

NEW ZEALAND BIBLIOGRAPHY OF WOMEN AND THE LAW 1970 – 2000

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This bibliography provides an index of the significant body of periodical literature published between 1970 and 2000 relating to women and the law. All periodicals collected for this bibliography have been listed both by author and by subject matter. A full listing of the journals indexed is provided. Crucial non-periodical sources are also provided in an Appendix.

I INTRODUCTION

The past three decades have seen the creation of a significant body of scholarship about the challenges law poses for women. This bibliography draws together New Zealand periodical literature relating to women and the law published between the years 1970 and 2000.

Three main factors have contributed to this body of scholarship being largely unrecognised and difficult to access. First, as women and the law scholarship frequently draws on disciplines outside law's core, many articles were published in journals belonging to those other disciplines. Consequently, these articles are not included in the law indices on which legal researchers rely. Similarly, those articles which were published in law journals are unlikely to be included in the humanities indices on which sociologists, historians, women studies researchers, and others rely. This bibliography has surveyed both law and humanities journals to make the existing scholarship more accessible to all researchers. Second, those articles that were published in law journals tended to be poorly indexed. For example, until 1973, the *Index to Legal Periodicals* tended to classify relevant articles on the basis of whether they were about "women" or "married women". Although the index added the category of "sex discrimination" in 1973, "feminist legal theory" was not added until 1987, fourteen years later. While the

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Current Law Index provided more subject headings when it began publication in 1980, its headings were limited to those used by the American Library of Congress. Thus, articles raising new issues and those with a New Zealand focus were an awkward fit within the main international indices. This bibliography adopts subject headings that fit the articles rather than trying to fit the articles into a pre-set system of headings. Finally, many relevant New Zealand journals are not indexed by the international indices and many have not produced their own indices. This bibliography includes articles from both indexed and unindexed sources.

As stated, this bibliography collects New Zealand periodical literature relating to women and the law published between the years 1970 and 2000. The bibliography makes no attempt to include books, theses, government or private agency reports, conference papers, or unpublished materials.¹ While much valuable research is contained in such works, they are properly the subject of a separate bibliography. As a starting point, Appendix 1 contains a list of key works.

The collection process focused on New Zealand journals and selected Australian journals. Appendix 2 lists the journals indexed. Overseas articles relating to New Zealand have also been included where these were identified during the search process. Articles from non-law journals were assessed on the basis of their relevance to legal researchers.

Three further qualifications regarding the bibliography's coverage should be noted. First, selected articles from the feminist journal *Broadsheet* have been included to provide a more accurate view of legal issues confronting women in the 1970s. The low number of women in the profession during this period and the tendency to discredit early feminist scholarship meant that journals such as *Broadsheet* were often the only forum in which women could publish their views.² Second, articles relating to family law have been excluded except for the areas of domestic violence, reproductive issues, and the family rights of same sex couples. While family law issues such as divorce and matrimonial property division constantly raise issues of fundamental importance to women, specialist texts, journals, and indexing services

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- 1 Within this framework, articles updating the progress of the New Zealand Law Commission's project on Women's Access to Justice have also been omitted. A list of the papers produced during the project is set out in Appendix 1.
 - 2 *Broadsheet* continued publication until 1997, each issue discussing several aspects of law and law reform. However, from 1980 onwards, the publication of new journals, such as *Women's Studies Journal* and *Feminist Law Bulletin*, and the increasing recognition of feminist scholarship as legitimate scholarship means that *Broadsheet* does not have to be relied on to fill the gaps.

provide better coverage than this bibliography could hope to provide. Finally, case notes have been excluded, except where they contain a broader critique of the relevant law.

II SUBJECT LISTING

The headings and sub-headings used in the bibliography are set out below. Within each category, the articles are listed in reverse chronological order. Authors are identified by both first and last names where these could be identified.³ Journal names are written out in full to facilitate access.

Abuse and violence	Legal education
<ul style="list-style-type: none"> • Against women • Against children 	Legal history
Courts, dispute resolution, and legal practices	Lesbians
Criminal law	Maori women
<ul style="list-style-type: none"> • Rape and sexual offences • Women offenders and punishment • Defences • Other issues 	Pornography and censorship
Economic aspects and poverty	Prostitution and sex work
Evidence	Reproduction
Feminist legal theory	<ul style="list-style-type: none"> • New technologies • Surrogacy • Parental leave • Abortion • Contraception and sterilisation • Other issues
General articles	Sex discrimination
Health issues	Tort law and accident compensation
Judges	

3 Identifying first names generally reveals whether the author is female or male. Several of the articles included in the bibliography are unsigned and are listed by title. Most often these articles appear in *LawTalk* or the *Feminist Law Bulletin*. With respect to the *Feminist Law Bulletin* the unsigned articles were written, in whole or in part, by the editors: C Dot Kettle, Joy Liddicoat, Claire Baylis, and Kate Tokeley.

Labour and employment

- Demographics
- Equity and EEO
- Harassment

Transsexuals

Women in the legal profession

A Abuse and Violence

See also:

CRIMINAL LAW – Rape and sexual offences

LABOUR AND EMPLOYMENT – Harassment

1 Against women

Frank Bates "Violence, money and informal families in Australia and New Zealand" (1999) 7 *Asia Pacific Law Review* 1

Felicity Goodyear-Smith "Childhood sexual abuse and mental health" [1999] *New Zealand Law Journal* 386

John Hughes "Battered woman's syndrome and 'interdependence' as factors in establishing conjugal status in social security law" (1999) 7 *Waikato Law Review* 104

Nan Seuffert "Domestic violence, discourses of romantic love, and complex personhood in the law" (1999) 23 *Melbourne University Law Review* 211

William Atkin "The Domestic Violence Act" [1998] *New Zealand Law Journal* 24

Allison Morris "The prevalence in New Zealand of violence against women by their current male partners"(1998) 31 *Australian and New Zealand Journal of Criminology* 267

Allison Morris "Victims of crime: The women's safety survey" [1998] *New Zealand Law Journal* 46

Fran Wright "The circumstances as she believed them to be: A reappraisal of section 48 of the Crimes Act 1961" (1998) 6 *Waikato Law Review* 109

"New Zealand update on domestic violence" [1998] 1 *Feminist Law Bulletin* 13

"Feature on domestic violence" [1998] 1 *Feminist Law Bulletin* 10

Ruth Busch and Neville Robertson "The gap goes on: An analysis of issues under the Domestic Violence Act 1995" (1997) 17 *New Zealand Universities Law Review* 337

Catherine Cull "Sexual abuse prosecutions - Complainant delay" [1997] *New Zealand Law Journal* 273

Rebecca Emerson Dobash and Russell P Dobash "Men's violence and programs focused on change" (1997) 8 *Current Issues in Criminal Justice* 243

Neville Robertson and Ruth Busch "Seen but not heard? How Battered women and their children fare under the Guardianship Amendment Act 1995" (1997) 2 *Butterworths Family Law Journal* 177

Nan Seuffert "Battered women and self-defence" (1997) 17 *New Zealand Universities Law Review* 292

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Stephen Hooper and Ruth Busch "Domestic violence and the restorative justice initiatives: The risks of a new panacea" (1996) 4 *Waikato Law Review* 101

Elisabeth McDonald "A relationship in the nature of a marriage" [1996] *New Zealand Law Journal* 423

Brenda Midson "How psychologists can assist in the recovered memory arena" (1996) 4 *Waikato Law Review* 167

Stephanie Milroy "Maori women and domestic violence: The methodology of research and the Maori perspective" (1996) 4 *Waikato Law Review* 58

Tania Pocock and Fiona Cram "Children of battered women" (1996) 4 *Waikato Law Review* 77

Nan Seuffert "Lawyering for women survivors of domestic violence" (1996) 4 *Waikato Law Review* 1

Ruth Busch, Neville Robertson and Hilary Lapsley "The gap: Battered women's experience of the justice system in New Zealand" (1995) 8 *Canadian Journal of Women and the Law* 190

Elizabeth Paton-Simpson "Human interests: Privacy and free speech in the balance" (1995) 16 *New Zealand Universities Law Review* 225

Nan Seuffert "Hanging out at the gap: A dialogue reading of experiences of survivors of domestic violence with legal representation" (1995) 8 *Canadian Journal of Women and the Law* 290

- "Hitting Home: Men speak about abuse of women partners" [1995] 4 *Feminist Law Bulletin* 1
- "Economic cost of family violence" [1995] 1 *Feminist Law Bulletin* 1
- Neville Robertson and Ruth Busch "Not in front of the children: The literature on spousal violence and its effects on children" (1994) 1 *Butterworths Family Law Journal* 107
- Nan Seuffert "Lawyering and domestic violence: Feminist pedagogies meet feminist theories" (1994) 10 *Women's Studies Journal* 63
- "Domestic Violence Bill" [1994] 6 *Feminist Law Bulletin* 5
- Ruth Busch, Hilary Lapsley and Neville Robertson "Battered women and the justice system (Part 1)" (1993) 1 *Butterworths Family Law Journal* 19
- Ruth Busch, Hilary Lapsley and Neville Robertson "Battered women and the justice system (Part 2)" (1993) 1 *Butterworths Family Law Journal* 31
- Ruth Busch "'Was Mrs Masina really lost': An analysis of New Zealand judges attitudes towards domestic violence" (1993) 7 *Otago Law Review* 17
- Ruth Busch and Neville Robertson "'What's love got to do with it?': An analysis of an intervention approach to domestic violence" (1993) 1 *Waikato Law Review* 109
- Silvia Cartwright "Violence and water Women's issues, and the law" (1993) 7 *Otago Law Review* 1
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- Paul Davidson "Family therapy with the violent family" (1985) 1 *Family Law Bulletin* 99
- Iain Johnston "Domestic violence: The role of counsel" (1985) 1 *Family Law Bulletin* 12

Peter Swain "Stopping men's violence towards women" (1985) 1 *Family Law Bulletin* 27

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PRH Webb "The Domestic Protection Bill 1982" [1982] *New Zealand Recent Law* 227

"Women, violence and justice" (1980) 118 *LawTalk* 19

2 Against children

Frank Bates "Violence, money and informal families in Australia and New Zealand" (1999) 7 *Asia Pacific Law Review* 1

Andrew Beck "Limitation of sexual abuse claims" [1999] *New Zealand Law Journal* 329

Felicity Goodyear-Smith "Childhood sexual abuse and mental health" [1999] *New Zealand Law Journal* 386

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- "Restorative justice" [1995] 4 *Feminist Law Bulletin* 5
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- "Name suppression" [1995] 1 *Feminist Law Bulletin* 5
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- Elisabeth McDonald "A jury of her silent peers" (1993) 9 *Women's Studies Journal* 88
- Mary Nash and Lesley Read "How women consumers experience legal processes of family separation (Part 1)" (1992) 39090 *Family Law Bulletin* 60

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C Criminal Law

See also:

PROSTITUTION AND SEX WORK

1 Rape and sexual offences

See also:

ABUSE AND VIOLENCE

Margaret Young "The need for reform of rape consent laws" [1999] 6 *Feminist Law Bulletin* 3

Jae Lemin "To know or not to know? The privacy law implications of the 1996 Paedophile and Sex Offender Index" (1998) 28 *Victoria University of Wellington Law Review* 415

Allison Morris "Victims of crime: The women's safety survey" [1998] *New Zealand Law Journal* 46

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- John Meek "The revival of preventive detention in New Zealand, 1986-93" (1995) 28 *Australian and New Zealand Journal of Criminology* 225
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- "Privacy issues" [1995] 2 *Feminist Law Bulletin* 4
- Christine Cameron "A feminist critique of the distinction between penile rape and rape with an object" (1994) 7 *Auckland University Law Review* 647
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- Kerry McQuoid "*R v Pauga*: Making the rape complaint invisible?" (1993) 7 *Auckland University Law Review* 509
- AP Simester and DI Simester "Analysing sexual offence sentences: An empirical approach" (1990) 23 *Australian and New Zealand Journal of Criminology* 269
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- John Rowan "The assessment and treatment of sex offenders" [1989] *New Zealand Law Journal* 275
- Leigh Simpkin "The Rape Law Reform (No 2) Act 1985" (1987) 5 *Auckland University Law Review* 514
- Steven Zindel "Section 23A of the Evidence Act 1908 and the regulation of sexual history evidence" [1987] *New Zealand Law Journal* 362
- Rosemary Barrington "Standing in the shoes of the rape victim: Has the law gone too far?" [1986] *New Zealand Law Journal* 408
- Heather McPherson "The apple belonged to Eve: Rape, incest and re-telling myths" (1986) 3 *Women's Studies Journal* 22
- Gerald Orchard "Sexual violation: The rape law reform legislation" (1986) 12 *New Zealand Universities Law Review* 97
- Stephen White "Compulsion and rape in New Zealand" (1985) 9 *Criminal Law Journal* 156
- "Rape Law Reform (No 2) Bill 1985: 'Grave concern' sparks further submissions" (1985) 229 *LawTalk* 5
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- Deborah A Clapshaw "Rape: Problems of consent" (1981) 4 *Auckland University Law Review* 220
- Angela Graham "Downgrading rape" (1977) 46 *Broadsheet* 7

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- Jocelynn Scutt "The standard of consent in rape" [1976] *New Zealand Law Journal* 462
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- John Gambry "Father/daughter incest and the courts" [1973] *New Zealand Law Journal* 294
- 2 Women offenders and punishment**
- Bridget Caird "Women inside: Equity behind bars" [1999] 6 *Feminist Law Bulletin* 2
- Elisabeth McDonald "Women offenders and compulsion" [1997] *New Zealand Law Journal* 402
- Pamela Williamson "The Puriri Foundation: A new penal alternative for female offenders and their children" (1996) 8 *Auckland University Law Review* 143
- "Restorative justice" [1995] 4 *Feminist Law Bulletin* 5
- "Facts about women in prison in New Zealand" [1995] 3 *Feminist Law Bulletin* 7
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- "In the interests of justice: An evaluation of Criminal Legal Aid in NZ" [1995] 3 *Feminist Law Bulletin* 2
- Bronwyn Dalley "Prisons without men: The development of a separate women's prison in New Zealand" (1993) 27 *New Zealand Journal of History* 37
- Elisabeth McDonald "Provocation, sexuality and the actions of 'thoroughly decent men'" (1993) 9 *Women's Studies Journal* 126
- Maureen Molloy "Science, myth and the adolescent female: The Mazengarb Report, the Parker-Hulme Trial, and the Adoption Act of 1955" (1993) 9 *Women's Studies Journal* 1
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Allison Morris, Gabrielle Maxwell and Jeremy Robertson "Giving victims a voice: A New Zealand experiment" (1993) 32 *Howard Journal of Criminal Justice* 304

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D Economic Issues and Poverty

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"Legal Aid cuts" [1998] 4 *Feminist Law Bulletin* 5

"Social Welfare changes: Asset and income testing" [1998] 4 *Feminist Law Bulletin* 3

"Superannuation" [1998] 4 *Feminist Law Bulletin* 3

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E Evidence

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IV APPENDIX 1: KEY NON-PERIODICAL SOURCES**A Books**

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Auckland University Law Review

Australasian Gay and Lesbian Law Journal (formerly *Australian Gay and Lesbian Law Journal*)

Australian & New Zealand Journal of Criminology

Australian & New Zealand Journal of Sociology

Australian Feminist Law Journal

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Canterbury Law Review

Feminist Law Bulletin

Human Rights Law and Practice

LawTalk

Maori Law Review

New Zealand Business Quarterly

New Zealand Journal of Industrial Relations

New Zealand Journal of Environmental Law

New Zealand Journal of History

New Zealand Journal of Taxation Law and Policy

New Zealand Law Review (formerly *New Zealand Recent Law Review* and *New Zealand Recent Law*)

New Zealand Universities Law Review

Otago Law Review

Te Whakamarama: The Maori Law Bulletin

Victoria University of Wellington Law Review

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