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'To Demand Equality Is To Lack Ambition':
Sex discrimination legislation: contexts
and contradictions

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**‘To Demand Equality Is To Lack Ambition’: Sex discrimination legislation:
contexts and contradictions.***

**Paper for Sex Discrimination Act Silver Anniversary Conference, Canberra, 1-2
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May I begin by acknowledging the Ngunnawal custodians of the land on which we meet.

Of course it was an outstanding achievement, the Sex Discrimination Act of 1984. It is especially remarkable in the light of the opposition raised against Susan Ryan’s Bill and what was, at the time, called ‘the Ryan juggernaut’. Before turning to the contradictions and contexts which are the subject of my paper, it could be salutary to spend a moment remembering that opposition.

Opposition to Sex Discrimination legislation.

A quarter of a century on, people might find it difficult to credit the opponents’ arguments and fervour. Most vociferous were the Women Who Want to be Women, founded in 1979 by Babette Francis -- a medical doctor -- to oppose feminist influence on government.¹ She and her supporters deluged members of parliament with letters written on pink paper, creating an illusion of a large organisation by writing dozens each. A Canberra member of the four Ws, Mrs Betty Hocking, was also a member of the Family Team in the Australian Capital Territory House of Assembly. She issued a statement asking ‘Is there no-one who can see that the women who hate men are castrating them with their sex discrimination Bills and making them eunuchs in their own kingdoms?’ Then, even more memorably, she observed: “‘Delilah cut off Samson’s hair and made him her slave. The Sex Discrimination Bill cuts off far more than that.’”²

As an aside, I would note that it was not only the opponents of this Bill who found that questions around equality between women and men impelled them to allusions to people’s sexual anatomy. What Margaret Thornton refers to as ‘Women’s indelible association with corporeality’³ operated sub-consciously, even among those who supported the Bill. Democrat spokeswoman, feminist Janine Haines startled other members of the Senate when she observed that there had been ‘many hysterical comments’ about how the bill would eliminate differences between men and women:

*My thanks to Anne Edwards for editorial help, and to Sue Sheridan, always, for quality control.

¹ Emma Graham, ‘Anti-feminism’ in Barbara Caine, Moira Gatens, Emma Graham, Jan Larbalestier, Sophie Watson and Elizabeth Webby (eds), *Australian Feminism: A Companion* (Oxford University Press) Melbourne, 1998, p.380; Marian Sawer with Gail Radford, *Making Women Count: A history of the Women’s Electoral Lobby in Australia* (UNSW Press) Sydney, 2008, p.79.

² ‘Are there men in Parliament?’, *Courier Mail* (Brisbane), 27 September 1983, p.13.

³ Margaret Thornton, ‘The Seductive Allure of EEO’ in Norma Grieve and Ailsa Burns (eds), *Australian Women: Contemporary Feminist Thought* (Oxford University Press) Melbourne, 1994, p.223

“Despite the Freudian remarks about assertive women, that they suffer only from penis envy, I have yet to meet a woman who suffers from that or who has any particular desire to acquire that section of the male anatomy,” the senator said, assertively.⁴

No less a personage than Dame Roma Mitchell, inaugural chair of the recently-established Human Rights Commission, would find herself having to argue – a little more euphemistically -- that the laws against sexual harassment would not ‘rob Cupid of his arrow’.⁵

The four Ws organised for two veterans of the struggle against the Equal Rights Amendment Act in the United States to visit. One was Phyllis Schafly, a lawyer now known as the Best-known advocate in the United States of the dignity and honour owed to the full-time homemaker,⁶ the other Michael Levin, a professor of philosophy at the City College of New York. Levin toured Australia speaking against the Sex Discrimination Bill, accusing feminists of becoming ‘increasingly coercive’, of endeavouring to institute ‘a unisex society – that is not workable, and boring anyway’, declaring that ‘feminists are not women’ and announcing that ‘[s]exual harassment is a problem that simply does not exist’.⁷ Local heavy-weights who joined them included Lachlan Chipman, Founding Professor of Philosophy at the University of Wollongong, and the Very Reverend David Roberts, Anglican Dean of Perth. Roberts declared that

Susan Ryan’s drab and humourless Utopia ... has lost sight of the complementary delights of being male and female ... It would be tragic for our humanity if we allowed ourselves to be remodelled by an Amazonian reformism which legislates against the weakness of men and apparently counts as ineffectual the real strength of women – the humanising and civilising power of their femininity.⁸

‘Whatever can the Dean have been reading as the Sex Discrimination Bill?’ expostulated Dame Roma. ‘Certainly not my copy’. ‘Sometimes I wonder’, she went on, ‘whether those who oppose the Sex Discrimination Bill accept women as human beings’.⁹

Other opposition to the Sex Discrimination Bill came from closer to the centre of the political spectrum. Margot Anthony, described as ‘housewife and partner to the Leader of the National Party’, and as ‘one of the backroom campaigners of the National Party’s fight against the Government’s sex discrimination Bill’, went to

⁴ Amanda Buckley, ‘Senate’s uncomfortable Friday ... and more to come’, *Sydney Morning Herald*, 22 October 1983, p.6.

⁵ *Adelaide Advertiser*, 27 August 1984.

⁶ <http://www.eagleforum.org/mis/bi.html>, accessed 13 September 2009.

⁷ ‘U.S. professor: What sexual harassment?’, *West Australian*, 17 September 1983, p.3; Mark Hooper, ‘Professor invites fury by scorning feminists’, *Australian*, 7 September 1983, p.3

⁸ Roma Mitchell, Address at Monash University, 10 December 1983, State Library of South Australia PRG 778/17/27

⁹ Above note 7

Sydney to hear Phyllis Schafly speak against the Bill at Macquarie University. She was horrified by the students' hostility to Schafly, and subsequently appeared in the *Sydney Morning Herald*, 'to put the intelligent conservative position from women who seldom get a hearing'. She thought that the Bill carried a subtle message that women were wrong if they wanted to stay at home, rather than seeking work in the labour-market, and she wanted to combat that. She lamented the decline of the family and traditional values.¹⁰ Other wives of members of the parliamentary National Party joined her, including one wife – Flo Bjelke-Petersen – who was herself a Senator.¹¹ The parliamentary Liberal Party – by contrast -- was generally supportive. But its Deputy Leader, shadow treasurer John Howard, leant, he said, 'towards the National Party position which opposed key aspects of the bill'.¹²

The Sex Discrimination Act 1984

That moment twenty-five years ago that we are celebrating at this conference – which has been dubbed 'the Silver Sex Act conference' -- was a moment of exceptional confluence between the reforming goals of the Australian Labor Party and the liberal commitment to equality between the sexes of the Australian Women's Movement. Both were personified in Susan Ryan MP, a member of the Cabinet in the first Labor government of RJ Hawke and a long-standing member of Women's Electoral Lobby [WEL].¹³ This landmark legislation enjoyed enthusiastic support from all over Australia, from WEL, and from a host of feminist organisations considerably older than WEL or Women's Liberation: from the Australian Federation of University Women, from the National Council of Women, from the United Nations Status of Women Committee, from the Union of Australian Women, from Women and Development Australia, from the Young Women's Christian Association, and from Zonta.¹⁴

Even so, the Women's Movement was – and is – an umbrella term which groups together a host of very different experiences, beliefs, commitments, and practices. That same moment was not a cause of rejoicing, or even attention, among all feminists. Some saw contradictions in the whole project. Others, coming from extra-parliamentary commitments, had dreams of what feminism might achieve which dwarfed notions of equality.

Contradiction

Our host for today, Margaret Thornton, spelled out the central contradiction inherent in anti-discrimination legislation when she pointed out that while citizens of a democracy commonly assume that a fundamental norm is their equality, such equality is demonstrably 'imperfectly realised'. Comparison of one individual and another, one

¹⁰ Amanda Buckley, 'Why Mrs Doug Anthony is against the sex bill: Is it wrong to stay at home?', *Sydney Morning Herald*, 16 September 1983, p.1

¹¹ Kate Legge, 'Coalition split widens on sex discrimination Bill', *Age* (Melbourne), 19 September 1983, p.5; Editorial, 'Sex Bill splits the opposition', *Age* (Melbourne), 20 September 1983.

¹² Amanda Buckley, 'Sex bill row to split Liberal Party room', *Sydney Morning Herald*, 19 September 1983, p.1.

¹³ Susan Ryan, *Catching the Waves: Life in and out of Politics* (Harper Collins) Sydney, 1999, pp.241-244.

¹⁴ 'Women's groups support Sex Discrimination Bill', *Canberra Times*, 12 September 1983, p.7; 'Sex discrimination ban "a must"', *Courier Mail* (Brisbane) 29 September 1983, p.15.

group of people with another, shows differences, and differences in hierarchical relationships to each other. At the peak of that hierarchy is an all too recognisable figure: 'a white, Anglo-Celtic, heterosexual male who falls within acceptable parameters of physical and intellectual normalcy, who supports, at least nominally, mainstream Christian beliefs, and who fits within the middle-to-the-right of the political spectrum'.¹⁵ Such men have power in our society and, she went on to observe, 'they will invariably exercise it in their own interest'.¹⁶ Accordingly, she concluded that the most positive case to be made for anti-discrimination legislation was that it rendered these characteristics of our society visible, so such legislation served 'an important symbolic and educative function'.¹⁷ Sadly, though, only four years later, she was compelled to note that legal discourse had remained largely immune to that function: 'the benchmark male continues to be a powerful normative force within law, whose eminent reasonableness is used to disqualify the disorderly voices of women. This is the case', she continued, 'with EEO, no less than with rape, wife-battering, provocation, pornography or with any of the manifold social harms to which women are subjected'.¹⁸ Further, the benevolent intent of legislation with such a 'symbolic and educative function' depended upon a generally liberal – small 'l' liberal – political and legal context. But such a context cannot be assumed.

Contexts

Context is *the* crucially important factor in this whole consideration. That context, in 1984, included the presence or absence of feminisms committed to other forms of change in the world besides change directed towards equality between the sexes to be won through mechanisms of the state. Those feminisms were still present in 1984. In Women's Liberation we used to wear badges which read 'To Demand Equality Is To Lack Ambition'. We were not silly. We were simply drawing upon ideas from another of the multifarious political components of the Women's Movement. Let me offer two sets of examples.

At much the same time as Susan Ryan was using all her energy and ingenuity to get the Sex Discrimination Bill through its final moments in the Senate, a considerable number of other feminists were engaged in the Close the Gap Women's Peace Camp at Pine Gap in South Australia. The changes that those women sought were the removal of United States' nuclear bases from Australia; land rights, autonomy and self determination for Aboriginal people; removal of Pershing missiles from England and Europe; and unity of women of all cultures acting against global violence.¹⁹ These, surely, were immense goals – way beyond the capacity of any government, however benevolent.

At about the same time, I was taking up a new post to set up a Research Centre for Women's Studies at the University of Adelaide. Women's Studies was engaged

¹⁵ Margaret Thornton, *The Liberal Promise: Anti-Discrimination Legislation in Australia* (Oxford University Press) Melbourne, 1990, p.1

¹⁶ Thornton, *The Liberal Promise*, p.261.

¹⁷ *Op cit.*

¹⁸ Thornton, 'The Seductive Allure of EEO', pp.215-16.

¹⁹ Emma Grahame, 'Anti-nuclear activism' in Barbara Caine, Moira Gatens, Emma Grahame, Jan Larbalestier, Sophie Watson, Elizabeth Webby (eds), *Australian Feminism: a companion* (Oxford University Press) Melbourne, 1998, pp.381-2.

with some quite electrifying ideas. Recall, for a moment, north American Kate Millett linking power, the core concept of any kind of politics, to sex.²⁰ Remember expatriate Australian Germaine Greer elaborating a similar connection, declaring women to be sexual eunuchs.²¹ Another north American, Shulamith Firestone urged the abolition of sex differentiation altogether, arguing that reproduction and child-rearing should be disengaged from biology, rendering the biological family unnecessary and making possible sexual freedom, economic independence and self-determination for everyone, women as well as men, and children too.²² English feminist theorist, Juliet Mitchell, exclaimed:

The longevity of the oppression of women must be based on something more than conspiracy, something more complicated than biological handicap and more durable than economic exploitation.²³

Her endeavour to explain such oppression became a very fat book called *Psychoanalysis and Feminism*.²⁴ Joan Kelly demonstrated just how different writing history must become (in terms of periodisation, categories of social analysis and theories of social change) if histories were to include women.²⁵ Eleanor Maccoby and Carol Jacklin dismantled seemingly timeless assumptions about the psychology of sex differences.²⁶ Michelle Rosaldo and Louise Lamphere explored and exploded long-standing analogies that anthropologists drew between men and 'culture', women and 'nature'.²⁷

These ideas were part of a radical intellectual transformation, challenging a host of taken-for-granted assumptions into which we had all been inculcated. Some of them had thoroughly practical consequences as well. Here in Australia, human geographer, Fay Gale, pointed out one of the consequences of social scientists assuming that the human is male. This was the story of Werlatyre-Therre, a place near Alice Springs where the city fathers wanted to build a recreational lake. Government officials – planners, engineers, construction managers (all men) – consulted the local Aboriginal men. The Aboriginal men had nothing particular to say about it, so construction was about to begin. But then

a number of Aboriginal women ... moved in to protest loudly and visibly. They set up camp at the site and effectively called a halt to construction, demanding that they be recognised, just as Aboriginal men would have been considered if it had been a men's site.

²⁰ Kate Millett, *Sexual Politics* (Rupert Hart-Davis) London, 1971.

²¹ Germaine Greer, *The Female Eunuch* (Paladin) London, 1971.

²² Shulamith Firestone, *The Dialectic of Sex: The Case for Feminist Revolution* (Paladin) London, 1972.

²³ Juliet Mitchell, *Psychoanalysis and Feminism* (Allen Lane) London, 1974, p.362.

²⁴ Above note 23.

²⁵ Joan Kelly-Gadol, 'The social relation of the sexes: Methodological implications of women's history', *Signs: Journal of Women in Culture and Society*, vol.1, no.4, 1976, pp.809-823.

²⁶ Eleanor Maccoby and Carol Jacklin, *The psychology of sex differences* (Oxford University Press) Oxford, 1974.

²⁷ Michelle Rosaldo and Louise Lamphere (eds), *Woman, culture and society* (Stanford University Press) Stanford, 1974.

For this was a very important women's site, a 'crucial site in the whole women's Dreaming pattern of central Australia'. White male Australia's sexist assumptions about Aboriginal land-ownership giving all authority over land to men had, here, cost the government – us, tax-payers, as Fay did not shrink from pointing out – a great waste of hard cash.²⁸ Engagement with intellectual transformation of this order promised all-encompassing change.

I was not dismissing the Sex Discrimination Act's achievement by wearing a badge declaring that 'To Demand Equality is to Lack Ambition' as I went about setting up Women's Studies at the University of Adelaide. Rather, I was trying to make people think about what equality meant in the wake of the Sears case in the United States, a case which pitted equality against -- not in-equality -- but difference,²⁹ another of the debates addressed in Women's Studies.

Today, a quarter of a century later, we inhabit markedly different contexts. There have been gains in the position of women. Such pride we can take in the appointment of the Honourable Quentin Bryce as Governor General; in the front bench of the first Rudd government, with Julia Gillard as Deputy Prime Minister and three other women with major portfolios; in the election of Anna Bligh, the first woman to be elected as a state premier. Most of the academic participants in this conference are, or have been, professors. Fay Gale was a vice chancellor. Women's Studies has been mainstreamed, or become Gender Studies. Events have overtaken one of the Pine Gap protesters' goals: the United States' Pershing missiles have been removed from England and Europe. And yet, and yet – there is still an immense gulf between the optimism of twenty-five years ago and the position of women today.

Economic and political change from the early 1990s on made us all familiar with neo-liberal social ideology emphasising the individual, profound economic conservatism emphasising the primacy of market freedom, joined with a moral vacuity in which advertisements tell each of us to 'Put yourself first', which fosters the concept of 'retail therapy, even 'retail fun', recently blamed for a greed is good culture and its consequences. As La Trobe University academic, Mark Furlong, observed recently:

The personal pronoun has taken dominion in our period: there is the iPod and the iPhone; one spends time on MySpace or YouTube; universities simulate small group interactions using i-peer; you can even buy MyDog food. ['i-dolatry'.³⁰

In such a context, the feminisms of the 1970s and 1980s could be dismissed as having failed to provide to young women all that they wanted to *have*, while the market, if allowed free rein, would do just that. Any voices reminding that what such feminism

²⁸ Fay Gale, 'Seeing Women in the Landscape: Alternative Views of the World Around us' in Jacqueline Goodnow & Carole Patemen (eds), *Women, Social Science and Public Policy* (George Allen & Unwin) Sydney, 1985, pp. 63-5.

²⁹ See, e.g., Joan Wallach Scott, 'The Sears Case' in *Gender and the Politics of History* (Columbia University Press) New York, 1988.

³⁰ Mark Furlong, 'i-dolatry', *Arena: The Australian Magazine of Left Political, Social and Cultural Commentary*, no.101, 8 September 2009, pp.12-13.

had been about was not about *having* but, rather, about what women could *do*, or were being prevented from *doing*, were few and drowned out by advertising jingles.

Women are still victims of rape, domestic violence and trafficking. The sexual division of labour within households stretches women to snapping point, as women continue to provide most of the unpaid, usually unrecognised, 'caring work' for members of the household, even when they are themselves employed in the labour market.³¹ It is worth recalling that estimates of the market value of women's 'vast non-market contributions to family and community welfare' have shown it to be worth approximately sixty percent of Gross Domestic Product.³² So much for considerations of work/life balance.³³ Paid parental leave is still no more than a promise.³⁴ Current legislation relating to the children of divorced couples operates starkly to women's disadvantage.³⁵ And Equal Pay Day, 1 September this year, brought acknowledgement that in 2008, female university graduates started work on \$2,000 less than their male peers, that an average woman at the end of her earning life will have brought in \$1 million less than the average man, which means that 'Australia's gender pay gap averages 17.4%, which is only a 1.1% improvement from 25 years ago', and as a consequence women retire with less than half the amount in their superannuation accounts compared with men, and are two and a half times more likely than men to live in poverty in their old age.³⁶

It could be argued that today we face far more alarming prospects affecting not merely the women of Australia but the whole world: the global economic crisis and the threat to human life of climate change. Against that argument, I would contend that the present crises offer us unprecedented opportunities. Anthropologist Peter Sutton has observed recently:

Deep changes in culture are normally and, in most of human history, unintentionally generated in contexts such as substantial economic changes, radical ideological shifts such as mass conversion to an evangelical religion or social reconstruction following epidemics, warfare or environmental catastrophes.³⁷

Our Prime Minister, Kevin Rudd, has identified the present economic crisis as having called into question the prevailing neo-liberal economic orthodoxy of the past 30 years – the orthodoxy that has underpinned the national and global regulatory

³¹ Adele Horin, 'Women stretched to snapping point', *Sydney Morning Herald* 4-5 July 2009.

³² E.g. Anne Edwards and Susan Magarey, 'Introduction', in Anne Edwards and Susan Magarey (eds), *Women in a Restructuring Australia: Work & Welfare* (Allen & Unwin in association with the Academy of Social Sciences in Australia) Sydney, 1995, p.7.

³³ Barbara Pocock,

³⁴ Elizabeth Broderick, 'Time for action on parental leave', *Age* (Melbourne), 10 April 2009, media release from Australian Human Rights Commission.

³⁵ Caroline Overington, 'Fair share?', *Weekend Australian Magazine*, 5-6 September 2009, pp.15-17.

³⁶ 'Issue of the week: the gender pay gap', *The Week*, 4 September 2009, p.37; Eva Cox, 'Financing our Futures – How Privatising Retirement Discriminates Against Women', Academy of the Social Sciences in Australia, *Dialogue*, vol.26, no.3, 2007, pp.42-50; ACTU Media Release launching an alliance of 135 organisations to mark Equal Pay Day, 31 August 2009.

³⁷ Peter Sutton, 'Culture worriers', *Australian Literary Review*, vol.4, issue 5, June 2009, p.4

frameworks that have so spectacularly failed to prevent the economic mayhem which has now been visited upon us.³⁸

So we are amid one of Sutton's 'radical ideological shifts', one which, in Prime Minister Rudd's words, repudiates 'the neo-liberal extremism that has landed us in this mess' and instead demonstrates that the social democratic state – the government – offers the best guarantee of preserving the productive capacity of competitive markets because the government (not the market) will be the regulator, the government (not the market) will provide necessary public goods, and the government (not the market) will 'offset the inevitable inequalities of the market with a commitment to fairness for all'. As Kevin Rudd observed, trenchantly,

Social democracy's continuing philosophical claim to political legitimacy is its capacity to balance the private and the public, profit and wages, the market and the state. That philosophy once again speaks with clarity and cogency to the challenges of our time.³⁹

His deputy, Julia Gillard, signalled one way in which these optimistic principles are to be implemented when, at a recent conference of industrial relations practitioners, she called for a 'new focus on *cultural* change'[my emphasis]. Having achieved the passage of the Fair Work Act through the parliament, she wants to move the reform process further forward, she said, by developing 'a new focus on cultural change in the workplace. We need to build partnerships between management and workers and their unions that operate for the benefit of all',⁴⁰ an aspiration directed away from the neo-liberal market society and towards a Scandinavian social democratic balance between capitalism and welfare.

Such culture-change can be achieved *only* if it includes genuine sharing of the caring work of our society, with greater flexibility in workplace structures and procedures to allow both parents to participate in childcare and housework, protections against the harms to which women can be subjected, and proper parity in payment for work done. This is not simply a matter of justice for women; it is – rather – a rational deployment of all our social resources. No society can afford the wasteful misuse of the resources that the female half of the population can bring to the whole society's endeavours. The Women's Movement -- continuing in whatever form it might assume now -- will demand nothing less.

To conclude: a study recently published in Britain points out the 'life-diminishing results of valuing growth above equality in rich societies'. So, much as we might hope for growth to be restored in the economies that determine our employment levels, it will need to be growth regulated by government, a government committed to equality for all. As the British study observes:

Inequality causes shorter, healthier and unhappier lives; it increases the rate of teenage pregnancy, violence, obesity, imprisonment and addiction; it destroys

³⁸ Kevin Rudd, 'The Global Financial Crisis', *The Monthly*, February 2009, p.20

³⁹ *Op cit*, p.21

⁴⁰ Ewin Hannan, 'Only the Beginning', *Weekend Australian* 29-30 August 2009, p.17.

relationships between individuals born into the same society but into different classes; and its function as a driver of consumption depletes the planet's resources⁴¹.

So let us insist that, just as members of the Rudd government traverse the world to ensure that Australia's social democratic principles contribute to the future shape and nature of the economies of the Group of Twenty, so, too, must members of the Rudd government continue to traverse Australia to ensure that those principles include equality – yes, equality (I've abandoned my old badge) -- for all of its citizens, women as well as men. Then we might be able to agree on what to do about climate change as well.

⁴¹ Richard Wilkinson and Kate Pickett, *The Spirit Level: Why More Equal Societies Almost Always Do Better* (Allen Lane) London, 2009, reviewed by Lynsey Hanley in the *Guardian Weekly*, 27 March-2 April 2009.