint.

20. Warren Young, *Rape Study: A Discussion of Law and Practice* (Institute of Criminology/Department of Justice, Wellington, 1983).
21. Sir Matthew Hale in 1680 opined that if a woman did not take the first opportunity to report her rape, or if during the rape 'she made no outcry ... where it is probable she might be heard by others; these and other like circumstances carry a strong presumption that her testimony is false or feigned'. Cited in J. Taylor, 'Rape and Women's Credibility: Problems of Recantations and False Accusations in the Case of Cathleen Crowell Webb and Gary Dotson', *Harvard Women's Law Journal*, 10 (1987) pp. 59–116. Because it was assumed that women would raise a 'hue and cry', evidence of such a reaction was admissible. Unfortunately, however, the absence of a complaint was treated as evidence of fabrication.
22. [1992] 1 New Zealand Law Reports, p. 528.
23. *Duncan*, p. 531.
24. Unreported, 23 March 1993, Court of Appeal CA 342/92.
25. [1987] 7 Criminal Reports of New Zealand, p. 351.
26. The explanations may not have been accepted as he was convicted, but they were the following: the redness around her genital area may have been caused by thrush; the undies she was wearing at the time of the alleged rape were actually her auntie's and had been worn by her auntie after she had had sex on the previous Thursday (this was evidence to explain the semen stains on the clothing of the complainant). A similar explanation was offered about the nightie, as it was her mother's.
27. ibid., p. 355.
28. ibid., p. 356. Emphasis added.
29. See also Sadie Bond, 'Psychiatric Evidence of Sexual Assault Victims: The Need for Fundamental Change in the Determination of Relevance', *Dalhousie Law Journal*, 16 (1993) pp. 416–447.
30. When President Carter signed legislation creating the federal rape shield statute in the United States, he said it was 'designed to end the public degradation of rape victims and, by protecting victims

from humiliation, to encourage the reporting of rape'. See Morrison Torrey, 'When Will We Be Believed? Rape Myths and the Idea of a Fair Trial in Rape Prosecutions', *University of California Davis Law Review*, 24 (1991) pp. 1013–1071.

31. As recently as 1976, however, the Victoria Law Reform Commissioner still ascribed to the view that sexuality is linked to credibility: 'There are, it is thought, still forms of intercourse that would be generally regarded as seriously discreditable and therefore as weakening confidence in the reliability of a witness. It is perhaps sufficient to refer, by way of illustration, to prostitution, intercourse in the presence of members of the public, participation in "gang-bangs", promiscuous solicitation of intercourse with strangers and intercourse with more than one man at the same time'. *Rape Prosecutions: Court Procedures and Rules of Evidence* (Victoria Law Reform Commissioner, Melbourne, 1976) p. 29.
32. T. Brettel Dawson, 'Sexual Assault Law and Past Sexual Conduct of the Primary Witness: The Construction of Relevance', *Canadian Journal of Women and the Law*, 2 (1987–1988) pp. 310–334.
33. See Ngaire Naffine, 'Windows on the Legal Mind: The Evocation of Rape in Legal Writings', *Melbourne University Law Review*, 18 (1992) pp. 741–767.
34. D. L. Mathieson, *Cross on Evidence* (4 ed, Butterworths, Wellington, 1989) p. 19.
35. Phipson, p. 110.
36. Mathieson, p. 20.
37. This is an English case which has received a lot of attention. For commentary see Jennifer Temkin, 'Regulating Sexual History Evidence — The Limits of Discretionary Legislation', *International and Comparative Law Quarterly*, 33 (1984) pp. 942–978 and Elisabeth McDonald, 'An(other) Explanation: The Exclusion of Women's Stories in Sexual Offence Trials', in *Challenging Law and Legal Process — The Development of a Feminist Legal Analysis* (New Zealand Law Society, Wellington, 1993) pp. 43–68.
38. These are the facts from two separate cases in which the Court of Appeal (in judgments delivered by Eichelbaum CJ) have ruled evidence of prior sexual abuse admissible on the grounds that the complainant may have made up the second complaint based on what happened to her in the past. *R* v *Accused* (CA 92/92) [1993] 1 New Zealand Law Reports, p. 553; *R* v *M* Unreported, 9 July 1993, Court of Appeal CA 268/93.
39. In this case, the mother was called on to give evidence that 'if someone had a mind to have sex with her [her 12 year old daugh-

ter] they would be unlikely to meet much resistance'. *R* v *R* Unreported, 8 October 1992, High Court, Napier Registry T29/92.

40. *R* v *Phillips* (1989) 5 Criminal Reports of New Zealand, p. 405. In this case the Judge also allowed in evidence of the complainant's sexual history with another man (S), because it supported the argument of the two accused that she consented to sex in order to make S (her ex-boyfriend) jealous.
41. *R* v *A* Unreported, 11 May 1987, High Court, New Plymouth Registry T 1/87.
42. In this case (ibid., p.1) this is exactly what the defendant claimed. He said to police: 'I know I didn't rape her because I don't rape women. She was all there and willing. She wouldn't have been in bed if she wasn't.' In allowing in evidence that the complainant had had consensual sex with the other man (and was then joined by the defendant in the bedroom), the Judge validated the defendant's belief that women in these kinds of situations lose their right to say no. It was seen as relevant to his belief in her consent that she had previously had sex with another man.
43. *R* v *Taria* (1993) 10 Criminal Reports of New Zealand, p. 14. In this case, the evidence suggested that it was actually the defendant who had given the complainant the love bites. However, the Judge made a ruling under section 23A in the event that the complainant alleged that they were caused by another man. On this basis, I have constructed the syllogism above.
44. For a discussion of the relevance of expert evidence on rape trauma syndrome see: Toni Massaro, 'Experts Psychology, Credibility, and Rape: The Rape Trauma Syndrome Issue and Its Implications for Expert Psychological Testimony', *Minnesota Law Review*, 69 (1985) pp. 395 – 470; Bridget A. Clarke, 'Making the Woman's Experience Relevant to Rape: The Admissibility of Rape Trauma Syndrome in California', *UCLA Law Review*, 39 (1991) pp. 251 – 293; B. J. Cling, 'Rape Trauma Syndrome: Medical Evidence of Non-Consent', *Women's Rights Law Reporter*, 10 (1988) pp. 243 – 259.
45. Lois Pineau, 'Date Rape: A Feminist Analysis', *Law and Philosophy*, 8 (1989) pp. 217 – 243; Sakthi Murthy, 'Rejecting Unreasonable Sexual Expectations: Limits on Using a Rape Victim's Sexual History to Show the Defendant's Mistaken Belief in Consent', *California Law Review*, 79 (1991) pp. 541 – 576.
46. P. W. Young, 'Sex Education for Judges', *New Zealand Law Journal*, (1993) pp. 218 – 219; E. McDonald, 'Judges and Gender — A Reply to Mr Justice Young', *New Zealand Law Journal*, (1993) pp. 339 – 340.
47. *Phillips*, p. 172.

Lawyering and Domestic Violence: Feminist Pedagogies Meet Feminist Theories

Nan Seuffert

In recent years there has been a resurgence of interest in exploring theories of lawyering. Feminists have shared this interest, which has resulted in useful and insightful additions to the literature on lawyering from critical, feminist, and other perspectives. For example, Kimberly O'Leary has suggested decentring the debate about conflict and control in the lawyer-client relationship: who should control decision-making, especially when lawyer and client disagree?[1] She proposes a feminist approach that allows the client ultimate authority in decisions relating to the case, while still allowing the lawyer to make choices consistent with her own moral principles.[2] O'Leary develops an approach to lawyering that is based on what have been identified as feminist legal methods[3] such as asking the excluded person questions (identifying how seemingly neutral rules fail to account for the experiences of some groups of people), consciousness raising and contextual reasoning.[4] Lucie White approaches lawyering from a different perspective, identifying a 'rebellious' alternative to the dominant approach to poverty law practice as one that is committed to a situated theoretical practice in which the creation of theory is reconstructed collectively.[5] She argues that a situated theoretical perspective is reflected in the story of the practice itself.[6]

As a feminist active in the movement to end domestic violence who has also practised law in the area of domestic violence and is currently a legal academic, my interest in theories of feminist lawyering flows from my commitment to integrating feminist theories and practices with the diverse experiences of women. My focus on domestic violence has resulted from the recognition that physical safety is an integral part of any women's movement

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addressing gender power imbalances in society. In a society in which the physical safety of large numbers of women is jeopardised by domestic violence,[7] and in which domestic violence is constructed as a socio-legal problem, lawyers play a crucial role in assisting women to attempt to reorganise their lives to ensure their physical safety. Lawyers' understandings and analysis of domestic violence may affect their legal representation of targets of domestic violence, and can therefore be crucial to the physical safety of these women.

This article considers *how* we can integrate theories and practices of lawyering with the experiences of women. It begins with a discussion of the importance of developing feminist theories from the experiences of women, recognising both the commonalities and the diversity of those experiences and the situated character of the resulting theories. It then focuses on some of the experiences of survivors of domestic violence in civil actions. In particular, it presents women's perceptions that lawyers do not understand the dynamics of domestic violence, and that this lack of understanding adversely affects their legal representation. The article proposes a pedagogy for educating lawyers about the dynamics of domestic violence using Education Groups, a method for teaching about domestic violence that was developed by activist women using the work of Paulo Freire.[8] It then considers the relationship between Education Groups and other teaching methods that have been developed by feminists, arguing that Education Groups incorporate these methods. The article also considers how educating lawyers about the dynamics of domestic violence might influence legal representation. It concludes that a focus on teaching lawyers about domestic violence, and this method of teaching, are both manners of facilitating the integration of feminist practices of lawyering with the development of feminist theories of lawyering.

Theories, Practices and Experiences

Feminists have long recognised the importance of developing feminist theories from the experiences of women.[9] Phyllis Goldfarb has suggested that the integration of feminist theories, practices and the experiences of women in the area of lawyering

might be facilitated by a 'theory-practice spiral', a conception of feminist theorising that is grounded in the experiences of women:

> Feminist theorising begins with the concrete experiences of particular women . . . . These experiences are then questioned, probed, examined, explored, and analysed, a process that produces tentative theoretical conceptions. Once formulated, these theories are continually held up to the light of new experiences for evaluation, refinement, modification, and development. In short, feminist thinkers view concrete situations as containing strong theoretical potentialities. Theory then circles back to guide future behavioural choices which, in turn, test and reshape theory.[10]

It is important to recognise that all women do not share the same experiences. The diversity of women's experiences cautions against assuming that there is a 'true' or 'authentic' nature of all women that can provide a monolithic foundational category upon which to construct one grand feminist theory. Rather, the recognition of diverse experiences among women leads to recognition of diverse feminist theories. Further, questioning of the assumption of the 'authentic' or 'natural' woman by feminists has resulted in the recognition of the socially constructed aspect of experiences. Goldfarb's theory-practice spiral provides for the interrogation of experiences in the process of producing feminist theories. In recognition of the diversity of women's experiences, as well as the social construction of experiences, such interrogation should include inquiry into the commonality of the experiences under consideration, as well as the social context in which such experiences are constructed. However, As Joan Scott argues, recognition of the diversity of experiences among women does not require discarding the possibility that women share any experiences:

> Subjects are constituted discursively, but there are conflicts among discursive systems, contradictions within any of them, multiple meanings possible for the concepts they deploy. And subjects have agency. They are not unified autonomous individuals exercising free will, but rather subjects whose agency is created through situations and statuses conferred on them. Being a subject means being 'subject to definite

> conditions of existence, conditions of endowment of agents and conditions of exercise'. These conditions enable choices, although they are not unlimited .... Since discourse is by definition shared, experience is collective as well as individual. Experience is a subject's history.[11]

Nor does the social construction of experiences render it a useless category for theorising:

> Experience is not a word we can do without ... [i]t serves as a way of talking about what happened, of establishing difference and similarity, of claiming knowledge that is 'unassailable'. Given the ubiquity of the term, it seems more useful to work with it, to analyse its operations and to redefine its meaning ... Experience is at once always already an interpretation and is in need of interpretation. What counts as experience is neither self-evident nor straightforward; it is always contested, always therefore political.[12]

Donna Haraway also recognises the social construction as well as the partiality of experiences in her argument for the production of knowledges that are *situated.* Like Scott, she does not require discarding the category of experience as a useful one upon which to begin to formulate partial, fluid and context-based feminist knowledges and theories. Such theories are situated when they take responsibility for inherent limitations: 'I am arguing for politics and epistemologies of location, positioning, and situating, where partiality and not universality is the condition of being heard to make rational knowledge claims'.[13] The point is that in using the category of experience to create theory, a recognition of the diversity of women's experiences should result in interrogating the experiences for commonality, and then creating theories that inherently recognise their own limitations, including limitations resulting from the partiality of the experiences upon which they are based.

The recognition of the situated aspect of knowledges requires the interrogation of the experiences upon which this proposal for a feminist pedagogy for teaching lawyers about the dynamics of domestic violence is based. It requires recognition of the political construction of those experiences, the limitations of any claims of commonality of the experiences, and also of the contingent

nature of the feminist theories based on these experiences. Such theories will always be subject to revision in light of new experiences, or new constructions of experience. In the development of feminist theories of lawyering for survivors of domestic violence, this revision might come from the experiences of the survivors, the experiences of feminist lawyers, or the shared experiences of both in the process of lawyering. However, this revision and development, the upward movement on the spiral, requires first 'engagement in sound theory-generating practice that can move us toward truths in a gradual, upward spiral'.[14] It suggests that development of feminist theories of lawyering be grounded in sound practice, informed by existing feminist theory. Those practices can then facilitate the further development of feminist theories of lawyering. The pedagogy for teaching lawyers about the dynamics of domestic violence suggested in this article is one manner of developing a sound practice of feminist lawyering that can begin the movement up the spiral toward truths. The pedagogy that this article proposes is also explicitly both contingent and context-based.

Experiences

The process of developing feminist theories of lawyering from the diverse experiences of women, as suggested by Goldfarb, requires first deciding which experiences to focus on and how to gather those experiences. As an activist in the refuge movement in New Zealand and as a lawyer who had practised in the area of domestic violence, the experiences of women with legal representation in this area seemed to be an obvious choice for my focus.[15] Both as an activist and as a lawyer, I had heard countless stories about the problems women had with their lawyers. My choice was also influenced by the results of research on women's experiences with domestic violence. Gross discrepancies between women's perceptions of reality and the legal system's response to their situations were identified in a New Zealand study of breaches of non-molestation orders.[16] Whilst the study considered police, judicial and family court personnel attitudes to domestic violence, it was not funded specifically to consider lawyers' attitudes or roles. It therefore left

open the question of the roles that lawyers play in the legal system's response to domestic violence, thus suggesting that an inquiry into legal representation in this area might be timely and fruitful.

The method chosen for gathering the data was related to my position as an activist in women's refuges. My involvement gave me a place from which to approach other refuge women, both current residents in the refuges and refuge workers, to discuss their experiences. It provided a basis of shared experiences and common perceptions with some of these women. I proposed a research project on women's experiences and lawyers' attitudes at two workshops that I facilitated at the Annual General Meeting for the National Collective of Independent Women's Refuges, and in a survey of refuges. The interest level was high. I therefore decided to gather experiences of women with their legal representation through the existing network of women's refuges. Five refuges were chosen from among the refuges that indicated interest in the project in the survey. Funding limitations and the desire to facilitate the participation of Maori women, most of whom live in the North Island, resulted in choosing locations in the North Island. Refuges in one city, two large towns and two small towns were chosen.

A series of in-depth group interviews with survivors of domestic abuse who had hired lawyers to obtain non-molestation and/or non-violence orders were conducted. The interviews included women who are currently refuge workers as well as women who are not. In recognition of the situated aspect of experiences and resulting knowledges, interviews were conducted in a parallel Maori/non-Maori interview process and the transcripts of the Maori interviews were given to a Maori woman to interpret. In total, eleven Maori and fifteen non-Maori women were interviewed. The interviews asked women open-ended questions about their legal representation, guiding the women chronologically through the legal process and asking them how they felt about their interactions with their lawyers. The interviews also provided opportunities for the women to analyse their experiences and to brainstorm generally about legal representation for survivors of domestic violence.

Several limitations of the experiences included in these inter-

views must be acknowledged here. First, and most importantly, the interviews upon which this article is based do not include the interviews of Maori women. The interpretations, analysis and resulting recommendations of the Maori interviews will be published separately by a Maori woman. Second, all of the interviews were conducted through refuges, and therefore the experiences are limited, for example, to women who know of the existence of refuges. Third, the approach to, and reading of these interviews was inevitably informed by my standpoint and experiences as a middle-class white American woman, as a volunteer refuge worker for eight years, as a lawyer representing survivors of domestic abuse for two years and as a university lecturer. The knowledges based on the experiences included in these interviews are, like all knowledges, *situated.* The limitations of the interviews indicate some of the limitations of any resultant knowledges.

The interviews were recorded and transcribed. Analysis of the interviews included identifying themes, or subjects that appeared frequently in the transcripts. One of the major themes was the repeated references to lawyers' lack of understanding of the dynamics of domestic violence. The women talk about this issue in a variety of manners. There are countless references by women interviewed, to both their own feelings that their lawyers did not believe them, and to responses made by lawyers that indicate that the lawyers do not believe the women. There are also numerous references to lawyers' lack of comprehension of the level of fear and danger that the women are experiencing. Finally, some of the women directly link the lawyers' disbelief and lack of comprehension to the lawyers' lack of understanding of the dynamics of domestic violence, and suggest that lawyers who work in this area need specialist training in understanding the dynamics of domestic violence. Some of these women also suggest that lawyers should be trained in this understanding by refuge workers. The lawyers' lack of understanding was also seen by some women to directly affect the quality of legal representation that they received, as well as impacting directly on their physical safety. Some of the discussions of these issues are presented here.

Robin

Robin approached several lawyers seeking legal protection from her violent partner and was advised that no legal protection was available. Robin describes the abuse:

> Mine was mainly emotional, verbal and sexual abuse actually and he didn't start any abuse until after we got married and the day we got married I remember feeling this terrible sense of dread and being trapped ... If he didn't get his own way or I wouldn't agree with him he would start arguing with me and it was constant. It was little things like never supporting me, never affirming me, putting me down and later on he would start screaming ... he ended up smashing the place up and had me backed up in the corner with an arm chair thrown at my feet and it was that kind of level and I was with him for about twelve years ... I tried several times to get away ... This was before I had children and then about the last four years of the relationship it was something like screaming at me for about three or four hours a day and smashing the place up. I was so shaken emotionally that I couldn't cope and my whole life was focused on looking after him and nurturing him so he wouldn't abuse me and the kids, yell and scream, and it was constant, the sexual abuse was constant at me physically. In the day time ... Always touching me, and then at night time he was demanding sex all the time whether I wanted to or not. Even in my sleep he would have his arms around me so there was just like no escape. No escape ever ...

Robin described her first visits to two different lawyers:

> I went to him and I tried to explain to him I was just so terrified I was shaking, I was anorexic, I could hardly speak, I was really really distressed, I was so frightened, frightened of my own shadow, terrified of going to his office I had nobody. No one would believe me, people used to think that I was sick that I was making it up or I was just being nasty to him because my ex-husband was very sweet to people. In front of other people he was really sweet and very nice to them. I didn't feel that this man understood the danger that I felt myself to be in. I was terrified I was going to be killed and so I went away to a girlfriend's place and she said you need a woman and I duly went and got a female lawyer that she rec-

> ommended and I felt this woman was very much like 'I'm a woman lawyer, I'm very important' and she sat behind this huge desk and I was sitting there and I was just . . . I didn't feel comfortable. Again nobody was listening to me about how scared I was.

Robin further described the reactions of these two lawyers:

> I didn't feel I was being taken seriously because I couldn't show any bruises and it would have been obvious I was drawn, I was very very thin and I was shaking and it was obvious there was something dreadfully wrong and no one took me seriously . . . As people they were lovely people they listened but I couldn't make them understand the danger I was in. Even though he had been violent early in the marriage against my person and the rest of the marriage it was smashing the place up and because I hadn't been actually physically touched for about five or six years they felt I was in no physical danger, whereas I felt he was so sick that he would stalk me and they wouldn't listen to this and they said I had no grounds to get any kind of legal protection, and he did stalk me later.

Betty

Betty also felt that her lawyer lacked understanding of the dynamics of domestic violence. She describes her abuse:

> The abuse went on for — the duration . . . of the twelve year relationship. It was physical, it was emotional, it was verbal, it was sexual . . . So every type of abuse was involved. My children were abused in all those ways as well except for my son who wasn't sexually abused . . .

Betty describes what happened at the final hearing on the non-molestation order:

> [before] the non-molestation hearing, my lawyer said to me that I would probably come out without it, without any protection orders because he hadn't done, like there was the interim period between the . . . interim order being put on him, and the hearing, that mattered, and because he actually hadn't done anything terrible during that time, he'd only . . . the only thing he'd done was to find out our phone number

> somehow, which was confidential, and wait until Louise's birthday and ring her on the morning of her birthday and abuse her. But he hadn't done anything physical to warrant having [the non-molestation order] made permanent ...

Betty noted that her lawyer did not make any argument to the judge that the non-molestation order should be made permanent. Now a refuge worker, Betty concludes:

> I think [lawyers] need to have a really good understanding of abuse, to have a really good analysis of what that is. I also think that they should have some sort of training of skills in listening, not necessarily counselling, but being able to kind of use some feedback or some sort of creative listening skills, so that you know that what you are saying is being understood and you know that they hear what you are saying.

Adele

Adele commented on lawyers' understanding of the situation:

> in ... family law there is often a huge gap between counsel and client and understanding what is actually happening in communication of what is going on ... It is not sympathy you are looking for really it is just a recognition ... it is an empathy that they recognise exactly what's going on. You don't need sympathy.

Jacqueline

Jacqueline commented on her lawyer's reaction to her situation:

> He listened, I mean, they all listen, but, he was too laid back ... casual, like 'yeah, yeah, ha, ha' joking about things ...
>
> DID YOU HAVE A SENSE THAT HE UNDERSTOOD THE LEVEL OF DANGER THAT YOU WERE IN THEN?[17]
>
> No, I think he's had quite a few people come in for the same kind of thing but, I don't know, some people are concerned and some people just ...

Ann

Ann, who survived eight years of constant physical, emotional and sexual abuse, described her situation in relation to her lawyer subsequent to receiving protection orders:

> I think that he just, he had absolutely no idea of the situation that I'd been in, and, yeah, just really cold and expecting me to come up with all this information, like this, this, this and this. I felt like I was going to be murdered, any day and every day. That just went in one ear and out the other ear, with the lawyer . . . I can just remember sitting there and saying I feel like I am going to get murdered tonight, I really do, and that wasn't crazy . . . that was a real thing, I mean I had guns held to my head, there was no problem getting a non-molestation order for me, but these people would sit at the other side of the desk and [ignore me].

Ann, who has also been a refuge worker, concludes:

> I think that lawyers, dealing with this stuff should have a really good analysis, they should have a really good understanding of what abuse is about. I think that would greatly improve [the way that they represent women]. It's got to. And I can't see why it's not . . . a specialist area.

Discussions

Some of the women took the discussion of this issue further together. Ann and Betty, who both participated in the same group interview and have both worked in refuges, concluded:

> Betty: I think that lawyers, dealing with this stuff should have a really good analysis, they should have a really good understanding of what abuse is about. Yeah definitely.
>
> AND HOW DO YOU THINK THAT MIGHT INFLUENCE THE WAY THEY REPRESENT WOMEN?
>
> Betty: Oh I think that would greatly improve it. It's got to. And I can't see why it's not a, why isn't it, it almost needs to be a specialist area. I mean if one lawyer wants to go off and specialise in property that's what he or she does. And if they want to specialise in [domestic violence] and sure okay we

> can say some of them specialise in family law, but in fact that's [domestic violence] what they do, but they don't have that analysis. They don't have that proper analysis of it.
>
> Ann: I always sort of felt like every person that comes out of law school should have to do a year's voluntary work for refuge or something before they would even get anywhere near on to it.
>
> Betty: Yes, that's the one.

Robin and Jacqueline also discussed the issue together:

> Robin: Well talking as a person who I feel who has been done over by the legal system I think it boils down to whether or not you have got an advocate that (a) believes in you, (b) is going to fight for you, and maybe we could go back to training,
>
> Jacqueline: Yes but isn't it when that factor of being human and mature or having that attitude towards abused women takes a lot of, it is almost as if you need another degree.
>
> OR SOME SPECIALIST TRAINING?
>
> Adele: Some specialist training because I think this is what the problem is there is just isn't . . .
>
> Robin: The training is not good enough.

These are the passages from the interviews that most directly address lawyers' understandings of the dynamics of domestic violence. Numerous other passages indirectly reveal women's concerns about their lawyers' understanding and knowledge of their situation. Some of these concerns arose around contact that women were required to have with their abusers as a result of their use of the legal system to obtain protection orders: for example in joint counselling sessions, mediation and negotiation sessions and in the arrangement of access to children.

These women's concerns about lawyers' understanding of the dynamics of domestic violence and the danger that women are in suggest that effective lawyering in the area of domestic violence

requires that lawyers understand the dynamics and reality of domestic violence for their women clients. Lawyers' failure to understand these dynamics is not surprising, nor is it unique to lawyers, or unrecognised by the lawyers themselves. For example, one of the lawyers interviewed in this project specifically addressed this issue:

> HAVE YOU DONE ANY TRAINING SPECIFICALLY IN THIS AREA . . . THAT IS SPECIFICALLY ABOUT THE DYNAMICS OF DOMESTIC VIOLENCE OR ANYTHING LIKE THAT?
>
> No and I'm sure it's a great lack, I had no other university training other than the straightforward family law course, but looking back I think that was very poorly taught. I have been to seminars over the years on family law issues and I've been to in-depth seminars training as counsel for child, but nonetheless these things are, are only the most superficial introduction. And beyond being a person in this society so watching TV documentaries and reading the same books and information and magazines and newspapers that we all read I've had no proper training. So I am just coming totally from sort of instinct that probably is often completely wide of the mark.

Abuse of women in the home has been, until quite recently, not only condoned by society, but legal. Although it is now illegal, it continues to be condoned by society to a large extent.[18] Further, many actors in the legal system, including some judges and lawyers, share the societal attitudes that condone domestic violence.[19]

As indicated above, lawyers, like other actors in the legal system, generally do not receive specialist training in the dynamics of domestic violence and its consequences for women.[20] Except for possible brief mentions in Family Law classes, the civil law related to domestic violence is not taught in most law schools, and the dynamics of domestic violence are generally not touched upon at all. Many law schools still use some variation of the Socratic teaching method made infamous by the movie 'Paper Chase'.[21] Feminists have thoroughly critiqued the Socratic teaching method, in part by pointing out its inability to address the diverse experiences of women in the legal system and in law schools.[22]

The existing categories of the law often do not represent women's experiences, and therefore have been challenged by feminists as incomplete.[23] For example, in the 1970s the law in most common law countries did not recognise sexual harassment as an injury. Teaching black letter law therefore excluded addressing the experiences of sexual harassment of many women in society as well the experiences of the growing numbers of women in law school classes. The successful feminist challenge to the law's failure to provide a category for redressing the injury of sexual harassment, and other similar challenges to the law, brought a corresponding recognition that traditional legal education, focused on the existing categories of law and the legal system, often excludes the experiences of women.[24] Teaching law in the context of the society in which the laws are made and applied, with specific attention to the gender power differentials that exist in that society, is one step towards including the experiences of women in legal education. The dynamics of domestic violence, that is, women's experiences of domestic violence as tactics of power and control used by men, are an integral part of the society in which the laws concerning domestic violence are made and applied, and are therefore crucial to a complete understanding of the law related to domestic violence.

The interview passages quoted also suggest that the consequences of lawyers' failure to understand the dynamics of domestic violence may endanger the women and children who seek protection from the legal system. The exclusion of women's experiences from the legal system's and lawyers' approaches to domestic violence is not just a matter of interest to feminist theorists; it has a direct bearing on the safety of women and children currently using the legal system to obtain protection from physical danger.

Lawyers have a responsibility to undertake ongoing training in their areas of practice. The commentary to Rule 1.02 of the Rules of Professional Conduct states that lawyers should only agree to work on matters that they have the ability to handle 'promptly and with due competence'.[25] Handling domestic violence cases competently requires an understanding of the power and control dynamics of domestic violence. Professional, responsible practice in this area requires that lawyers demand and pursue appropriate continuing education in the dynamics of domestic violence.[26]

Theories and Practices: A Pedagogy for Teaching About Domestic Violence

The women's experiences discussed above suggest that developing sound practices of feminist lawyering that are capable of generating feminist theories of lawyering requires educating lawyers and law students about the dynamics of domestic violence. This section proposes using Education Groups for teaching about domestic violence. Education Groups have been developed based on the work of Brazilian educator Paulo Freire[27] and incorporate teaching methods developed by feminists in law and other disciplines. Women active in the movement to end domestic violence in the United States developed Education Groups based on the experiences of survivors of domestic violence.[28] The groups have also been adopted for use in New Zealand in the Hamilton Abuse Intervention Pilot Project (HAIPP) and in women's refuges.[29] For example, the Hamilton Refuge and Support Services collective, where I am a member, has found Education Groups effective for training refuge workers and for teaching survivors of domestic violence about abuse.

The centrality of the experiences of survivors of domestic violence to Education Groups suggests that they can be used as a feminist tool to educate law students and lawyers about domestic violence, providing a crucial link between practices and theories of lawyering and the experiences of women. Education Groups also provide for the recognition of commonalities as well as differences in women's experiences: the teaching methods and tools employed are constantly open for revision in light of changing experiences or changing interpretations of experiences. They also recognise the situated aspects of knowledge: they are explicitly contingent and situated.

Pedagogy: the Work of Paulo Freire

Paulo Freire developed a critical theory of literacy working in the Brazilian Northeast during the country's literacy campaign in the 1960s.[30] His work draws on Marxist analysis, but he has also been called a humanist, an existentialist, a phenomenologist, a Christian, a radical and a revolutionary.[31] Freire's pedagogy has a

practical side: he presents concrete examples from his practice, and concrete guidance for the development of educational systems. This may be what originally attracted feminist activists in the United States to Friere's work.[32]

His pedagogy for liberation responds to the dominant approaches to education, or what he calls the banking model of education:

> the teacher teaches and the students are taught
> the teacher knows everything and the students know nothing
> the teacher thinks and the students are thought about
> the teacher talks and the students listen — meekly
> the teacher disciplines and the students are disciplined
> the teacher chooses and enforces his [sic] choice and the students comply
> the teacher acts and the students have the illusion of acting through the action of the teacher
> the teacher chooses the programme content, and the students (who were not consulted) adapt to it
> the teacher confuses the authority of knowledge with his own professional authority, which he sets in opposition to the freedom of the students
> the teacher is the Subject of the learning process, while the pupils are mere objects[33]

In the banking model of education, the teacher deposits knowledge and the students are the depositories: students' action is limited to receiving, filing and storing the deposits of the teacher.[34] Students participate little in their own education, and learn to be passive receivers of knowledge, rather than active creators of knowledge. Students' creativity and the development of critical faculties are stymied by this method of education, and the *status quo* in society is maintained.[35] This summary of traditional education accurately describes the Socratic method, although it falls short of suggesting that the teaching is actually done using the fear and intimidation experienced by so many law students.

Freire's liberation pedagogy[36] starts from the premise that nothing threatens the development of democracy, or participatory government more than the banking model of education:

> an educational practice which failed to offer opportunities for the analysis and debate of problems, or for genuine participation; one which not only did not identify with the trend toward democratization but reinforced our lack of democratic experience.[37]

An educational programme that supports participatory democracy should treat the participants as subjects rather than passive receivers and should incorporate creativity and stimulate critical thinking. Such a programme would require

> an active, *dialogical*, critical and criticism-stimulating *method*;
> changing the *program content* of education;
> the use of *techniques* like thematic 'breakdown' and 'codification'[38]

Freire applied his theory to the development of five phases of a literacy programme intended to meet these requirements. His methods have been used for the development of the Education Groups which teach about domestic violence in the United States and in Hamilton, New Zealand.

Education Groups

The five developmental phases for the Education Groups are: conducting a survey; choosing a theme and posing a problem; analysing the problem; developing a code; and providing for discussion on possible action.[39] Education Groups teach about domestic violence on three levels: the personal, the institutional and the cultural.[40] Freire's method suggests that the content for an education programme be determined by the teachers and students together: all teaching materials for the Education Groups are therefore drawn from the personal experiences of survivors of domestic violence.

1. Conducting the Survey

The first phase for developing Education Groups is research using informal interviews.[41] Hundreds of survivors of domestic violence were surveyed for the development of the Education Groups in the United States.[42] The surveys were conducted by formerly abused women, support group facilitators, support

group members and shelter advocates.[43] The women were asked to identify issues that they would like to know more about.— what would they like to learn? Surveys provided the basis for choosing the themes and posing problems. In an effort to keep the themes and problems current and to allow for evolution, surveys continue to be conducted yearly throughout the community: in the shelter, waiting for court hearings, in welfare offices, lawyers' waiting rooms, medical care offices, etc.[44]

2. Identifying Themes; Posing and Analysing Problems

The surveys were used to identify themes. The themes must be generative — that is, capable of analysis from three perspectives: the *personal* (relating basic physical and emotional needs to the problem); the *institutional* (relating the policies of community institutions to the problem); and the *cultural* (relating the values and beliefs of a group of people to the problem).[45]

One of the themes that emerged from the original survey was a high incidence of the repetition of specific abusive behaviours.[46] When asked what they would like to learn, women repeatedly replied with questions such as, why doesn't he let me see my friends? Why does he treat my friends so badly? Why do men think they can treat women like servants? Why does he keep accusing me of being a lesbian? Is emotional abuse battering? Why doesn't he want me to make money? These questions suggested that abuse consists not only of physical violence and threats, but is also facilitated by other abusive tactics that reinforce physical violence.[47]

In order to determine whether a theme developed around abusive behaviours other than physical abuse might be generative, the theme was analysed at the three levels of the personal, institutional and cultural. At the personal level, analysis occurred through questions such as:

> What are the intents of these behaviours?
> What are the effects of the behaviours?
> Do the behaviours form a pattern? what pattern? how?[48]

The abusive behaviours were also analysed at the institutional level:

> How do institutions reinforce the behaviours?
> How do institutions block or facilitate women in dealing with these behaviours?[49]

The impact of cultural values and belief systems on the problem were also discussed:

> What cultural values contribute to the ability of men to use these tactics?
> What values and beliefs impede women in dealing with the tactics?[50]

These discussions proved to be generative: the theme of the high incidence of specific abusive behaviours was capable of facilitating survivors in analysing their experiences on the personal, institutional and cultural levels. The next phase in developing the content for the education groups involved developing a code to represent the abusive tactics.

3. Developing a Code

The code is a teaching tool used to focus group discussion.[51] It is developed when group discussions of the theme among women are found to be generative. The method used to develop the codes recognised the partiality of the experiences drawn upon and the contingent character of the production of knowledge in two manners.[52] First, culturally appropriate codes were developed: the Native American women in the United States have developed their own codes for teaching about battering.[53] Second, the method of developing codes, based on ongoing surveys, is always open to evolution and change; any code developed and any theme upon which a code is based is constantly re-examined in the light of the experiences of survivors of domestic violence.

The power and control wheel (see figure 1) was developed as a code, or teaching tool to focus group discussion; it is not the only code developed, and it can be used in many different ways. It was developed to represent the generative theme of the high incidence of specific abusive tactics used by abusers. It also represents the role played by physical and sexual abuse in the dynamics of domestic violence. The power and control wheel represents physical abuse and the other tactics as intentional acts used to

figure 1

gain power and control over another person, rather than as an anger management problem or a problem with loss of control by the abuser. The hub, or centre of the wheel represents the intention of all of the abusive tactics — to establish power and control. Each spoke of the wheel represents a particular tactic used by abusers. The rim of the wheel, which gives it strength and holds it together, is physical and sexual abuse.

The design of the wheel is important to understanding the dynamics of domestic violence; physical abuse is only one part of a whole system of abusive tactics that an abuser uses to gain and maintain power and control. Physical violence is never an isolated behaviour; it is used to back up and reinforce other tactics. Indeed, physical violence may only be used when the other tactics fail. The power and control wheel can be used as a tool in

answering questions posed by women in the original surveys. For example, tactics such as not allowing a woman to see her friends, or treating her friends poorly are identifiable as isolating tactics. Treating a woman like a servant is using male privilege, and emotional abuse is just one among many tactics used for the ultimate purpose of gaining and maintaining power and control. The power and control wheel also aids in viewing tactics of abuse as conscious efforts to gain and maintain power and control, rather than as the result of alcohol abuse or poor anger management. The wheel is also an effective tool for consideration of the specific questions developed at the personal, institutional and cultural levels, discussed above.[54]

4. Providing For Discussion on Possible Action

Once a code is developed that facilitates discussion of the theme and analysis of the problem on the levels of the personal, institutional and cultural, discussion of possible actions in response to the problem follows. For example, when women discuss, at the institutional level, how abusers' use of the tactics presented in the power and control wheel are reinforced by community institutions, a focus on the institutions and the actions of the institutions that facilitate the abusers' behaviours has already been achieved. Actions to stop, rather than facilitate, the abusive behaviours, can then be discussed.

Education Groups and Feminist Teaching Methods

Once the codes have been developed, they can be used in Education Groups to teach others about abusive situations, as well as to stimulate discussion on possible action. Education Groups are particularly feminist because the codes developed as teaching tools are rooted in the experiences of women, the codes are explicitly contingent in response to changes in those experiences, different codes can be developed to reflect the experiences of different groups of women, and the methods used with the codes to teach about domestic violence are consistent with developments in feminist teaching methods. The development of feminist approaches to teaching law students and lawyers about domestic violence, which incorporate and reflect the experiences of survivors

of domestic violence, is crucial to combating the existing lack of understanding of lawyers that has been identified in the quotes from survivors presented above, and that reflects societal attitudes towards domestic violence. This section discusses some of the ways in which the power and control wheel is used in Education Groups to teach about abuse, and identifies two of the teaching methods used, storytelling and sharing life experiences, as feminist teaching methods. It focuses on the power and control wheel as one code which has been widely used in New Zealand, both at HAIPP and in women's refuges.

1. Generally

The power and control wheel is currently used at HAIPP to facilitate group discussions about abuse in men's Education Groups, women's Education Groups, refuge workers' training courses and in continuing education for police, judges and other court personnel.

Abusive men referred by the Family or District courts are required to attend Education Groups that use the power and control wheel to teach about abuse. Men may also self-refer into the groups: one lawyer in Hamilton has referred himself onto the programme for his own personal education as well as in an attempt to inform his advice to his clients. Survivors of domestic violence are invited to attend women's Education Groups as a result of contact by refuge workers in response to calls to refuge or to the police. Information on the groups is available through other community services. The power and control wheel is also used to train refuge collective members in the dynamics of domestic violence. Local lawyers have also attended refuge training. Finally, refuge workers use the power and control wheel to discuss tactics of abusers with police, judges, and other court personnel.

2. Specific Teaching Methods

Storytelling

The power and control wheel, as a code, is used with stories of the experiences of survivors of domestic violence to teach about abuse. Storytelling in law can work to disrupt the legal categories created by the dominant groups in society by presenting moving

stories of experiences that do not fit into established legal categories.[55] Not suprisingly, the creation of this method of teaching is attributable to women of colour, lesbians and other so-called minority groups, or outsiders.[56] The stories of outsiders work in two ways: they create bonds between those who share the experiences that the stories represent, and they challenge the dominant characterisation of the experiences of these groups. They may also serve to open up space within the dominant groups and the legal categories for the recognition of these experiences.

Three types of stories are used with the power and control wheel to teach about domestic violence in the Education Groups: vignettes illustrating specific tactics of abuse, as related by survivors of domestic violence, are presented on video; a group of women tell their stories of how each tactic represented in the wheel was used by their abuser on video; and group members tell their own stories of power and control in their lives. Stories of group members come from both the facilitator, who is often a survivor and may also be a refuge worker, and from the participants in the group.

Stories of survivors of domestic violence are the stories of outsiders. The dominant construction of survivors is that they deserve what they get. As discussed above, physical abuse of women in the home has been, until quite recently, not only condoned by society, but lawful. It continues to be condoned by both society generally and the legal system.[57] However, the stories of survivors challenge societal stereotypes of survivors and the tendency of society to condone abuse. The stories of group members may also present challenges to other group members to identify and recognise abuse in their own lives. The stories of group members who are lawyers may challenge the stereotypes that abuse doesn't happen to intelligent, well-paid women, and isn't used and perpetuated by intelligent, well-paid men.

Sharing Life Experiences

Sharing life experiences in the classroom, with the possibility of creating the 'collaborative, questioning spirit of the consciousness-raising method', has been identified as another feminist teaching method.[58] Consciousness raising is based on group members sharing life experiences with each other. The commonalities of

the experiences and patterns that emerge are explored to reveal 'the social dimension of individual experience and the individual dimension of social experience', and to facilitate structural critique, which have both been identified as goals of feminist teaching and methods.[59]

Like Freire, feminist teachers have recognised that empowerment occurs through sharing information, rather than receiving it parcelled out from an authority figure. Each participant in a group has valuable information to exchange which is as important as the information received from the teacher and all participants are responsible for the quality of the discussion.[60]

Education Groups incorporate aspects of consciousness-raising. Stimulated by the stories told in the videos, experiences of group members are shared and analysed at the personal, institutional and cultural levels. This type of analysis facilitates connections between individual experiences and the social dimensions of those experiences. For example, a specific group education session for women might begin with the screening of a video vignette. One vignette depicts a scene in which a woman, having obtained a protection order, is faced with the abuser using emotional put downs such as 'No judge would give you custody of the kids'. The scene ends with the abuser implying that the woman is at fault.[61]

After showing the video, the facilitator might pose the following questions: What happened in the scene? Why did it happen? What tactics were used? Tactics could be identified by using the power and control wheel, but are not limited to those represented there. How did she respond? Why did she respond that way? What was the intent of the behaviour? These questions might be asked with respect to each of the three levels of analysis identified above: the personal, the institutional and the cultural. At the personal level, group members might discuss experiences similar to the ones portrayed in the video. At the institutional level, group members might discuss the role of community institutions and organisations in giving him more power and reducing her power. At the cultural level the values and beliefs operating might be discussed, focusing on the values and beliefs that were operating on his part, on her part, and in the community where they lived. The discussion might also cover how those values and beliefs define his power and her power. Finally, the group might discuss

options for action. These might include personal options to reduce the power of the tactics used in group members' lives, what women in the community can do to make changes in the institutions and what actions might be taken to influence the way that personal and community values are shaped. This is only one manner in which a vignette and the power and control wheel can be used; the teaching method is intended to be open to possibilities for discussion posed by facilitators and group members.

The experiences of the facilitators are an aspect of the Education Groups and are another manner in which life experiences are shared. Facilitators, who are often themselves survivors of domestic violence, are specifically trained and experienced in both drawing out the institutional and cultural facilitators of violence and in sharing their own experiences in manners that facilitate the group understanding of the dynamics of domestic violence.

The questions and problems posed in relation to the stories used and experiences discussed, especially the analysis of the tactics at the level of the institutional and cultural, also provide a means for connecting personal experiences to the subordination of women in society, revealing the social dimension of these individual experiences.

Consistent with Freire's emphasis on creativity and the development of critical thinking in education, critical thinking is also encouraged in the Education Groups by considering questions such as: Why is it that way? Why would god want it that way? Is it inevitable that things are this way? Does it make sense that things are this way?

Education Groups, using the power and control wheel, analysis of experiences at the levels of the personal, institutional and cultural, and critical thinking, have the potential to create the collaborative, questioning spirit of the consciousness-raising method. Consciousness-raising does not only occur in small groups: it also occurs through the public sharing of experiences of oppression by women, which may help to change public perceptions of the meaning of experiences to women.[62] This aspect of consciousness-raising occurs in the Education Groups through the sharing of the experiences of abused women in the vignettes and other videos. All of the teaching materials are drawn from the personal experiences of abused women. The women's experiences

shape the themes which generate the codes, and provide the stories for the videos. These experiences are important in ensuring that a wide range of experiences are available for analysis in the groups.

Teaching about domestic violence in the Education Groups is also consistent with the recognition that empowerment occurs through the sharing of information. Group members share information about their experiences and their understandings of institutional and cultural responses with other group members and with the facilitator. Contact with institutions and cultural beliefs from innumerable perspectives is, in fact, crucial to revealing the pervasiveness of their influence and impact. Therefore, each group member's experience at these levels is an important contribution to the discussion and education of other group members.

The Education Groups provide an opportunity for law students and lawyers to examine issues of power and control and the use of specific tactics to gain and maintain power and control in their own lives. The Education Groups have the potential to enlighten the law students and lawyers to comprehend how their clients perceive the world.[63] Identification of power and control issues in their own lives may also assist lawyers in recognising some commonalities with their clients' experiences with power and control. These perceptions and recognitions have the potential to inform by providing deeper understandings of the dynamics of domestic violence.

Practices: Influences on Legal Representation

Education Groups using the power and control wheel are appropriate methods for teaching lawyers about domestic violence.[64] One of the goals of the Education Groups is to promote recognition that abuse is part of the wider social subordination of women by linking abusive tactics to institutional and cultural facilitators of abuse. The experiences of women in New Zealand discussed above suggest that this recognition by lawyers may also be important to legal representation. Recognition by lawyers of the social subordination of women and its reflection in tactics of gaining power and control, as well as consideration of the possible actions that

lawyers might take to address these issues at the institutional and cultural levels, could also have direct impact on the legal representation of survivors.

Betty did not receive a final non-molestation order, apparently because her abuser did not abuse her during the period for which the interim order was in effect. The Domestic Protection Act 1982 provides that non-molestation orders may be applied for on an *ex parte* basis, without the other side having a chance to defend. *Ex parte* orders may be granted where the Court is satisfied that the delay caused by giving the defendant notice prior to issuing the protection order might entail risk to the personal safety of the woman or might entail serious injury or undue hardship.[65] An *ex parte*, or interim order is issued to ensure that the woman has protection immediately. A date is then set for a final hearing, at which time the woman must prove that an order is necessary for her protection in order to justify a permanent non-molestation order.[66] The law does not require the applicant to show that the abuser perpetrated further abuse during the period covered by the interim order to justify granting a final order, it simply requires a showing that the applicant is in need of protection at the final hearing.

The fact that Betty was not abused during the period covered by the interim order is likely to mean that the interim order was effective in protecting Betty from abuse. It did not mean that Betty was no longer in danger: power and control are rarely relinquished without strong intervention and clear messages. In this case, the message provided by the interim order, combined with the fact that Betty was in hiding in a women's refuge during the interim period, was enough to protect Betty.

Betty's lawyer made no argument to the judge in support of finalising her order, apparently because the judge had a policy of not granting final orders where there was no abuse during the period covered by the interim order. An understanding of the power and control dynamics of domestic violence might have changed the way in which Betty's lawyer represented her. It would have clarified that Betty remained in danger despite the fact that her abuser had not used physical violence during the period of the interim order. The lawyer might also have been aware of the need for change in dealing with domestic violence

at the institutional level. She might have argued to the judge that the lack of abuse during the period covered by the interim order was simply an indication that the order was working effectively, not that the protection was not necessary. The importance of educating the judge about the on-going danger to her client, in the interests of both her client and institutional change, could have also alerted the judge to the possibility of on-going danger for other women in similar situations.

Similarly, had the lawyers that Robin approached been aware of issues of power and control, they might have recognised Robin's need for protection as the type of protection intended to be remedied by the Domestic Protection Act 1982. Simply because Robin had not been physically abused recently in her relationship did not mean that a non-molestation order was not necessary for her protection.[67] An understanding of the power and control dynamics of domestic violence might have assisted a lawyer in formulating questions to ask Robin about other tactics of abuse. The answers to these questions could have clarified her need for protection and the ways in which her situation met the statutory criteria. The importance of obtaining protection for Robin and of educating the judge and making changes at the institutional level, might also have been more apparent to a lawyer with an understanding of the power and control dynamics of domestic violence.

I have been concerned here with *how* feminists might integrate theories and practice of lawyering with the experiences of women in a manner that is consistent with gradual movement on a theory-practice spiral towards feminist theories of lawyering.[68] Sound practices of feminist lawyering need to be based in the experiences of women, and in our critical testing and re-visiting of those experiences. Education Groups provide a manner of linking feminist lawyering with the experiences of women, incorporating teaching methods that have been developed by feminists. These methods allow the development of knowledge of women's experiences of domestic violence that recognises the contingency and diversity of those experiences, and which is therefore *situated.* This situated knowledge of women's experiences of domestic violence is the kind of knowledge that is crucial to the gradual movement on the theory-practice spiral towards feminist theories of

lawyering. A focus on teaching lawyers about the dynamics of domestic violence using Education Groups can provide a basis for the development of theories of lawyering that integrate the experiences of survivors of domestic violence and feminist practices of lawyering.

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Notes:

1. Kimberly E. O'Leary, 'Creating Partnership: Using Feminist Techniques to Enhance the Attorney-Client Relationship', *Legal Studies Forum*, XVI:207 (1992) pp. 209–210.
2. ibid., p. 211.
3. Katharine Bartlett, 'Feminist Legal Methods', *Harv Law Review*, 103:829 (1990).
4. O'Leary, p. 212–221.
5. Lucie White, 'Paradox, Piece-Work, and Patience', *Hastings Law Journal*, 43:853 (1992) pp. 854–55.
6. ibid., p. 855.
7. In New Zealand 80 percent of the assaults that police attend are domestic assaults. In New Zealand in 1993 24 out of 55 deaths involved domestic relationships.
8. I use 'pedagogy' to refer to the process by which knowledge is produced, reproduced and transmitted, which requires attention to epistemology, the politics of the processes and the political context. I am indebted for this definition to Jennifer Gore's discussion in *The Struggle for Pedagogies* (Routledge, New York, 1993) pp. 3–6.
9. Elizabeth M. Schneider, 'Particularity and Generality: Challenges of Feminist Theory and Practice in Work on Woman-Abuse', *NYU Law Review*, 67:520 (1992) p. 521; Elizabeth M Schneider, 'The Dialectic of Rights and Politics: Perspectives From the Women's Movement', *NYU Law Review*, 61:589 (1986) pp. 601-602; bell hooks, 'Theory as Liberatory Practice', *Yale Journal of Law & Feminism*, 4:1 (1991) p. 8; Personal Narratives Group, 'Origins', in Personal Narratives Group (ed), *Interpreting Women's Lives* (Indiana University Press, Bloomington, 1989) p. 3; Kathryn Abrams,

'Hearing the Call of Stories', *Calif Law Review*, 79:971 (1991) pp. 975-76; Mary Jane Mossman, 'Gender Equality and Legal Aid Services: A Research Agenda for Institutional Change', *Syd Law Review*, 15:30 (1993) p. 50.

10. Phyllis Goldfarb, 'A Theory Practice Spiral: The Ethics of Feminism and Legal Education', *Minn Law Review*, 75:1599 (1991) pp. 1646; 1614.
11. Joan Scott, 'Experience' in Judith Butler and Joan Scott (eds.), *Feminists Theorize the Political* (Routledge, New York, 1992) p. 34. Scott provides an interesting discussion of the category of 'experience' and its usefulness to feminists in the context of the development of history.
12. ibid., p. 37.
13. Donna Haraway, *Simians, Cyborgs and Women: The Reinvention of Nature* (Routledge, New York, 1991) p. 195.
14. Goldfarb, p. 1646.
15. 'Refuge' refers to an independent member of the National Collective of Independent Women's Refuges (NCIWR), which provide emergency housing, support and advocacy, as well as other services, to women leaving abusive relationships.
16. Ruth Busch, Neville Robertson, and Hilary Lapsley, *Domestic Violence and the Justice System: A Study of Breaches of Protection Orders* (Victims Task Force, Wellington, 1992). This report was censored by the New Zealand Department of Justice and an edited version was released. Cites are to the unedited version, which is available to a restricted audience from the New Zealand Department of Justice under the title 'Protection From Family Violence'. See Ruth Busch, '"Was Mrs. Mesina Really 'Lost'?": An Analysis of New Zealand Judges' Attitudes Towards Domestic Violence', *Otago Law Review*, 8:1 (1993) pp. 17–18.
17. Interviewer questions are shown in capitals.
18. See Busch.
19. Busch, pp. 181–242, 259–275; Martha Mahoney, 'Legal Images of Batttered Women: Redefining the Issue of Separation', *Mich Law Review*, 90:1 (1991) pp. 10–19.
20. This research project also included interviewing nine lawyers who represent women seeking protection from domestic violence from the legal system. Two of these lawyers indicated that they had attended training in the dynamics of domestic violence as part of training to become members of a women's refuge collective: none of the other lawyers indicated that they had any specialist training in legal representation in this area. However, one recent develop-

ment in specialist training has occurred. A recent New Zealand Law Society Seminar titled 'Domestic Violence' addressed the power and control dynamics of domestic violence. Refuge workers participated in facilitating parts of the seminar. This was a one-off seminar where attendance by lawyers was voluntary. See Graham Barnes, Sarah Fleming, June Johnston and Sandra Toone, 'Domestic Violence', New Zealand Law Society Seminar (1993).

21. The classic 'Socratic method', and the 'Socratic dialogue *cum* lecture', continue at most law schools. See Carrie Menkle-Meadow, 'Feminist Legal Theory, Critical Legal Studies and Legal Education or "The Fem-Crits Go to Law School"', *Journal of Legal Education*, 38:61 (1988) p. 70. In practice many law school classes now consist of brief lectures with a 'Socratic' tag question occasionally punctuating a paragraph of lecture.
22. See for example Menkel-Meadow; Elisabeth McDonald, 'The Law of Contracts and the Taking of Risks: Feminist Legal Theory and the Way It Is', *VUW Law Review*, 23:2 (1993) pp. 113–120; Patricia A Cain, 'Teaching Feminist Theory at Texas: Listening to Difference and Exploring Connections', *Journal of Legal Education*, 38:165 (1988); Torrey Morrison, 'Teaching Law in a Feminist Manner: A Commentary From Experience', *Harvard Women's Law Journal*, 13:87 (Spring 1990) p. 90; Lucinda Finley, 'Women's Experience in Legal Education: Silencing and Alienation', *Legal Education Review*, 1:101 (1989); Catharine MacKinnon, 'Feminism in Legal Education', *Legal Education Review*, 1:1 (1989) p. 85; Jenny Morgan, 'The Socratic Method: Silencing Cooperation', *Legal Education Review*, 1:2 (1989) p. 151; Christine Boyle, 'Teaching Law As If Women Really Mattered, or, What About the Washrooms?', *Canadian Journal of Women and Law*, 2:96 (1986); Toni Pickard, 'Experience As Teacher: Discovering the Politics of Law Teaching', *University of Toronto Law Journal*, 33:279 (1983).
23. See for example MacKinnon pp. 89–92.
24. See for example Catharine MacKinnon, *Toward a Feminist Theory of the State* (Harvard, Cambridge, 1990) p. 112.
25. Rules of Professional Conduct, New Zealand Law Society (1992) Rule 1.02 commentary.
26. See Peter Boshier (Committee Chair), 'A Review of the Family Court: A Report For the Principal Family Court Judge' (Auckland, April 1993) pp. 159–160 for a recognition of the specialist nature of Family Court practice and a recommendation that practitioners participate in continuing education programmes.
27. Paulo Freire, *Education for Critical Consciousness* (Continuum, New

York, 1973); *Pedagogy of the Oppressed* (Continuum, New York, 1970).

28. This method of teaching about abuse was developed in a shelter for battered women in Duluth, Minnesota, as part of the Duluth Abuse Intervention Project and has been adopted for use in Hamilton and other locations in New Zealand. Its use is also spreading in the United States. See Minnesota Program Development, INC, *In Our Best Interests* (Minnesota).
29. For a description of HAIPP, and a discussion of the use of this pedagogy in an intervention programme, see Ruth Busch and Neville Robertson, 'An Intervention Approach to Domestic Violence', *Waikato Law Review*, 1:109 (1993) pp. 126–131. HAIPP was founded as a result of initiatives by refuge workers and this pedagogy was originally adopted and tested in New Zealand as part of HAIPP.
30. Peter McLaren and Peter Leonard (eds.), *Paulo Freire: A Critical Encounter* (Routledge, London, 1993) p. 1.
31. Gore, p. 41.
32. For a discussion of Freire and feminism see for example bell hooks, 'hooks speaking about Paulo Freire — The Man, His Work', in McLaren and Leonard, p. 146. Feminists have critiqued Freire's work for its sexist language and have critiqued applications of his five phases (discussed below) in ways that have excluded women and have therefore resulted in teaching tools that are androcentric. See for example Patricia Maguire, *Doing Participatory Research: A Feminist Approach* (University of Massachusetts Center for International Education, Amherst, 1987) pp. 80–86. As discussed below, the teaching tools for Education Groups were developed by women based on the experiences of women. These critiques therefore do not apply to Education Groups.
33. Freire, *Pedagogy*, pp. 59-60.
34. ibid., p. 58.
35. ibid., p. 60.
36. Freire's pedagogy has been critiqued as modernist and defended as post-modernist. See generally McLaren and Leonard. For an excellent analysis of feminist and critical pedagogies as regimes of truth, see Gore. My discussion partially responds to critiques of Freire's pedagogy as modernist and as regimes of truth by focusing on the contingency of both the pedagogy and the theories to which it might lead, as well as by recognising the limitations of both the pedagogies and the theories of lawyering.
37. Freire, *Education*, p. 36.
38. ibid., p. 43, p. 45, notes 53-55 and accompanying text. For a fuller

explication by Freire see *Pedagogy*, pp. 106–107, 113 ff.

39. Freire, *Education*, pp. 42–58.
40. Minnesota Program Development, p. 9. This section draws on the training manual to describe the development of the teaching method.
41. Freire, *Education*, pp. 49–50.
42. Minnesota Program Development, p. 7.
43. 'Shelter' is the word used in the United States for emergency housing, support and advocacy services offered to survivors of domestic violence.
44. Minnesota Program Development, p. 7.
45. ibid., p. 9.
46. ibid., p.8.
47. ibid., p. 9.
48. ibid.
49. ibid., pp. 9–10.
50. ibid., p. 10.
51. ibid., p. 10.
52. See endnotes 9–14 and accompanying text.
53. Minnesota Program Development, pp. 93-97.
54. See endnotes 46–8 and accompanying text.
55. Kathryn Abrams, 'Hearing the Call of Stories', *Calif Law Review*, 79:971 (1991) pp. 975–976; Goldfarb, pp. 1630–31.
56. See Richard Delgado, 'Storytelling for Oppositionists and Others: A Plea for Narrative', *Mich Law Review*, 87:2411 (1989) p. 2412.
57. See Busch.
58. See Goldfarb, p. 1670. ('Feminist teachers endeavour to create a cooperative classroom climate that welcomes students and other persons to share their life experiences as the basis for further inquiry and speculation. In so doing, the feminist classroom recreates, in part, the collaborative, questioning spirit of the consciousness-raising method.' citing Cain.).
59. Bartlett, pp. 863 – 64; Schneider, 'Dialectics of Rights and Politics', p. 603; Goldfarb, p. 1627.
60. Morrison, p. 90, p. 93.
61. Ellen Pence and Michael Paymer, *Power and Control: Tactics of Men Who Batter; An Educational Curriculum* (Minnesota, 1986) p. 124.
62. Bartlett, pp. 864–65.
63. Goldfarb, p. 1678.
64. I do not mean this discussion to second guess strategical decisions actually made by the lawyers in Robin's and Betty's cases. Rather, the situations are used simply as examples of the types of situations

actually facing lawyers in representing survivors of domestic abuse in court, and as such, as vehicles for the discussion of the possible impact of an understanding of domestic violence as an issue of power and control, on legal representation.

65. Domestic Protection Act 1982 ss. 5(1), 14(1).
66. Domestic Protection Act 1982 s. 15.
67. ibid.
68. Goldfarb, p. 1646.

Current Policy Issues for Women: What Has Happened to Early Childhood Education?

Linda Mitchell

When David Lange announced the substantial funding increases associated with the introduction of 'Before Five' in August 1989, he told early childhood representatives that gaining the additional funding was 'like snatching raw meat out of the jaws of a rotweiller'. The announcement came at a time when pressures were on from the new right to cut government spending, sell off state assets and reduce the role of the state. Against the odds, in 1988 and 1989, women and young children gained 'a foot in the door' on issues of vital concern to them in early childhood education.[1]

Women are 51 percent of New Zealand's population. In early childhood education women have a disproportionate representation. Early childhood services are staffed by women (99 percent), supported by women through their hours of voluntary help, largely established by women and used by women. The way in which the government treats early childhood services is a barometer of the value placed on women by society.

With the change to a National government in October 1990, policies to promote an intensive new right agenda swung into sharp focus. Within two months of its election, as part of its Economic and Social Initiative Statement (19 December 1990) the government announced :

> a decision to halt the funding of the additional teacher positions required to implement the Pupil Session Unit Kindergarten Staffing Scheme;
>
> seventeen reviews of education. Three of these were to be major reviews of early childhood education funding, staffing and properties;

Women's Studies Journal, 10 : 2 (September, 1994).

Finance Bill (No 2) removing any legal impediment to payment of fees in kindergartens;

cut backs to Department of Social Welfare benefits, six month stand-down periods for unemployment benefit (if a worker voluntarily left employment).

Fundamental changes to industrial legislation were made with the passing of the Employment Contracts Act on 15 May 1991. In the July 1991 budget the government put its new-right agenda into practice in early childhood education through:

amendment of regulations, to allow a lowering of staff: child ratios for under-two-year-olds in mixed age centres;

amendments to the staged plan for improving training requirements for the 'person responsible' for early childhood centres, with a lowering of the 1995 requirement;

registration of teachers made voluntary;

bulk funding of kindergarten teacher salaries to take effect in 1992;

disestablishment of Parent Advocacy Council;

reduction of funding for under-two-year-olds in childcare centres from $7.25 per hour to $4.50 per hour;

greater emphasis on targeting funding of low income families through a Department of Social Welfare subsidy and subsequent amendments to the subsidy;

contestable funding of Early Childhood Development Unit advisory and support services;

introduction of Parents as First Teachers.

In combination, these new policies have produced a steady reversal of the hard won gains to early childhood education made in the past by the determined effort of women working through their unions,

early childhood organisations and community groups.

The Employment Contracts Act was the first policy to erode wages and conditions in the childcare sector. It became law on 19 May 1991. The New Zealand National Childcare Centres Award providing minimum rates of pay and employment conditions for some 1500 childcare workers employed in 350 centres was due to expire on 30 May 1991. The new legislation required the union to establish specific bargaining authority from every member it claimed to represent. It did not require employers to meet with the union or to bargain in good faith.

The National Award was reduced to coverage of eight centres and less than fifty workers when employers, largely operating profit-making centres, refused to turn up to negotiations, despite the majority of workers authorising the union to bargain on their behalf. Raymond Harbridge and Kevin Hince provide evidence that many employers reduced their labour costs by reducing wages directly or removing penalty rates of pay in the first year after the Act. According to them, women have fared worse than men in collective contract negotiations.[2] In March 1994, the International Labour Organisation found that the Employment Contracts Act is contrary to the fundamental conventions of that organisation and has called on the New Zealand government to act on its findings.

Anecdotal evidence from the Combined Early Childhood Union of Aotearoa (CECUA) (as it was) and New Zealand Educational Institute (NZEI) Te Riu Roa shows that rates of pay for those workers who were covered by the National Award is below the minimum adult wage for a significant number of young childcare workers.

Employment conditions were also reduced after the 1991 budgetary announcements. A survey of childcare staff shows a worse ratio of staff to children, cutbacks in sick and annual leave, redundancies and less in-service training as a consequence of cutbacks to under-two funding.[3] It is notable that community based childcare centres made less damaging changes to staffing provision than did profit-making centres.

Since 1991, private for-profit childcare centres have grown at a faster rate than community based centres. Evidence is mounting that these centres offer lower rates of pay and poorer working conditions for staff and lower quality care and education for children and families in comparison with community based centres. There

is a fundamental tension between the need for owners to make a profit and the need to use funding for educational purposes. The government's agenda to foster competition and privatisation works against the interests of women who work in early childhood services and women who use and support these services. At the end of the day New Zealand society is impoverished by these policies.

The move towards privatisation is also apparent in the kindergarten sector. When kindergartens were bulk funded in March 1992, the pressure came on kindergarten associations (employers) and parent committees to make do with inadequate levels of funding, frozen at 1991 levels. The government could take a back seat since it had devolved its responsibility for kindergarten staffing to associations. There is now a wealth of information to show that bulk funding has produced increases in stress and workload for teachers, associations and volunteers, strained relationships between teaching staff and associations, and in many cases led to increases in numbers of children to undesirably large groups.[4]

Two kindergartens have closed — Sandbrook Kindergarten in Otara, and Ettrick Place Kindergarten in Tokoroa. Both were located in low-income communities, identified in the past as 'areas of special educational need'. The gap between rich and poor kindergartens has widened.[5] Teachers have borne the cost of inadequate funding levels. Relieving teachers' rates of pay were lowered, and conditions of work for all teachers were significantly reduced during the 1992 contract negotiations. Yet these teachers were already the lowest paid teachers in education.

The proliferation of private training providers that have sprung up since the establishment of the New Zealand Qualifications Authority (NZQA), many of dubious quality; the confused rulings by NZQA over how workers can upgrade their qualifications to reach equivalency to the Diploma of Teaching (ECE); the drive by owners of profit-making centres to downgrade training requirements; the low standards of training set in regulation — all these serve to deter women workers in early childhood education from up-skilling themselves and gaining qualifications that equip them to be trained teachers.[6]

The 1994 budget gave mainstream early childhood services no respite. The government did see fit, however, to increase funding substantially to Parents as First Teachers (PAFT). This is a pro-

gramme imported from Missouri, focussing on the parent in the home (more often than not a woman). It is the only early childhood service in New Zealand that did not arise from an expressed, grass roots, community need. Research evaluations of PAFT will not be completed until 1996. As Joy Anderson, President of Playcentre, said:

> Instead of increasing the support of the initiatives based on the experience and understanding of those working in the field, more money has been allocated to an imported programme which has yet to be demonstrated as having significant positive impact.[7]

Changes in the 1994 budget were also made to the Department of Social Welfare Childcare Subsidy, where criteria for eligibility was expanded to allow some additional groups access to this subsidy. There are, however, inherent weaknesses in social welfare subsidies such as the inability to control expenditure, expensive and time-consuming administrative procedures, inability to link funding with quality, and exclusion of families who are at the margins for subsidy eligibility. Families who do accept the subsidy enter into a 'poverty trap' and are stigmatised.

The steady erosion of funding to centre-based services, the reversal of progress towards pay rates that fairly reward the skills, responsibilities and qualifications of early childhood staff, the impediments set in the way of workers acquiring appropriate training to improve their qualifications: these knockbacks obstruct progress for the predominantly female workforce. Hundreds of women continue to subsidise early childhood education policies by accepting low rates of pay.

The shifts in emphasis to the parent in the home and to moves back towards a social welfare funding model threaten the advances made in the 1980s. New Zealand is now experiencing a dangerous change in direction in its early childhood education policies and we need to get back on track.

Change will come from collective action by organised groups who can articulate a vision for the future and present a way forward. The Combined Early Childhood Union of Aotearoa (as it was) and NZEI Te Riu Roa have played significant leadership roles in co-ordinating successful campaigns calling on the government

to promote and fund quality early childhood education. In this year's contract negotiations a determined campaign has been mounted for pay parity for staff with similar skills, qualifications and responsibilities from early childhood through to secondary teaching. More than ever before, we must be committed to advancing the interests of women and join together for this purpose.

* * *

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Notes

1. Anne Meade, 'Women and Young Children Gain a Foot in the Door', paper given to the Second Research into Educational Policy Conference, Wellington, 30–31 August, 1990.
2. R. Harbridge and K. Hince, *Bargaining and Worker Representation Under New Zealand's Employment Contracts Legislation : A Review After Two Years.* (Industrial Relations Centre, Victoria University of Wellington, 1993).
3. Combined Early Childhood Union of Aotearoa, *Childcare Staffing Survey*, (CECUA, Wellington, 1993).
4. C. Wylie, *First Impressions: The Initial Impact of Salary Bulk Funding on New Zealand Kindergartens* (NZCER, Wellington, 1992); C. Wylie, *The Impact of Bulk Funding on New Zealand Kindergartens, Results of a National Survey* (NZCER, Wellington, 1993); NZEI Te Riu Roa, *The Impact of Bulk Funding on New Zealand Kindergartens: a Summary of Research and Evidence* (NZEI, Wellington,1994).
5. Wylie, 1992, 1993.
6. Anne Meade and P. Kennedy, 'Early Childhood Training and Qualifications — Before and Beyond 2000: Double Gain or Theft of our Intellectuality?', in *Proceedings of the Qualifications for the 21st Century National Conference* (New Zealand Qualifications Authority, Wellington,1992); Early Childhood Group, 'Early Childhood Qualifications and Training: A Summary of Key Developments', 1994 (Obtainable from NZEI Te Riu Roa).
7. Response to the Budget Announcement of Further PAFT Programmes', Media Release, July, 1994.

Archives
Periods in History

Barbara Brookes and Margaret Tennant

> I was nearly fifteen when I woke up that morning to find blood between my legs. Panic seized me. I ran from the bedroom into the dining room and stood in the place where Mother herself stood in times of crisis ....
> "There's blood between my legs," I said tremulously.
> "It's the monthlies," mother said ....
> Mother cut up an old bath towel into rectangular strips, giving me one to pin back and front to my singlet, for bought sanitary towels were unheard of in our household.
> "It will show," I said, looking unhappily at the bulk.
> "No, it won't show," Mother lied valiantly.[1]

Janet Frame's vivid memories of the arrival of menstruation record the fear and embarrassment many young women felt when their period first came. Such references to menstruation in a few sources led us to share memories of our own experiences. This in turn set us on a path to collecting information about women's experience of menstruation in the past. We were also aware of the vast changes in language, in the products available, and the advertising associated with menstruation. A shared, regular and unavoidable experience in women's lives that is, at the same time virtually unmentionable, presents significant challenges to the historian.

We hope this introduction to our research will encourage readers to send us reminiscences of their own, their mothers, or their grandmothers' experiences. We are sure that oral sources will be central to our project but want here to share our first findings in the archives in the hope that readers might inform us of different sources of information.

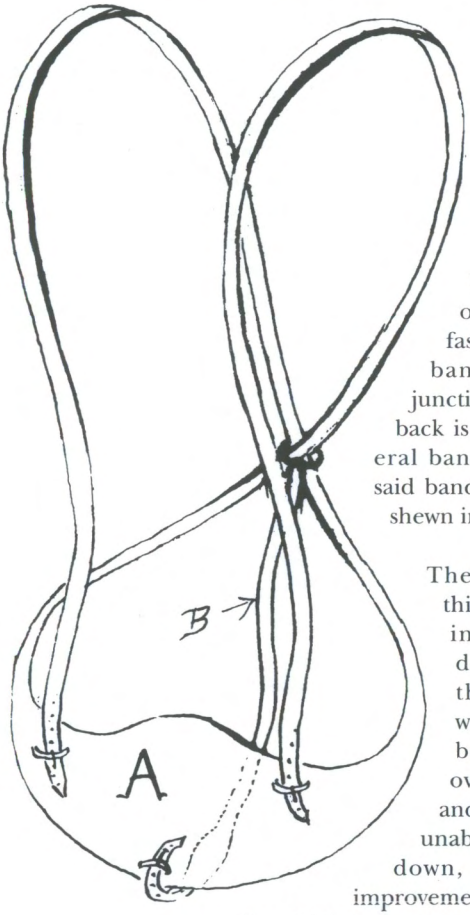
Women's Studies Journal, 10 : 2 (September, 1994).

We will begin, courtesy of our fellow historian Bronwyn Dalley, with Justice Department files relating to the Dunedin prison in 1883. In that year there was an inquiry into Dunedin prison during which several male prisoners made claims about sexual irregularities at the prison. The claims were found to be unsubstantiated but certain matters were brought to the attention of the Inspector of Prisons. A male warden complained about having to take up the bedding of a woman who was 'ill with the monthly disease' and having to provide water for her to wash. It was, the warden thought, 'shameful to ask a man to do such a thing'. A prisoner also objected to changing the bedding of women with the 'monthly disorder' and to emptying the tub full of blood. Prisons, designed for men, contained no provision for women's monthly needs. It was not until the 23 of October 1914 that the Under-Secretary for Justice ruled that henceforth sanitary towels were to be provided for female prisoners.[2]

These files give an insight into one of the most elusive questions we are interested in asking: how did 'ordinary' men (as opposed to doctors) view menstruation? Medical men took an occasional clinical interest in cases of absent (amenorrhoea) or excessive (menorrhagia) menstrual flow and asylum committal forms requested information on the onset and regularity of menstruation. More attention, however, seems to have been given to the subject by those who saw it as a means to a fortune. To design a product which half the population used monthly from ages 15 to 45 had the potential to be a goldmine. Hence the Patent Office received numerous applications from would-be entrepreneurs. The first we found was from a Hawera resident, William Swinburne, who in 1887 applied for a patent for 'an improved Ladies Hygienic suspensary bandage'.

Not all those hoping to profit from ingenious menstrual appliances were men. In 1904, Emily Schulze, married woman of Franklin Road, Auckland, submitted her design for 'An improved catamenial appliance' with 'novel yet useful accessories'.

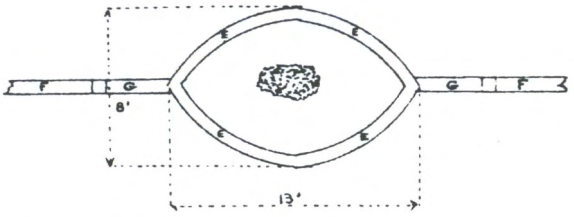
Drawing of Suspensary Bandage for the use of Ladies, showing the position on the body.



This invention consists of a broad band or pad to fit the lower part of the abdomen with extending Bands from each end of the pad, crossing each other on the back and coming over the shoulders fasten in from of said band or pad. At the junction of the crossing at back is a support for a lateral band which fastens at said band or pad in front as shewn in drawing.

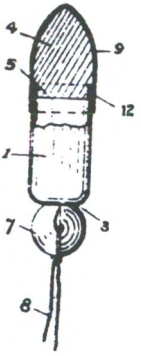
The improvements of this invention consists in the method as described above for the purpose of the weight to be carried, being distributed over the whole body and the bandage being unable to slip up or fall down, and I claim these improvements as my invention for which I ask protection.

The Band or pad is marked A in drawing
The lateral band is marked B in drawing.'[3]

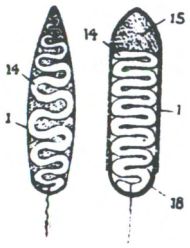


An Improved Catamenial Device

Claims – An improved catamenial appliance, the same consisting essentially of a piece of oval waterproof material with novel yet useful accessories, such as adjustable sponges with patent fasteners attached; also six flannelettes to fit No.1, with eyelets worked in centres and button-holes worked in the ends, covering linen buttons which are sewn on end of no.1. Each end of No.1 is provided with a broad elastic band to button or loop as the wearer desires; such elastic bands are fastened substantially as specified. There are also waterproof bags as receptacles for all spare parts.



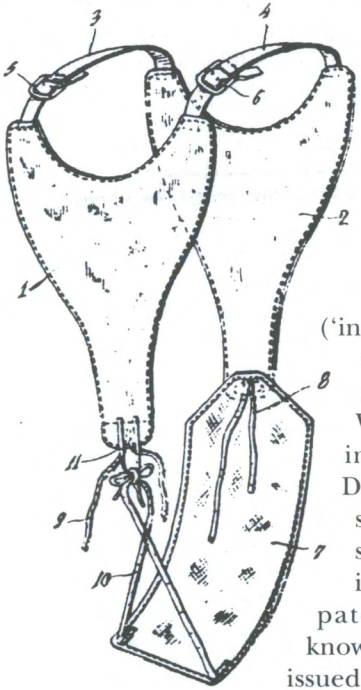
Applications also came from abroad such as that from Ellen Gayfer, an English nurse, who designed 'sanitary belt or bandage' in 1920 or Harold Hennah, a manufacturer's representative who patented a 'Sanitary towel-securing Means'. 'Improvements in [a] medicated tampon' were patented in 1908 by two druggists, Wallace Pond of Berkeley, and Walter Hall of San Francisco, California.



Improvements in Medicated Tampons

Claims – (1) A medicated tampon comprising a soluble casing, a body of medicated material carried thereby, and an expansible filling for the casing. (2) A medicated tampon comprising a soluble casing, a body of medicated material carried thereby in the shape of a plug inserted in one end of the casing, and an expansible fibrous filling for the casing protruding from the other end of the casing.

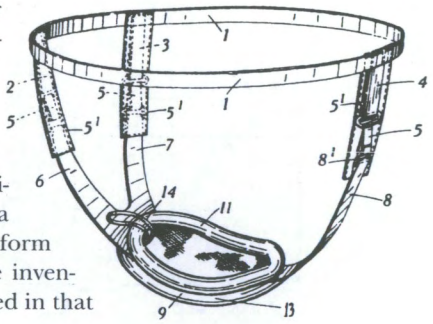
A married couple from Auckland, Thomas and Julia Diprose, applied for a patent for their 'Catamenial Belt' in 1911.



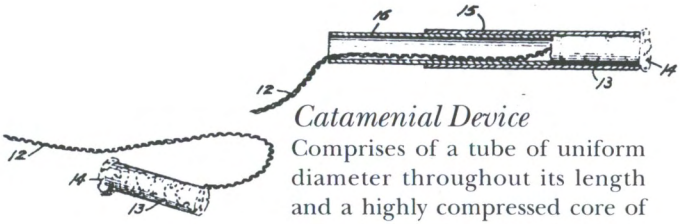
Catamenial Belt
Comprises front and back triangular portions, adjustable connecting-media, a waterproof sheet attached to one portion, tapes for connecting the parts, and tapes for securing a cloth in position.

By the 1930s patents for tampons ('intra-vaginal menstrual appliances') and sanitary pads were becoming more complex, Harrison William's design for the latter including 'deodorising material'. Designers such as Peter Paterson still sought improvements on old-style 'catamenial appliances' while in 1935 the American Earle Haas patented his tampon, to become known as Tampax. In 1937 a patent was issued for Tampax Sales Corporation's 'Tampon Compressing Machine'.

Catamenial Appliance
The invention is characterized in that the container has an open top surmounted by a sealing-rim in the form of an air-cushion. In plan view it conforms substantially with the contour of a longitudinal section through a pear, and it is of concaved form in side elevation, and the invention is further characterised in that



the narrow end constituting the back of the appliance is adapted to be rigidly supported against a wearer by means of a single centrally disposed suspension strap or the like and the wider end of the appliance is adapted to be supported against a wearer with the aid of two resilient suspension straps or the like.

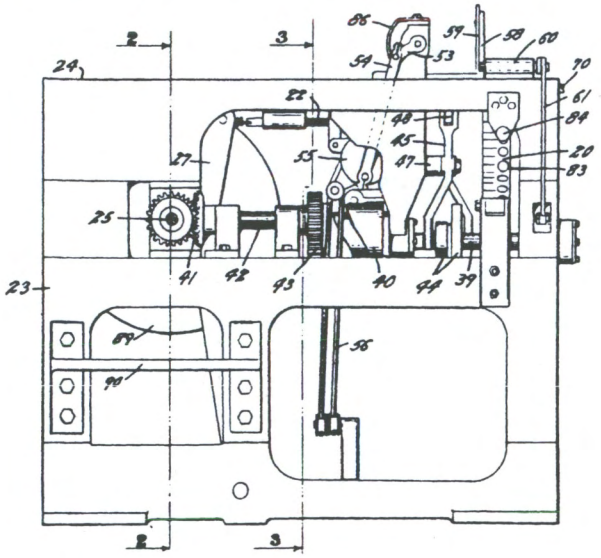


Catamenial Device

Comprises of a tube of uniform diameter throughout its length and a highly compressed core of absorbent material in one extremity of the tube.

Tampon Compressing Machine

Comprises a compression chamber; side dies moving into the compression chamber to compress the material laterally; an end plunger entering the compressing chamber after the closing of the side dies to compress the material longitudinally.



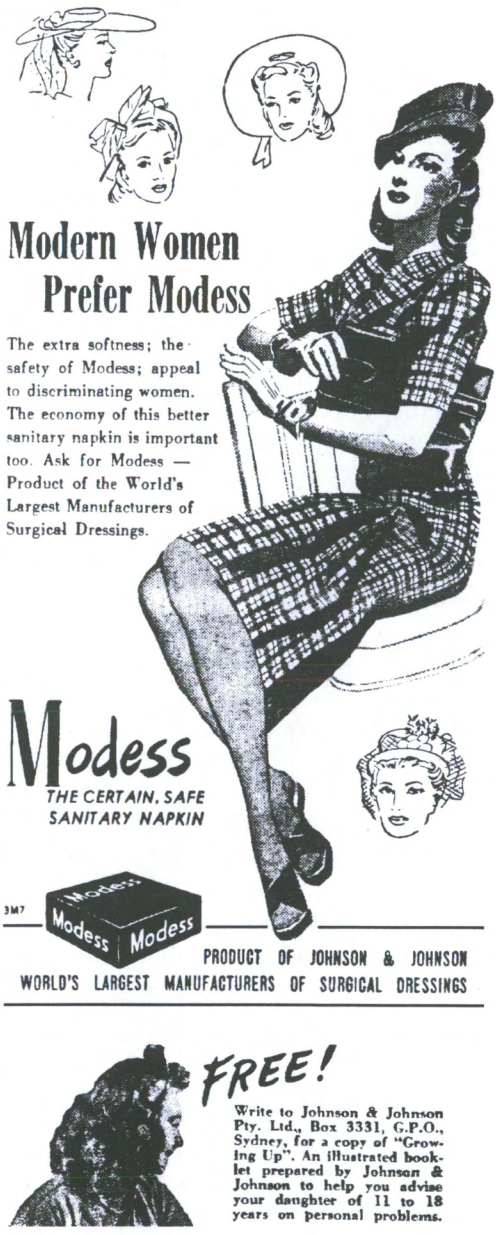
A 1946 survey of sanitary towel supplies indicated the need for imported goods and licenses were issued to twelve wholesale and retail companies and four local manufacturers. Woolworths were entitled to import 750,000 of the three million sanitary towels, McKenzies, and two of the local manufacturers, Chesterfield and Parisian, 300,000 a piece.

By 1951 local manufacturers, now numbering five, were able to produce nearly twelve million towels in six months. The estimated annual requirement, according to the Department of Industries and Commerce, was 22,500,000 towels, including 1,500,000 tampons. One of the side-effects of the 1951 waterfront strike was that deliveries of raw materials such as gauze and cellulose were held up in the docks. The Parisian Neckwear Company was unable to manufacture napkins.to fulfil its supply to Woolworths and that retailer requested a license to import a further 72,000 dozen sanitary pads. Discussion of menstruation entered the public record in these instances for commercial reasons, although the Department noted that, for retailers, 'Sanitary Pads are not a profitable line, but are more in the nature of a service line.'[4]

The question of quality appears to have been raised by women. One Mrs Patterson complained to the Department about the quality of sanitary towels available in the Otago district while a Miss Edwards, Principal of the Diocesan High School for Girls in Auckland raised a similar complaint. The latter's complaint led to a joint Ministry of Industries and Commerce and Health Department investigation into quality and an undertaking from New Zealand manufacturers to undertake improvements.

In 1951, manufacturers expressed concern that retail sales of sanitary towels had fallen off for three reasons. Tampons were becoming more popular, terry-towelling pads, which were reusable, had been re-introduced, and, finally, conventional pads were just too expensive. At three shillings per dozen, consumers looked for less expensive options.

What were customers being attracted by? The names of sanitary pads are suggestive. 'Libertex' and 'Santex' emphasised freedom and hygiene. 'Bendex' was perhaps aiming at flexibility. The Kotex 'Wonderform Belt' promised 'supreme comfort'.



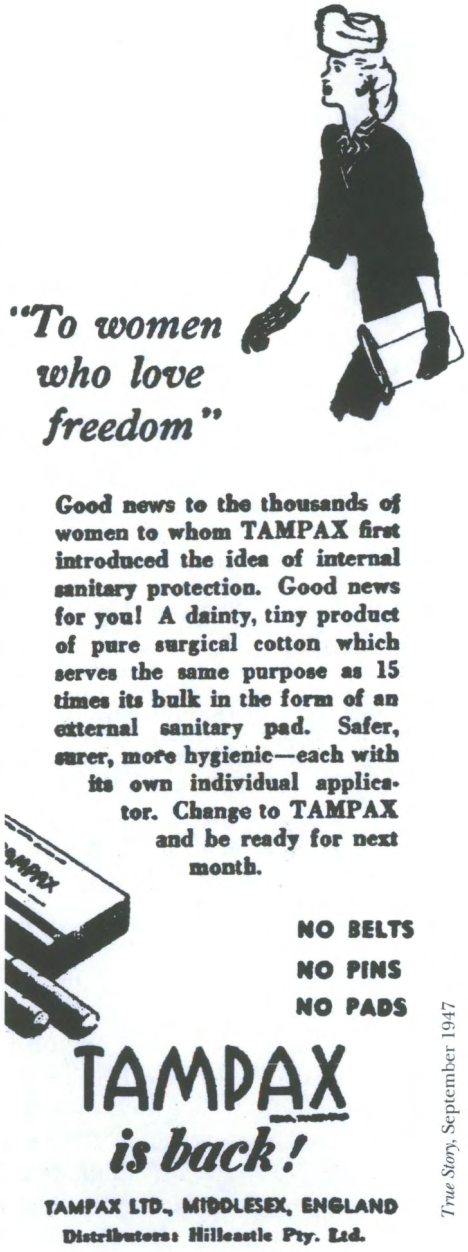
True Romance, December 1950

True Story, September 1947

The most elaborate advertising campaign was undertaken by Johnson and Johnson, claiming 'Modern Women Prefer Modess'. Tampax, apparently slow to take off in New Zealand, addressed their advertisements 'To women who love freedom'.

By the late 1950s, New Zealand women were said to be demanding Modess, suggesting both fashion and softness. Business was so profitable that Johnson and Johnson could afford full page colour advertisements of a woman with upstretched arms, clad in an elaborate yellow evening gown, protected and comforted by the luxurious softness of Modess. A generation of women grew up with 'modess because. . .' advertisements, as elaborate as they were obscure.

While towel and tampon manufacturers advertised freedom by ensuring women were 'certain, safe and sanitary', pharmacists hoped to profit from sales of MYZONE, modestly labelled 'science's greatest gift to women' which would banish 'languid despondency'. This wonder drug enabled

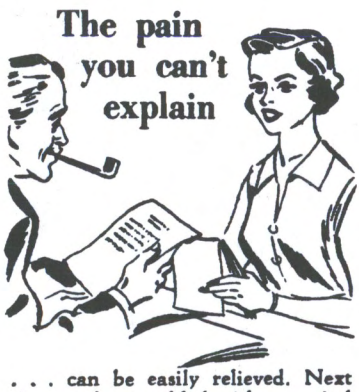


True Story, September 1947

Hollywood stars 'to go on from day to day looking unbelievably lovely, smiling and acting as if they didn't have a care in the world'.[5] The 'pain you can't explain' could be 'easily relieved'.

Drugs might banish pain but it was more difficult to rid oneself of the object which absorbed the blood. Janet Frame again:

> I was overawed ... by the lavatories [at training college]. Near the wash-basin was an incinerator with a sign, Deposit Used Sanitary Towels Here. One had to walk, with soiled sanitary towel in hand for all to see, from the lavatory, across the tiled echoing floor, to the incinerator at the far end of the room. In my two years at Training College I carried my soiled sanitary towels home to Number Four Garden Terrace to put in the wash-house dustbin when Aunty Isy was out, or to throw among the tombstones in the Southern Cemetery at the top of the street.[6]



. . . can be easily relieved. Next time you're troubled with a period pain take a couple of Myzone tablets with water or a cup of tea. Myzone brings immediate lasting relief. Its amazing anti-spasm Actevin compound relieves pain, headache, backache, muscular pain and that sick feeling. Myzone is safe and sure. Keep a two-and-ninepenny packet in your bag always.

Ask your Chemist for

MYZONE

DAVID SPARKS LTD.

AUCKLAND M2/59

The Mirror, September 1959

Yet another business, that of the destructor machine, aimed to profit from the menstrual cycle. 'Every Factory Executive in charge of Female labour,' New Zealand Health and Hygiene services advertised, 'will appreciate this Modern Solution to one of his most troublesome problems'. With a disposal time of seven minutes, the SAN-BURN was recommended for factories, offices, hotels, 'absolutely essential' for theatres, 'hygienic safety' for high schools and colleges, 'the only answer' for hospitals, eliminated 'all Risks and Troubles' for public conveniences and every 'Ladies Waiting Room' at transport

centres required one.[7]

These documents suggest that menstruation, although unmentionable, generated industries with large revenues because of their captive markets. We are interested to pursue the question, through oral history, of how long women relied on domestic production of appliances, and how information was relayed by mothers to daughters. A study of twenty nurses undertaken by a medical student in 1962 suggested that only two of the women felt their mothers had prepared them for menstruation. The others felt 'that their mothers were not well adjusted in these matters, and transmitted to them the feeling that menstruation is a period of being unwell, that one must be very careful of oneself must avoid all sorts of physical activities must rest and must keep oneself excessively clean'. Twelve of the women 'were brought up to look on menstruation as "the curse" one of the crosses, one of the penalties that she as a woman would have to carry'. The author of the paper recommended sensible sex education and 'a normal mode of life' to counteract the view of menstruation as debilitating.[8]

Tampon advertising reached television, arousing much disgust, in the early 1980s. By then most people had colour television but still the colour of menstrual blood remained invisible. Tampons expanded in blue liquids or the blue liquid was poured onto pads. Companies fought, by product specialisation, for even greater shares of the market. Advertising makes this obvious; what remains hidden is the way women have experienced menstruation in their own lives. We would like to receive women's reminiscences about their early experiences of menstruation; their age at first menstruation (and the approximate year), their preparedness for the experience, the products they used during their periods, and the language and attitudes they encountered. We intend to use the information we receive in articles for publication, but will use pseudonyms, unless informants specifically indicate that they are willing to be named. If you have reminiscences which you wish to share with us, anonymously or otherwise, please send them to either of us. If you would like further information, feel free to telephone us.

* * *

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Margaret Tennant lectures in history at Massey University, and has a particular interest in the history of women and social welfare in New Zealand. She has just finished a book on the development of the health camp movement, and is working on a history of women's role in the emergence of social work in New Zealand.

Notes

1. Janet Frame, *To the Is-land* (The Women's Press, 1983), pp.211–212.
2. Justice Department Files, National Archives, Wellington, Series 40, Prisons Department. Box 10, 83/168/169. Box 177, 1914/484. Thanks to Bronwyn Dalley for this reference.
3. This and the following patent applications may be found in the New Zealand Patent Office, 330 High Street, Lower Hutt. We are grateful for the assistance of Darien Scott, the Patent Office Librarian.
4. Department of Industries and Commerce, 1 9/52 Pt 2, 'Sanitary Towels, Miscellaneous Correspondence'. National Archives.
5. *True Story*, September 1947, p. 73.
6. Janet Frame, *An Angel at My Table* (The Women's Press, 1984), p. 23.
7. Department of Industries and Commerce, 1 9/52 Pt2. National Archives.
8. J. C. Larking, 'Dysmenorrhoea among nurses', Fifth Year Preventive Medicine Thesis, Otago Medical School, 1962, pp. 38 – 9.

Reviews

Once Were Warriors
Dir. Lee Tamahori
Communicado/New Zealand Film Commission, 1994

After reading 'the book' and watching all of the promotional build-up with interest, I felt more than ready to go to see 'the film'. The thought of Dr Ropata cast as big bad Jake sounded slightly comical, but I eagerly accepted the challenge to review. Coming out of the cinema however, the last thing I felt like doing was talking, let alone writing, about *Once Were Warriors*. I was struck by the emotion and intensity of the actors in their respective characters. Unlike many films I've seen lately, the actors seemed to be trying to say something. There was a sense of urgency in many of the performances, Rena Owens exemplifying this.

Once the initial shell-shock had subsided, I determined to see it for a second time — armed with the knowledge that this was a film which enveloped and assaulted the watcher with a barrage of violence, grief, fear and reflection. As I discussed the film with different people, a whole range of opinions, reactions and attitudes surfaced. Perhaps the most eye-opening was the person who condemned the film as being 'incredibly dodgy' and 'un-PC' for several highly intellectual reasons, but who, when asked to explain in more detail, admitted that — yes, he was planning on seeing it sometime next week. Many found it highly disturbing and related to parts of the film on a personal level. It's a film that will affect even the most analytical viewer because of its graphic nature and taboo themes.

The film suffers to an extent in the attempt to make it accessible for a mainstream audience. Some lines seem slightly corny. Smaller gripes become irrelevant, however, for the movie's effect overcomes them. We cannot expect *Once Were Warriors* to change

Women's Studies Journal, 10 : 2 (September, 1994).

the world, or to offer ultimate solutions, and we should not expect it to have to buy into the highly optimistic aims of the International Year of the Family. To expect these things, or to critique the film on these grounds, is unfair, and it overlooks some fine Maori acting and a very slick and well-produced New Zealand film.

The second time I saw 'the film', I planned to view it as clinically and critically as possible, with two questions in mind. First, is *Once Were Warriors* a woman's story? Secondly, does *Once Were Warriors* present a negative image of Maori people? Watching the film — again — I became more aware of the reactions of other people in the audience. Apart from the rather predictable unstifled sobs, embarrassed giggles and over-exaggerated roars of laughter in the relatively few scenes offering light relief, I was disturbed to hear clapping and shouts of approval when Jake 'beat the shit out of' Uncle Bully. Finally he had done something right. Or had he?

The second time round, I wasn't affected as much by the graphically hard-hitting scenes — the rape, Jake beating up Beth, the suicide — as much as I was by several of the more subtle exchanges — Grace and Toot joking about 'the pot at the end of the rainbow'; Beth, badly beaten lying awake in bed, as Jake snores soundly with a 'protective' arm around her; Beth and Mavis's conversation 'the morning after' in which they agree that they should know when to keep their mouths shut.

Is *Once Were Warriors* a woman's story?

The obvious point here is that the script is written predominantly from Beth's perspective. We suffer with Beth as she attempts to cope with her beating and the guilt of not being able to go with Boggie to court; we watch her in horror as she screams and agonises over the suicide of her daughter Grace; we listen to her as she describes her childhood to her dead daughter at the tangi; and we watch her riding off into the sunset in a big car at the end. To this extent, we could call it 'a woman's story'.

We can also explore the question in terms of the film's construction. Throughout the film contrasting images are set off against each other, not unlike the book. In Duff's novel *Once Were Warriors*, Grace's suicide is juxtaposed with drunken pub scenes and the serene, almost surreal, imagery of the Tramberts, the rich Pakeha family which Grace so longs to be a part of. In the

film a blending of documentary ultra-realism and stylish cinematography creates an oscillation of emotion between calm, controlled rage and manic, uncontrollable rage, which creates a similar illusion of opposing energies.

These contrasting images are often structured around gender dynamics. A powerful juxtaposition is that of the cult of masculinity, seen at the pub and in the Toa gang, against images of the sexualized female. Our first image of Jake frames him in the role of aggressive provider, as he arrives home with an arm full of kai moana. Beth comes in from the clothes line, Grace has been reading the kids a story, while Boggie is introduced as a teenage deviant in trouble with the law, and Nig — a gang prospect — is pumping iron with his tough mates. Mavis, Beth's best friend, is introduced to us at the pub in a sexy mini dress, singing a sultry number which is rudely interrupted by a heavily tattooed hood. She once more resumes her singing after Jake bashes him unconscious, much to the delight of all of the drinkers.

By setting up and contrasting the vulnerable feminine and the aggressive or staunch masculine, a visually striking yet unbelievable family is created. While creative Grace cleans up after one of the all night parties, Nig, refusing to help, hassles her with the taunt that one day soon she'll be cleaning up after her own family. She rejects this and tragically loses her life when she can no longer cope with the sexual violence and cruelty of the macho cult. Boggie, thrown into welfare custody, finds his strength in his culture, but for Grace it is too late, and she returns to her marae in a coffin. She is the classic victim, yet her fate seems to be too sacrificial and too predictable.

So where or how do women fit into the warrior mould? In the end, it is Beth who emerges as our warrior, but the transition from 'battered, urban wife' to 'stoic, proud wahine toa' happens very quickly. Almost overnight, Beth becomes self-determined, assertive — and a much better cook. Her departure speech to Jake was probably best left unsaid, but then again, we the audience, might have missed the point, that 'Maori people once were warriors, but not like you Jake, people with mana. Pride. People with spirit'. Beth becomes our hero, confronting her bullying husband, though she does so with the support of her eldest son (it would seem that the 'real' warriors still need to have a physical edge).

But now it is she who is making the decisions. As we travel with Beth, away from the pub — and Jake — perhaps we should be acknowledging that this is a story about one woman who returns to her marae, find her roots, and breaks away from her ruthless dominator.

Does *Once Were Warriors* present a negative image of Maori people?

The juxtapositioning of 'white figure of authority' with 'defeated and unemployed Maori' is constructed throughout the film. Another contrast is that between the drunken and hopeless urban Maori on the one hand, and on the other the supportive and strong sense of identity to be found at the marae just across the way and the 'staunchness' of the Aotearoa Toa gang. Yet again though, these stereotypes seem overstated.

Negative stereotyping of Maori people in the film can be seen not only in frequent drunken episodes, but also in the film's (and book's) title — *Once Were Warriors*. The diverse, complex social problems and frustrations experienced by urban Maori today have been subsumed under this catchy phrase. The underlying premise would probably resemble this: that the white man's colonisation has made life monotonous and robbed Maori of their land, their pride and their mana. As 'warriors', Maori had been accustomed to using their weapons and physical strength to make war and go hunting. But now the pub has become the battle ground and the dole queue the provider.

This premise is too black and white, too simple. It fails to acknowledge the many other aspects of Maori culture — whakapapa, whakairo, waiata — which can be seen as equally important in pre-colonial times. It also, by implication, assumes that pre-colonial Maori culture was characteristically masculine. (Why not *Once Were Weavers*?) To focus on one aspect of this culture and highlight it as playing an intrinsic part of today's urban Maori is to imply that it is only Maori who have this ancestry. It cannot be denied that Maori and other Polynesian peoples have disproportionately high crime and welfare rates, but this is too easily explained away by the logic that it is warrior blood that is the major cause.

The 'warrior' image is becoming more and more commercialised in our culture: we only have to go to a tourist centre and

look at the postcard selection and various promotional pamphlets to see the Maori warrior image glaring out at us. Very soon the Auckland Warriors rugby league team, many of whom are Maori, will be unleashed to fight for New Zealand's honour.

Perhaps the 'warriors' of the film — exemplified by Jake the Muss — will be seen as role models to be looked up to by our youth, so used to violent, action-packed movies. While the representation of violence that the film portrays is very different to that of the Hollywood action hero genre, to some I'm sure the experience will be seen as analogous. There are also those who will not see the domestic violence portrayed in the film as shocking, or who at least will see it as diminished because Beth and Jake 'still loved each other' — one reaction I heard from a fourteen-year-old and an attitude reflected in many court verdicts in the past few years.

What cannot be denied, though, is that this film portrays very powerfully an urban colonised people. Above all, *Once Were Warriors* is a film that must be felt. To analyse and rate the rape scene, the suicide and the bashings to 'other' scenes we may have seen in 'other' films is to lose much of its immediate effect, and to an extent such analysis provides an insulation which softens the impact and somehow divorces us from the reality that this is a story about our society in our time, and deals with issues that we all must address.

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Māori Women and the Vote
Tania Rei
Huia Publishers, Wellington, 1993. $14.95

Ko Takitimu te mauka
Ko Waihopai te awa
Ko Murihiku te whenua
Ko Te Waipounamu te waka
arā, ko te Waka-o-Aoraki

Ānei tōku mihi ki a koutou, ahakoa ko wai, ahakoa nō hea, koutou katoa e pānui ana i tēnei kōrero, tēnā koutou, tēnā koutou, tēnā koutou katoa. He mihi nō nga mauka tapu o Kai Tahu whānui ki ō koutou mauka tapu, mai i Muriwhenua, ki Murihiku, tēnā koutou katoa.

The proliferation of publications in 1993 created a kind of onslaught of (her)stories. Most were memorable to me if only for the conspicuous absence of Māori women, while others exhibited a type of 'pasted-on' effect in their attempts to include Māori women in their analyses. So it was with a certain degree of anticipation that I agreed to read *Māori Women and the Vote* with the intention of reviewing it. My first reaction after reading was one of profound disappointment, and to a certain extent, suspicion. Why had *I* been asked to review this book? Certainly I do want my own voice to be heard, yet I needed to weigh this against a feeling of extreme ambivalence. I am haunted by a caution given to me when I was young: 'Be careful of what you say if the Pākehā is silent, they are waiting to steal your words'. It is not always easy for someone who belongs to this story, confronted with over a hundred years of whakapapa presented here, to review it. The exclusion of an identity for the author, Tania Rei, is also problematic for me. No hea ia? Iwi affiliations are always a good starting point. They allow Māori women to identify each other and to recognise any kinship ties or tribal politics that may inform an individual's understanding of current issues.

My initial response to these feelings was, if I can't be positive I shouldn't say anything at all. This created an uneasy tension for

me. Why was it so difficult for me to review, given my penchant for vocal criticism of Pākehā written texts of this genre? Was it the apparent complicity of Māori women with forms of domination that disturbed me? Or was it an unconscious desire on my part not to appear critical of another Māori woman? Certainly the location of this review within a predominantly Pākehā context was problematic. I would not want my voice to be taken as the voice of 'Māori women'.

I am uncomfortable with the 'we were here too' type of (her)story which this book presents. It seems to address questions and to 'fill empty spaces' which have been defined by Pākehā women writers. This fails to engage in an analysis that would question the current state of readiness to publish work by Māori writers. We need to ask ourselves what it means for those who have benefited from our silence to suddenly 'give us voice'.

Rei begins with a brief sketch of Māori women's activities prior to the vote. She identifies thirteen women as having signed the Treaty of Waitangi. She explains that as more Māori became alienated from their lands as a result of the growing demands of newly-arrived settlers, large numbers of Māori women attempted to use the legal avenues available to retain and confirm their interests in tribal lands. They supported the notion of a separate system of government for Māori as this seemed to promise them more opportunities for representation. The 1890s can be seen as an era of social and economic upheaval, when the mortality rate for Māori was at its highest peak. Rei also points out that with the majority of Māori women living in rural areas, the notions of femininity ascribed to women were not prevalent here as Māori women laboured on the land as gum diggers, shearers, and in the flax industries.

In May 1893 Meri Mangākahia of Te Rarawa, on behalf of Māori women, sought the right to vote and stand for Te Kotahitanga (the Māori Parliament). After a postponement it was decided to abandon the motion because the constitution of Kotahitanga had already been finalised. Despite this, Māori women continued to organise and tackle problems such as land, health, and education, within Ngā Komiti Wāhine, a national network of tribally-based Māori women's committees. Māori women also played a major role in publication of newspapers in

both Māori and English. Debates in the New Zealand Parliament show that some Māori men were opposed to women's suffrage. Hoani Taipua of Ngāti Raukawa and the member for Western Māori stated that he felt Māori women were not sufficiently qualified to exercise this right, while Eparaima Te Mutu Kapa of Te Aupouri 'heartily supported the measure'. Women in the Northern Māori electorate are reported to have block-voted for Kapa in appreciation of his support, but despite this he lost his seat. Since that time Māori women have continued to face new challenges, not always receiving the support and recognition deserved.

In the preface to her book Tania Rei states: 'Māori women's attempts to achieve political representation are covered here in a very general way. The book for instance does not give a detailed account of the land legislation which formed the background to Māori women's political activity in the 1890s'. Yet this background is critical. Land was the primary focus of many of the women whose names and photographs appear in the book. *Māori Women and the Vote* creates a rather contradictory message for the reader given Rei's commentary on the social and economic crisis facing Māori in the 1890s. Citing land legislation as one of the significant reasons for population decline, Rei fails to analyse the impact Māori women's enfranchisement had and has on successive legislation.

Another problem in my view is that the book's content is presented primarily in relation to Pākehā women's activities of that time. The book focuses on Māori women who achieved recognition in Pākehā terms. Also very problematic is the absence of sources in the text given many of the claims Rei makes, such as her implication that Māori women had much to gain from colonial contact and compulsory education. For example, William Bird, Inspector of Native Schools, argued in 1906 that the whole idea of Māori education was to fit pupils for life among the Māori, revealing that the curriculum was aimed at providing a two-tier system favourable to Pākehā. Judith Simon has noted that unlike subordinate groups in the already established class system in Britain, Māori were an indigenous people struggling to maintain sovereignty. Therefore, institutional practices did not cement a 'subclass', but aimed at 'transforming' Māori.[1] Rei's commentary on traditional life for Māori women, summarily assigned to a couple of

short paragraphs, is also contentious.[2] Hanson for example has articulated the way in which the highly tāpu nature of Māori women was misunderstood and misinterpreted by early ethnographers.[3]

Much about the book appears unresolved. In one instance Rei gives credit to suffrage movements for encouraging Māori women to communicate with each other on a national basis about issues of political import. Then in passing, Rei points out that there were advantages and disadvantages in collaborating with Pākehā women without making any mention of what these disadvantages were. The involvement of Māori women in the WCTU, which is given much prominence in Rei's essay, deserves a more thorough analysis. Why did Māori women immerse themselves in Pākehā women's kaupapa at that time given the racist and assimilationist notions that underpinned WCTU ideology?[4] From the evidence in Rei's text, these notions appear to have been internalised by some Māori women. The idea of forming a separate Māori WCTU was considered too ambitious: one Rangātira opposed to separate development drew on the analogy of a baby being separated from its mother.[5] Nor does Rei adequately explore the complex life choices specific to Māori women during that time of social upheaval.[6] For example, was the commitment to discontinue Tā Moko the result of the risk of blood poisoning as Rei has noted? Or was it because it contravened notions of beauty held by the WCTU?[7]

The use of the photographs in the book was often disturbing to me, and I felt that the photographic images worked against the text in ways that remained unexplored and unresolved. I felt saddened at the way in which much of this material was presented in an effort to validate Rei's assertions. Who are these women? What were the thoughts of the Māori women in Rei's text as they stared 'passively' at the camera? Instead of fitting neatly within Rei's text, they speak loudly of tensions unmediated.

A map of Te Waipounamu contains two startling errors. Mary Cross, a daughter of Wharetutu Newton, and grandmother of my Taua Pani Cross, is identified as signing the WCTU petition at Bluff, but on this map, Bluff is mislocated. If Jane Driver signed at Purakanui, surely this would be the Purakanui near Dunedin, where she lived, not somewhere west of Riverton, as the map shows.

The 'Who's Who' of Māori women in the House surely revisits

notions of glorifying those deemed to have made it in the Pākehā world. We need to ask ourselves constantly, how has their position improved the lot of Māori women? And does the success of a few ensure benefit for all? *Māori Women and the Vote* is an important topic, but the form and content here reminds me of a school journal. It is bereft of any real analysis of the impact of colonisation and class, on both race and sex. I would recommend that this book be read with extreme caution. The degree of racial equality which Rei implies is arguable to say the least. Rei's acknowledgment that the book doesn't give 'a detailed account of land legislation which formed the background to Māori women's political agitation' is unacceptable. How can we begin to talk about Māori women divorced from the context of Land? Pākehā have made that mistake too often. Has Rei as well?

Notes

1. Judith Simon and Linda Smith, 'Policies on Maori Schooling: Intentions and Outcomes', a symposium presented at the ANZHES Conference, University of Auckland, 6–9 December 1990.
2. For a different picture, see Judith Binney and Gillian Chaplin, *Nga Morehu: The Survivors* (Oxford University Press, Auckland, 1986).
3. F. Allan Hanson, 'Female Pollution in Polynesia', *Journal of the Polynesian Society*, 91:3 (1982).
4. Jean Wood, commenting on racism in the WCTU, asserts 'an emphatic denial that such a condition existed, other than to an insignificant degree'. The arrogance of such a statement is telling given the chapter on 'Do We Love Our Maoris?' in her *A Challenge Not A Truce: A History Of The New Zealand Women's Christian Temperance Union 1885–1985* (Nelson, 1986).
5. The idea that Māori were child-like was prevalent in many nineteenth-century discussions and helped justify paternalistic and maternalistic evangelical policy that viewed Māori as needing the guiding hand of a superior people.
6. See also 'Tangata Whenua' in Margaret Lovell-Smith, *How Women Won The Vote — A Canterbury Perspective* (Caxton Press, Christchurch, 1993) p. 10.
7. pp. 40–42.

Donna C. Matahaere

The Political is Political

Women in The House: Members of Parliament in New Zealand
Janet McCallum
Cape Catley, Picton, 1993. $39.95

Making Policy . . . Not Tea: Women in Parliament
Arthur Baysting, Dyan Campbell, and Margaret Dagg (eds.)
Oxford University Press, Auckland, 1993. $29.95

Walking Backwards into the Future
Alison Dench (ed.)
Women's Electoral Lobby, Hamilton, 1993. $19.95

Women and Politics in New Zealand
Helena Catt and Elizabeth McLeay
Political Science/Victoria University Press, Wellington, 1993. $29.95

It is curious that one of the largest and most significant political movements in the Western world has received so little attention from those who study politics as a profession. A political party which grew from several dozen to several thousand members in two years, as the Women's Liberation Movement in New Zealand did between 1971 and 1973, would be an object of considerable interest. Theses would be written on it in Political Science departments — it would be considered an interesting and legitimate area of study. Apart from my own 1973 thesis research on the impact of the second wave of feminism on female university students, I know of no other research on the women's movement in the 1970s done within the aegis of a New Zealand Political Science department. Compare this with the Values Party, another new political formation occurring at the same time, about which theses were and continue to be written.

My history of this new and important movement (*Up from Under*, 1985) was also written outside the Political Science establishment, as were all the other accounts of women engaged in political activity to that point. One of the many interesting things

about this new collection of publications on women and politics is that only one was edited by women employed as political scientists. What is going on?

It appears that the practice and study of politics, defined as participation in the public decision-making arena (parliament, parties, local government, pressure groups, central and local government departments) is still a 'deviant' behaviour for women.

The anniversary of female suffrage in 1993 inspired a number of people to seek funding for basic research into women in politics which had not been funded or done within the universities. *Women in the House* and *Making Policy . . . Not Tea* are *very* basic, which is not intended to denigrate the work but merely to highlight the fact that work which should have been part of the ongoing study of New Zealand politics had to wait for a suffrage centennial to receive any attention at all. Both books take a biographical approach. McCallum works systematically and chronologically through all the 36 women who have taken a seat in the House since Elizabeth McCombs broke the ice in 1933, giving a brief biography of each one, from family origins to leaving their seat. There is also a black and white portrait, plus an 'action' shot of each MP. Much of the information in the biographies of politicians still living is derived from interviews, but it is supplemented and supported by material from Hansard, the Parliamentary Debates, and media reports, which will be helpful to later researchers. The biographies are of course as fascinating as one would expect from such a dynamic collection of women, and the book is a good complement to the Baysting, Campbell and Dagg work.

Making Policy organises its material from interviews with past and present women MPs into themes which include 'Family Life', 'The Muldoon Years', 'House Work', 'Gender Politics', 'Media' and 'The New Reality'. This provides a fascinating 'slice of life' account of the MPs' working lives, with their views on a range of topics of central concern to political women in the early 1990s. No-one studies male MPs as though they are whole people with families, feelings, domestic responsibilities, hobbies, previous occupations which impact on how they perceive and do their political work, and so on. Therefore this book is one of the few places where one can find out what life as an MP is really like: the long

hours, the no time to oneself, the strain on family relationships, the endless travelling, the impact of continual criticism, and the frequent sense of frustration, for example. This gives ample opportunities for reflection on the kind of people who structure and are expected to operate successfully in our so-called democracy. In fact, contained in these simple texts is the inspiration for hundreds of other political research projects, which I hope will not have to wait for another significant centennial before they receive professional attention.

In contrast to the biographical approach, *Walking Backwards into the Future* and *Women and Politics in New Zealand* look at specific topics — and very varied they are too. A hundred and thirty pages is only enough to give a hint of a taste of the histories and issues in subjects like 'Women and the Electoral System', 'Women as Mothers', 'Women and Management', 'Women and the Law' and the other topics covered in *Walking Backwards.* Definitely a collection of hors d'oeuvres rather than mains, but reasonably appetising, and most pieces are well referenced for those who want to follow through. It is surely useful to have collected the ideas of New Zealand's first female bishop on women and spirituality, and the views of a former health minister (Helen Clark) on women's health issues — and how I wish (very hard) that Prue Hyman and Shona Hearn will go on to publish something definitive on women and economics and women teachers respectively.

Women and Politics is the only book under review produced within the academic Political Science framework, by two of the very few (four or maybe five at last count) women with tenure in New Zealand Political Science departments. Reflecting the diversity of subjects to study under that rather ghastly catch-all phrase 'women and politics', which implies either a permanent stand-off or an unhappy marriage between the two components, the book contains an interview-based study on how women perceive feminism, papers on the theory and practice of democracy as it pertains to women, a cross-national study of women's parliamentary representation, a local study of female representatives on health boards, a study of abortion politics as a model for women's political activity, and some 're-cuts' of existing party and voter behaviour data to bring out the gender differences. Given that we have to

start somewhere, it's good to have this book — why did it take so long to get it?! Anyone interested in the topics covered will find a competent scholarly account of the subject is delivered.

However, for the full range of the subjects and meanings covered by the words 'women' and 'political' it is still necessary to look elsewhere. To the anthology *Feminist Voices* (ed. Rosemary Du Plessis, 1992) for example, to find analyses of New Right ideology as it affects women, political theories being generated by women, and political practice being shaped by women in the thick of it, like Phillida Bunkle. I give the students in my Stage Two Gender and Politics course a free choice of subject for their research projects, so in a sense they get to define the political issues for women which are salient to them. Over the past two years their choices have included: comparing the legal regimes governing prostitution in three countries and their impact on the lives of 'working girls'; investigating the history and current application of the Domestic Purposes Benefit; studying the life of Whina Cooper as an exercise in negotiating power in two cultures; examining the concept of patriarchy as a political theory; documenting the militant industrial action taken by nurses in recent years and reflecting on how it came about; uncovering the correlations between different political regimes and childcare provision and funding; and doing a case study of a park redevelopment plan to tease out the gendered power dimension of providing recreational facilities. Their definition of political (with which I concur) goes way beyond the definition of politics operating in these books.

Yet I recommend all these volumes to you as a necessary though far from sufficient contribution to the study of women and power. Other feminist work tends to concentrate on the politics of gender, but it is just as important to examine the gendered dimension of politics, and I hope that work on the subject will now keep pace with the increasingly rapid entry of women into political life.

Christine Dann, Christchurch

Celebrating Women in Science
(Proceedings of the Women's Suffrage Centennial Science Conference, Wellington, New Zealand, 2-4 September 1993)
Mary Cresswell (ed.)
New Zealand Association of Women in Science, Wellington, 1993. $30.00

Lives with Science: Profiles of Senior New Zealand Women in Science
Paula Martin
Museum of New Zealand Te Papa Tongarewa, Wellington, 1993. $24.00

When it comes to identifying key women in modern New Zealand science, consult *Celebrating Women in Science*. To learn of an earlier generation of women in science, consult *Lives with Science: Profiles of Senior New Zealand Women in Science.* Both publications are projects of the New Zealand Association of Women in Science. The stories revealed are both inspiring and worrying.

Take Paula Martin's book first. This slim book is a neat, methodical summary of candid interviews with ten senior New Zealand science women — Ella Campbell, Mira Szaszy, Joan Wiffen, and Philippa Wiggins, to name a few. They have worked in fields ranging from social science to botany to chemistry to paleontology. They specialised in the capacities of fieldwife, illustrator, museum curator, researcher, social worker.

Their responses are set out in such a clear forthright fashion that the questions asked by the interviewer are obvious. The reader can't help but tabulate: only four women had a PhD, four felt they gained jobs in science due to the shortage of men during World War Two, and seven of them talk of blatant discrimination they encountered. Pay, work opportunities, and sometimes even lavatory facilities were issues.

Each woman also talks about her intellectual work. This is the only place where I would gently fault the book for these comments are presented somewhat sketchily. Even two or three more paragraphs on the topics would have given that detail, revealed that fascination which keeps people in science despite the difficulties and discouragements.

Even so, the book is informative and of particular use to high school students, male as well as female. Each interview finishes with advice to a new generation of female science workers. This varies from the need for 'humour and diplomacy' to the necessity of being a 'disobedient girl'.

The second publication is another type of history: papers, summaries and abstracts presented at New Zealand's first Women in Science conference. Fourteen keynote addresses and thirty-eight workshops and papers make for diverse and topical reading. The speakers work in a diverse range of capacities — as ministerial advisors, technicians, researchers, consultants, teachers, to name a few.

The theme of discrimination voiced by senior women in Martin's book reappears, but there is a self-assertiveness in this current generation of women who explore why and how this discrimination occurs. The gender bias within scientific theories and concepts is examined. The personal experience of scientific work is proclaimed to be partnerships, magic, Buddhism, rationalism, Maori, even the work of cultists of Artemis.

There are a few drawbacks to this publication. The papers are not ordered by topic or theme and this makes targeted reading difficult. Having attended the conference myself, I note several features of the event missing in the publication. The creation of a mentor network should have been explained, as this was a valuable collective action taken at the conference and ought to be widely publicised. More problematic is the absence of the responses and impressions of female seventh-form students, who competed to attend and were sponsored by various organisations. At the conference, many of the students' reactions were of dismay: if doing science was so hard, why keep at it? I would have liked to read at least a group interview or collage of written comments from these students who watched the adults so intently over the three days.

These proceedings make two clear statements: contemporary New Zealand women in science show that they still experience various kinds of discrimination, but that they are actively creating the milieu for different working conditions and opportunities. Already, the next round of issues is cropping up, even as plans are made for future conferences.

One issue concerns the children of working women. Who are their caregivers? What kind of a career is it for whom? What influence can working women have on the desirability and attractiveness of this line of work?

Another issue, absent in proceedings but a feature of conference conversations, concerns men. Should there be a conference day when men are not only invited to attend but also allowed to speak, even address an audience? Given the diversity of women's responses to working in science, what are the actual experiences of different men? Are they also as restless as women about the day-to-day science world? Is there a clear-cut polarity or dualism or even enmity in the thoughts of *all* men in science? Do they all identify themselves in this way? If some do not, what have they to say? Are there realisations common to men and women about difficulties in modern science? What work is there towards a new consensus of the rules for the game of science?

A final issue concerns future conferences. Why not deliberately turn the focus of the conference away from the social circumstances of science just for a day? What of the methodology, routines, techniques and results of work women do in science? Summaries of this important intellectual work, presented to the conference audience who cross disciplines and job descriptions, would find its way into future proceedings. I would be particularly interested in seeing this as I feel the dilemmas science faces in our society, so dismayed by technology, are serious. These problems go beyond questions of just exactly *who* fills a job position to quite how that person undertakes the work.

Perhaps, with this information, the worried seventh-form students (and others), could see for themselves just why women — and men — persevere in science, in spite of obstacles and hardships. Maybe they could find, as science workers constantly must also find, meaningful reasons to be involved in science.

Mary Gardner, Zoology, University of Otago

X-Sender: LAlice@mailserver.massey.ac.nz
Mime-Version: 1.0
Date: Mon, 8 Aug 1994 18:00:21 +1200
To: Women's Studies Journal
From: L.C.Alice@massey.ac.nz (Lynne Alice)
Subject: FMST update
attachment: WSST update from Sarah Williams

FMST Electronic Journal

Feminism and the Net effect!

>>>>FMST (Feminist Studies in Aotearoa) ELECTRONIC JOURNAL has been operating since May, 1994. As a proto-electronic journal, NOT a discussion list in the usual sense it provides a venue for substantive discussions exploring a wide variety of topics, social and textual issues and controversies within feminism and its applications. Lynne Star in Media Studies at Massey University is its film reviewer. Her reviews of 'Once Were Warriors' and 'Exile and the Kingdom' have had an enthusiatic response and many requests for reprints from outside the FMST community worldwide. The Pacific-Rim modality of FMST is sometimes hard to sustain when subscribers here are not yet aware of the advantages of using FMST for short publications and research reports.

>>>>Perhaps the most significant feature of FMST is that its subscriptions have grown rapidly to 160 in three months and includes participants in Finalnd, Greece, Brazil, Germany, the US and UK, Australia, Canada and Japan. To my mind

this demonstrates a lively interest in what feminisms are and do in this part of the world. Not all of the subscribers are academic or women. Fairly early on the lack of room for discussion became an issue for some subscribers, mostly those in Aotearoa. Discussion of FMST articles was not discouraged but the format of FMST as an electronic journal (the first feminist e-journal) precluded unmoderated talk-back. Last month subscribers were asked to consider also subscribing to FMST-TALK, a new discussion list for FMST subscribers ONLY. FMST-TALK was designed as an unmoderated space for feedback and comment on FMST articles.

>>>>To subscribe to FMST-TALK :

>>>>>Send an Email message to:
majordomo@massey.ac.nz
>>>>>Type the following as the message:
subscribe fmst-talk

>>>>If you haven't yet subscribed to FMST, here's what you've missed so far :

>>>>FMST No. 1 May 31st/1994

>>>>1. A news item : Helen Clark in Church 2. A review : Thomas Laqueur's (1990) 'Making Sex : Body and Gender from the Greeks to Freud'

>>>>FMST No. 2 June 1/1994

>>>>1. An essay : Gender Issues in Online Communications by Hoai-An Truong 2. A review : Anthony Giddens (1993) The Transformation of Intimacy : Sexuality, Love and Eroticism in Modern Societies, by Lynne Alice

>>>>FMST No. 3 June 2/1994

>>>>1. An article : 'Breaststroking' : Ways of Knowing Women's Breasted Bodies, by Patricia Meckelburg

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>>>>FMST No. 5 June 7/1994
>>>>1. An article : The value of E-publishing 2. A reminder : the purpose of FMST

>>>>FMST No. 6 June 11/1994
>>>>1. An article : 'Unlearning Our Privilege As Our Loss' : postcolonial writing and textual production by Lynne Alice.

>>>>FMST No. 7 June 13 1994
>>>>1. A request for introductions.
>>>>2. A review : 'Law's Promise, Law's Expression: Visions of Power in the Politics of Race, Gender and Religion', by Bruce Kleinschmidt. 3. A review : 'The Lesbian and Gay Studies Reader' and 'Queer Looks: Perspectives on Lesbian and Gay Film and Video' by Linda Goldstein.

>>>>FMST No. 8 June 15 1994
>>>>1. Request for short introductions.
>>>>2. An article : Feminism And Position Envy by Zoe Sofia

>>>>FMST No. 9 June 16 1994
>>>>1. Request for short introductions.
>>>>2. A welcome to FMST FILMS and a review : 'Once were warriors' by Lynne Star

>>>>FMST No. 10 June 16 1994
>>>>1. Request for short introductions.

>>>>2. An article : WHOSE Interests? Decolonising 'race' and 'ethnicity' by Lynne Alice

>>>>FMST No. 11 June 17 1994
>>>>1. Request for short introductions.
>>>>2. A seminar transcript : The Hon. Pat O'Shane talks to students at Murdoch University, Western Australia

>>>>FMST No. 12 June 20 1994
>>>>1. REQUEST for short introductions.
>>>>2. An article : The Struggle For Feminist Purity Threatens The Goals Of Feminism by Daphne Patai.

>>>>FMST No. 13 June 22 1994
>>>>1. A list of all FMST 1-11 articles posted.
2. Some subscribers' comments.
>>>>3. A note on subscribers.

>>>>FMST No. 14 June 23 1994
>>>>1. A Short Comment On "The Piano".
>>>>2. Misogyny, gangsta rap, and The Piano by bell hooks

>>>>FMST No. 15 June 27 1994
>>>>1. What is the relationship between feminist philosophy and feminist politics ?
>>>>2. A Review of Ruth M. Sprague's 'Wild Justice' by Rene Louise 3. Lesbian Bodies in the age of (Post)Mechanical Reproduction by Cathy Griggers

>>>>FMST No. 16 July 1/ 1994
>>>>1. What is the relationship between feminist philosophy and feminist politics - A Response by Ann Ferguson
>>>>2. Film Review by Lynne Star : Exile and the Kingdom 3.Work-in-progress report by Belinda Elphick : Theorising Heterosexuality

>>>>FMST No. 17 July 10/ 1994
>>>>1. A comment on the last film review. 2. 'She Knows Who She Is' by Lynne Alice.

>>>>FMST No. 18 July 16/ 1994
>>>>1. An essay : Student Ratings of Professors Are Not Gender Blind, by Susan A. Basow.
>>>>2. A book review of 'Gendered States: Feminist (Re)Visions of International Relations Theory' by Deborah Stienstra

>>>>FMST No. 19 July 23/ 1994
>>>>1. The new FMST discussion option.
>>>>2. An essay : That Was Then: This Is Now: Ex-Changing The Phallus by Lynda Hart

>>>>FMST No. 20 July 25/ 1994
>>>>1. The new FMST discussion option.
>>>>2. Preparing for Raranga Wahine, NZ Women's Studies Association Conference at Victoria University of Wellington 26-28th August, 1994.
3. An index of FMST postings No. 14-19.

>>>>FMST No. 21 August 2/ 1994
>>>>1. 'Disabled, De-railed and Determined' by Bim Ngaire. 2. The new FMST-TALK option.

>>>>If all this makes you curious/turns you on/suggests research possibilities, consider joining FMST. At present the Journal is newsletter length. This means that you will receive a package consisting of an article or reviews or discussion points every week. It'll be around 30K or about 6-8 pages in length if you printed it out. It is an opportunity to try out your ideas, comment on topical issues, debate your research, review feminist books, films or issues relevant to women and Feminist Studies in Aotearoa and the Pacific.

>attachment:

>To: Womens Studies Journal
>From: sarah.williams@stonebow.otago.ac.nz

>Subject: WSST update

>The WSST list was conceived as an electronic resource for facilitating the teaching, learning, and research of Women's Studies. WSST was designed to provide those interested in Women's Studies education with a means to discuss issues related to Women's Studies pedagogy and to exchange syllabi, research ideas, grant information, and job and conference announcements. WSST has been dormant due to technical difficulties and staffing changes. The activation of WSST will be discussed at the Women's Studies Conference at Victoria Universty of Wellington. Subscribe to WSST now and you'll be sure to receive the first mailing. To subscribe use the following address:
> UOTAGO@STONEBOW.OTAGO.AC.NZ < and include this message: > subscribe WSST <.

International Association For Feminist Economics

A non-profit organisation advancing feminist inquiry of economic issues and educating economists and others on feminist points of view on the economy.

IAFFE Purposes:

- To foster dialogue and resource sharing among economists, from all over the world, who take feminist viewpoints;
- To advance feminist inquiry into economic issues affecting the lives of women, men, and children;
- To aid in expanding opportunities for women and especially women from underrepresented groups, within economics;
- To encourage the inclusion of feminist perspectives in the economics classroom.

IAFFE Activities:

- Organisation of an annual conference to present current research, plan future research, and interact with economists and advocates with similar interests;
- Maintenance of an electronic mail network to provide quick and low-cost communication among subscribers interested in feminist economics;
- Compilation of bibliographies, course syllabi and a list of working papers on feminist economics.

Membership Fees:

$10 per year:	students/unemployed/full-time unpaid workers/low income
$20 per year:	income less than $40 000 per year
$25 per year:	income between $40 000–50 000 per year
$30 per year:	income over $50 000 per year

If you are an academic, teacher, policy maker, trade unionist or other community member committed to the advancement of a feminist perspective in economics, or interested in what such a perspective may offer, then your membership and participation is welcomed.

Contact:
New Zealand Coordinator
Prue Hyman, Economics
Victoria University of Wellington
PO Box 600, Wellington, New Zealand

INTERNATIONAL NETWORK ON FEMINIST APPROACHES TO BIOETHICS

This network, launched October 1992 in Amsterdam at the Inaugural Congress of the International Association of Bioethics, already has close to 100 members from 14 countries.

Our aims and scope include development of a more inclusive theory of bioethics encompassing the standpoints and experiences of women and other marginalized social groups, re-examination of the principles and legitimizing functions of the prevailing discourse, and creation of new strategies and methodologies.

The coordinators are Helen "Becky" Holmes and Anne Donchin. If you would like to join us, contact:

Anne Donchin
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Call For Papers/Information for Authors

The *Women's Studies Journal* welcomes contributions from a wide range of feminist positions and disciplinary backgrounds. It has a primary, but not exclusive, focus on women's studies in New Zealand. We encourage papers which address women's experience, explore gender as a category of analysis and further feminist theory and debate.

Topics For Future Issues

We would especially like to publish papers which deal with:

Feminisms in Postcolonial New Zealand and Australia?
What are the relationships between postcolonialism and feminism and how do these relationships mark the specificity of 'New Zealand and Australia'?

Women and Immigration

Women and the 'Restucturing' of the State in New Zealand

New Zealand Culture: Film, Popular Culture, Literature, Art

Ecofeminism

Deadlines for Manuscripts: October 1 1994 and April 1 1995

Manuscripts will be sent out for anonymous reviewing with the aim of providing the author with feedback and constructive suggestions (see statement below).

Enquiries about the Journal and contributions only should be sent to: Women's Studies Journal
Women's Studies, University of Otago
P.O. Box 56, Dunedin

Please send two double-spaced hard copies, with generous margins. A separate title page should include the title and the author's name and address. Since contributions will not be returned authors should retain a copy of their work. A style sheet is available on request.

Policy on dealing with submitted material

All articles received will be read by a core group with expertise in the subject area, which will decide whether the paper is likely to be suitable for publication. Those considered likely to be suitable will be sent out for anonymous peer review and reviewers' comments will be conveyed to the author. Sometimes the author may be required to revise the paper before it is sent out for review. In the case of those which are considered unsuitable for the *Journal* the core group will indicate to the author why the paper is not acceptable. We welcome feedback on all journal procedures.

Women's Studies Association (NZ) (Inc.)

The Association is a feminist organisation formed to promote radical social change through the medium of women's studies. We believe that a feminist perspective necessarily acknowledges oppression on the grounds of race, sexuality and class as well as sex. We acknowledge the Maori people as the tangata whenua of Aotearoa. This means we have a particular responsibility to address their oppression among our work and activities.

Full membership of the Association is open to all women. Other individuals may become associate members.

Annual subscription (includes GST):

- full membership (women) $20.00
- associate membership (newsletter only) $20.00
- corporate membership (institutions) $24.00
- low/no income $12.00

Cheques and enquiries to: P.O. Box 5067, Auckland, New Zealand.

Annual Conference: The Association holds an annual conference where members present the latest feminist research and discussion papers, and workshops explore issues important to women. The *Conference Papers* are published annually. Members receive a discount for the conference and the *Conference Papers.*

Newsletter: A quarterly newsletter containing local and overseas news, book reviews, conference reports etc. is sent to all members.