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BOOK REVIEW

HOW WOMEN POSITION IN FRONT OF THE LAW?: A BOOK REVIEW WOMEN AND THE LAW, SUSAN ATKINS AND BRENDA HOGGETT, INSTITUTE OF ADVANCED LEGAL STUDIES, LONDON UK, 2018, 284 PAGES, ISBN 978-1911507109

Leonardus Novena Dewangga 

Faculty of Law, Universitas Negeri Semarang, Indonesia

✉ leonnovena@students.unnes.ac.id



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The book *Women and the Law* that was written by Susan Atkins and Brenda Hoggett is a pioneering study of the way how the law has treated women at their work, in their family, in matters of sexuality and fertility, and in their public life. Susan Atkins and Brenda Hoggett is the University lecturers, the book was first published in 1984. The authors examine the origins of British law's attitude to women, trace the development of the law and ways in which it reflects the influence of economic, social, and political forces and the dominance of men. They illustrate the tendency, despite formal equality, for deep-rooted problems of encoded gender inequality to remain.

Since 1984 the authors have achieved distinguished careers in law and public service. The book that I reviewed is the 2018 Open Access edition. This edition provides a timely opportunity to revisit their groundbreaking analysis and reflect on how much the conditions has changed, and how much has stayed the same as the first when the book was published.

The book was first published in 1984, where society and law were in a period of transition. In 1973 married women gained a status equal to that of married men. Equal pay and sex discrimination legislation was changing the workplace. The Abortion Act 1967 expanded the grounds where abortion was legal in Britain. The introduction of the contraceptive pill in 1974 gave women greater control over their fertility, and the Domestic Violence and Matrimonial Proceedings Act 1976 strengthened the civil remedies available to victims of abuse.

But, as Atkins writes in the preface to the second edition, while formal equality appeared to be more firmly entrenched in legislation, "this was to look at the matter from a male point of view, from which the law had traditionally been developed". Looked at from the experience of women's lives and concerns, there were "huge gaps and deficiencies", which the book exposed. Rape within marriage was still not a crime, for instance.

Women were playing a greater role in public life, and there was of course a female prime minister. But in the legal profession, there were no female lord justices. No women sat on the highest court in the land, which was then the House of Lords. There had been no female chair of the Bar Council, there were only a handful of female law professors and the study of female jurisprudence in the UK was in its infancy.

Its authors, Atkins and Brenda Hoggett, "the university teachers" have gone on to achieve huge success in law and in public service. Atkins joined the civil service in 1989 and has held several roles in high office. Hoggett is better known as Lady Hale, who after

working for the Law Commission moved on to a judicial career. She became the first woman to sit on the supreme court before being appointed as its first female president last year. Now, more than 30 years since the first edition, the book has been republished to coincide with the 100th anniversary of the Sex Disqualification (Removal) Act 1919, when women were first allowed to join the legal profession. Before that, they had been barred, because within the Solicitors Act 1843, women were not considered to be "persons".

Looking back, says Atkins, the law has come a long way. "When we were writing the book, in legal terms it was a period of really exciting development and the pace of change probably hasn't been quite as fast since." The biggest change, she says, was in relation to marital rape, when the House of Lords removed the immunity of husbands in the landmark case of *R v R* in 1991. "The judges were very brave and said the idea that women gave up their right to say 'no' was a common law myth. That was almost revolutionary, since that myth had been perpetuated in the English legal system since time immemorial." Since the book, legislation and case law has afforded greater protection to those suffering domestic abuse and widened the scope of those protected – from the Family Law Act 1996, which introduced the non-molestation and occupation orders, to extending the definition of domestic violence to include controlling, coercive or threatening behavior, violence, or abuse, as well as widening the defense available to women driven to kill their abusers.

Recent years have also seen the introduction of the Female Genital Mutilation Act 2003 and the Forced Marriage (Civil Protection) Act 2007. The law in relation to who may marry and have children together has changed beyond recognition, enabling people of the same sex to form civil partnerships, marry, adopt children, and become the legal parents following assisted reproduction.

But Atkins is disappointed by the backwards steps that have been taken in some respects – particularly the introduction of universal credit, which hits women and mothers especially hard. She is also concerned by the apparent backlash, often manifested by hateful internet trolling, that has

accompanied the increased role played by women in public life and demonstrated most graphically by the murder of the Labor MP Jo Cox in 2016. “We have got to take seriously the threat to women in public life, because that has the potential to undermine democracy and progress,” she warns.

Although there are now more female lawyers, judges and MPs, Atkins says the law still feels “male-centric”. She does not want it to be gender neutral, but to be sensitive to the experiences of people from different genders and backgrounds. She says, “There isn’t a male world and a female world; we all work together, live together and have families together,” but the law must recognize the differences and respond accordingly.

This year has also seen the publication of *Eve was Shamed*, Helena Kennedy QC’s follow-up to her 1993 work *Eve was Framed*, illustrating graphically how the justice system is failing women; and Shami Chakrabarti’s *Of Women*, which gives a global perspective of the situation faced by women, and brands gender injustice, or what she calls “gender apartheid”, as the “greatest human rights abuse on the planet”.

“Women and the Law may have marked a moment in transition,” Atkins says, “but it is a good reminder, not only of how far we have come but also of why a feminist focus remains as necessary today, for men as well as for women, as it was 30 years ago.”

ABOUT AUTHORS

Leonardus Novena Dewangga is an Undergraduate Law Student at the International Program, Faculty of Law Universitas Negeri Semarang. He is also a Researcher at Law and Policy Studies Center. He has been involved in many law conferences both National and International Conferences, such as International Conferences on Law, Business, and Economic in Kuala Lumpur Malaysia (2018) and Southeast Asian Human Rights Conferences in Thailand (2019).