

Feminist Jurisography: *Woman's Estate*, Australia, 1970

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Abstract

This essay offers some observations on jurisography, an experimental practice named by the author. It draws from *Feminist Jurisography: Law, History, Writing* (2022) to make an argument about feminist traditions, and how they are inherited. The essay argues that feminist traditions – feminist foundations – are not necessarily forgotten, although they may not always be explicitly acknowledged. It begins with a provocation made by Simone de Beauvoir in *The Second Sex* (1949): that to respond adequately to one's situation in time and place as woman requires self-creation of a persona and methodological transformation of disciplinary writing. It then examines how that provocation was adapted in the 1970s by writers in the Women's Liberation Movement; and describes how popular books, written on the periphery of institutional life, introduced a new public persona: the feminist intellectual. Through a reading of Juliet Mitchell's *Woman's Estate* (1971) and its reception in Australia, the essay argues that regardless of whether one separates from or aligns with a textual inheritance, understanding the methodological innovations of feminist antecedents for projects in the here and now is a political act of acknowledgment.

'...though we cannot, in Women's Liberation, in any sense rely on previously developed analyses - we may be able to use them, to modify and extend.'

- Juliet Mitchell ([1971] 1977: 5)

'Feminist books are generally a prospective memory of a movement which constantly needs to be taken up again...'

- Michèle Le Dœuff (1991: 16)

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1. Feminist Jurisography

The themes and purpose of this collection are very important to me. Naming, acknowledging, and making visible the relations between feminist and jurisprudential traditions are activities that have organised my teaching, writing, and research – and sustained my scholarly relationships – since the mid-1990s. Over the past decade I have invested in giving methodological shape and form, and a language – jurisography – to demonstrate how I have conducted my own practice as it speaks to these concerns. I have prioritised as subject matter, and aimed to make visible, the originality and conviction of feminist writers and scholars who challenged the methods and genres of orthodox disciplines that they joined (like law), and how they also invented new ones (like gender and cultural studies) (Genovese 2022). I have emphasised how feminist projects, over time and place, are related to each other by writing: in the sources we choose, and how and where we are trained to take up our disciplinary roles in using them (ibid). I have recommended that how any scholar acknowledges their relationship with extant feminist or jurisprudential writing (or indeed feminist legal writing) is not programmatic, but involves inventing exercises and methodological experiments of one's own. These exercises are to make visible training and custodianship (about the work of those we learn from, as well as those we collaborate with, and teach). They are, I would argue, a way to recognise how feminist writing enables relations between feminist scholars, by paying attention to situation and difference (of temporality, language, location, discipline, and experience). Our own writing exercises also provide examples of how feminist writing and relationship that predates our own time is of diverse use for contemporary projects, in law (ibid).

In my book *Feminist Jurisography: Law, History Writing* I draw these activities together (Genovese 2022). Jurisography is a practice named and invented alongside my friend and collaborator jurist Shaun McVeigh. Bringing our different scholarly experiences and traditions into relationship has enabled us to experiment with techniques of showing how jurisprudence is addressed and accounted for in writing at different times; but also to stage an argument about why it is a public responsibility to write about the jurisprudence that belongs to the place we live and work (in our case, Australia, and its profound and irreducible relations between Indigenous and non-Indigenous laws, histories and peoples). Naming jurisography and experimenting with ways to write jurisprudence has enabled us to attend to the materials of law (in many diverse sources), to show not only how they order lives and experiences, but open a training in how to live a life with law or conduct your own obligations to law. Working

with Shaun and Peter on our other jurisography projects sustained my own thinking while writing *Feminist Jurisography*. But their obligations to jurisprudence are not identical to mine; and our ways of writing are also not the same (see Genovese 2013, 2014, 2016, 2019; Genovese & McVeigh 2015; Genovese, McVeigh & Rush 2016; Genovese & McVeigh 2026; McVeigh 2016; see also Genovese 2022: 107-113; Genovese, Curthoys, Simmonds & Kintonimas 2025). Writing *Feminist Jurisography* was a way for me to demonstrate and acknowledge the debts I carry; and to make visible the feminist intellectual training I have received in Australia, that has guided me in my own self formation as a jurisprudence writer. It was also, truth be told, an intervention. I wanted to present a particular history of writing about jurisprudence in Australia that skewered the accustomed starting and end points, and reoriented complacency in some contemporary writing in law that seemed to me uninterested in how the methods used were informed by feminist innovations. It mattered to me, as an ethos of my own scholarship, to make visible how and why these feminist innovations – of technique, source, genre – were developed as a matter of necessity in the late twentieth century. They were the active means devised by feminist writers to introduce different subjects and subject matter to orthodox knowledge, and allow experiences other than those of authorised men of the academy to be seen, read and heard in public writing of all kinds, including that of law (see Genovese 2022: 16-19).

2. Inheritance and tradition

In each of the essays I wrote for *Feminist Jurisography* I wanted to be clear about how innovations that present in feminist writing may be shared across time and places, but also form a feminist tradition specific to a location. A text or method commonly known in, say, the UK and Australia, or Australia and Italy, can be the source of feminist relationships. But how it is used or inherited in a place is also particular. Distinctiveness of problems and circumstances of time and location change how a library of resources might be valued, or how they offer different things, to a feminist scholar taking up an institutional or disciplinary role in their own situation. My own position on the provocations of this collection – forgotten foundations of feminist legal scholarship – is therefore not separable from how I learned to write about

jurisprudence and history, and how they have been taken up by feminist jurisographers in Australia (Genovese 2022).

In using a language of inheritance and tradition in my own work, I have also been reading for it in the work of others, to help clarify my own practices. ‘Inheritance’ is a commonplace trope in a lot of feminist work, to recommend clear use of extant feminist resources in a way that offers succour and solidarity, and tacitly acknowledges a tradition to draw on. But ‘inheritance’ also presents in feminist scholarship as intergenerational rejection. A method (or subject matter) devised decades ago as a necessary intervention might now be read as unhelpful, irrelevant or ripe for critique (the changing reception of Simone de Beauvoir’s *The Second Sex*, to which I will return, being a classic example) (Ahmed 2017: 19; Beauvoir 2011; Genovese 2022: 6-8). My contention is that in either iteration there is a tradition – a feminist foundation – to which the writer belongs; but how they relate to that tradition is not always explicitly acknowledged by them, or explained. Paying attention as to how and why the writers and innovations that predate your own practice carry meaning (or not) for projects in the here and now is a duty of being informed, a part of good scholarship in law or history, to gain a clear-sighted view of the shape of a problem. Acknowledgment in the body of a text (and not only in footnotes) in how you think with these sources, how they inform your own position, is also, for me, a political act: a refusal to accept scholarly sublimation of the originality and convictions of writers who happened to be feminists, and also became critical legal thinkers, social legal researchers, or jurists. I think this is an important practice regardless of whether one separates or aligns with what these writers offer. It is a way to accept duties of intellectual self-assertion that have accrued because feminist (and also queer) legal scholars once had, and still have, something important to say that remains difficult for legal (including critical) scholarship to hear (Genovese 2022: 111-112).

3. On Books and Institutions, circa 1970.

As a contribution to this collection, the editors have kindly allowed me to present an essay from *Feminist Jurisography* to demonstrate my practice. The essay I have chosen aligns very closely with the temporal framing (1970s and 1980s) of this edited collection. It gives an account of how writing that came from the Women’s Liberation Movement in the 1970s transformed the status of ‘woman’ from object of study to subject author and describes how the persona of the

feminist intellectual became publicly visible through specific books for the first time. These books can be understood now as an international reading list of early feminist theory, and include *Sexual Politics* (Kate Millett 1970), *The Dialectic of Sex* (Shulamith Firestone 1971), *The Female Eunuch* (Germaine Greer 1970), *Woman's Estate* (Juliet Mitchell [1971] 1977). At the time, all were popular best sellers and on the shelves of radical feminist repositories all over the world. I examine one of these books in detail: *Woman's Estate*. This is because *Woman's Estate*, as I will explain, can be read as a book of unofficial jurisprudence, at a time when 'feminist theorising about the law' (as Canadian feminist legal scholar Kathleen Lahey noted, looking back in 1985) was 'an uncatalogued item', a yet-to-be recognised enterprise (Lahey 1985: 519).¹ My point in the essay is that the persona 'feminist' needed to be imagined before it was possible to be a feminist at law, and I offer a demonstration through inheritance of writing how that persona was formed.²

Before I begin, a note about how I went about the exercise of writing this essay, which in the book is called 'On Books and Institutions, circa 1970'. Re-joining 'the times, the means, the spaces'³ to show how books read and books written create relations with others is not novel. I took guidance in how to represent my methods from many sources. One particularly important to me is the work by the Italian theorists of sexual difference, The Milan Women's Bookstore Collective, who wrote collectively and anonymously about their experiences in Milan in the 1970s and 1980s. The Bookstore in Milan (modifying to their circumstances an idea they borrowed from *Librairie des femmes*, opened by the Psychanalyse et Politique group in Paris in 1968, and soon proliferating all over Italy) stated that their ambition was to generate 'a way of doing' (The Milan Women's Bookstore Collective 1990: 91). They named a practice of relationship grounded in the material, 'to have daily meetings, build a centre, have adequate spaces where the separation between the private and the political can be surmounted' (ibid:

¹ There are many early exemplars and contemporaries of Lahey on this point. For two, see Thornton (1986) and O'Donovan (1985).

² The cultivation of intellectual personae through writing is not, obviously, confined to feminists, especially in the late 1960s and early 1970s, and in the book version of this chapter I include examples of books of the time written by men holding juristic office too (Genovese 2022: 81-86). The activity of dialogic reading between orthodox jurisprudential texts and feminist texts is important to the argument I stage in *Feminist Jurisography* as a book length argument (Genovese 2022: 18-21). For this version however, I have left discussion of some of the contemporaneous attitudes of legal scholars seeking out empirical and cross disciplinary methods to the side, to concentrate on feminist books, and how I inherit them.

³ This formulation is borrowed from the original Italian, in a 1976 leaflet called 'Il tempo, i mezzi e i luoghi', recorded by The Milan Women's Bookstore Collective (1990: 83).

84). Their ‘new’ political terms were to *create* ‘female social spaces in order to transform the given reality’, and to *transform* ‘both the women involved in the project and society’. For the Collective, the point was to understand how these actions were ‘not two distinct aims but two sides of the same process’ (ibid). These are ideas that circulate, as I shall explore in relation to an Australian experience.⁴ From that perspective, I borrowed the term ‘bookstore’ in the essay symbolically, to organise and place my own ideas about books, writing and relationships. A space claimed, rented, owned or inhabited is not only about bricks and mortar, as the South African-British writer Deborah Levy reminds with force and precision in the final instalment of her living memoir, *Real Estate* (2021). It is also about creative invention as a political intervention; a status based on the ownership of your own traditions and ideas, and the production of our own work, a sharp rebuke to the presumptions in law and life of men as landlords viewing ‘every female writer as a sitting tenant on his land’ (Levy 2021: 258).

4. *The Second Sex* and Guides for Living

To locate how Juliet Mitchell’s *Woman’s Estate* appeared in Australian bookstores and bookshelves circa 1970, I need to begin with a different book: Simone de Beauvoir’s *The Second Sex* ([1949] 2011). As noted by many before me, *The Second Sex* was never a manifesto (Le Dœuff 1991: 57; see also Genovese 2022: 6-10). But it was a guide for imagining a different kind of life. Beauvoir’s intentions were very plain on this point, both in the original book, and in the interviews, essays, memoirs and journalism that she continued to publish for the rest of her life. She wrote to comprehend and ‘to translate [...] a situation that is showing itself to be historical precisely in that it is in the process of changing’ (Beauvoir 2011: 750). So although not offering anything as programmatic as a plan for universal action, or rules of morality to be followed slavishly and adhered to without deviation, what Beauvoir did do in *The Second Sex* was address the question of woman’s experience of relations both intimately and eruditely, and talk to her reader in the first person. This attitude changed everything.

The Second Sex was a best seller from the time of the first edition (Moi 2010). And although no book is a static artefact, the extent to which *The Second Sex* has provided ‘reference points for understanding’ (Le Dœuff 1991: 57) and been continually renewed over the past

⁴ For another account of The Milan Women’s Bookstore Collective and their practices see Martinis Roe (2018). I return to these texts and ideas in Genovese (2022: 122-138).

seventy years is remarkable. It has energised generations of readers (myself included), but for readers in 1960s and early 1970s – when there was little else in the library – *The Second Sex* was a fulcrum for a new experience of freedom for women. It showed how interrogation of one's own circumstance could open a different politics of radical action; and provided a model of how to assert oneself in writing, and with knowledge and with men, in a way that shifted focus from woman's emancipation to her liberation of the self as human being. Identification with Beauvoir was sometimes contemporaneously cited. Canadian radical feminist theorist Shulamith Firestone, for example, dedicated her *Dialectic of Sex* (1970) to Simone de Beauvoir, 'who endured' (Curthoys 2000: 17). The brilliant essay 'The Masters Tools will Never Dismantle the Master's House', written by Black, queer, feminist scholar Audre Lorde in 1979 for a conference dedicated to *The Second Sex*, rebukes white, heterosexual feminist participants for attempting to ossify and claim Beauvoir rather than understand what she opened up to everyone (Lorde 2018). More commonly, Beauvoir has been openly discussed by feminist authors of the 1970s when reintroducing their own writing, to capture and explain the ethos and dynamism of a time of personal and collective self-invention. Juliet Mitchell, for her part, described *The Second Sex* in an interview in 2006 as a 'brilliant depiction of an analysis of the oppression of women', that inspired her, and offered something outside of the limitations of Marxist theory and the British New Left's forestalling on woman's condition and class interests (Çakmak, Mitchell & Somay 2006: 17). The American literary and feminist theorist Kate Millett did not openly acknowledge Beauvoir in her own ground-breaking blockbuster *Sexual Politics* in 1970, but wrote later: 'I owe a great debt to *The Second Sex*. I could not have written *Sexual Politics* without it' (Curthoys 2000: 17).

These experiences were shared, but distinct, across the world. The specific Australian experience of reading Beauvoir in the late 1960s and early 1970s is well documented, as I have written about elsewhere (Genovese 2014, 2022: 77). For young women in Sydney, reading Beauvoir's books for the first time was a revelation, a way to learn a certain ethos of life, and understood as training manuals for crafting a new kind of public writing persona as a woman ('If we were intellectuals we read Simone de Beauvoir', as the poet and writer Kate Jennings recalled forty years later) (Jennings 2010: 3). In *Hipparchia's Choice*, French philosopher Michèle Le Dœuff reflects on her own experience as a young student intellectual and activist

in late 1960s Paris. In her case, she was introduced to Beauvoir in text, and in person. ‘Reading *The Second Sex*’, Le Dœuff recalled,

taught us to objectify the question [“what is wrong with me?”], to look at the social world with a critical eye, instead of looking within ourselves for some hidden cause of existential incapacity. It taught us simply to situate some of our difficulties and thus free ourselves from their internalization (1991: 57)

Importantly, Le Dœuff also emphasises that ‘between 1949 and 1971’ Beauvoir herself did not ‘put down her pen and wait until the...Movement began’ (ibid: 132). She wrote constantly, and paid attention to her own changing situation in Paris, listening ‘first to writers...then to the collective thoughts of groups from the Movement’ (ibid). Beauvoir ‘caught hold of emerging ideas’, Le Dœuff recalls; and circa 1970 her work had evolved (in particular around questions of work, reproductive rights, sexuality, and anti-colonialism) through meeting ‘young feminists’ with whom she was ‘entirely in sympathy’ because of their desire ‘to change the world that has been made by men’ (ibid). These forms of exchange, of entrustment through text and experience and over time, do not detract from, but rather supplement and demonstrate, how *The Second Sex* ‘was the movement before the movement’ as Le Dœuff puts it, and ‘galvanised women’s movements everywhere’ (ibid: 57).

5. Bookstores

Beauvoir of course did not achieve ‘Women’s Liberation’ single handed in 1970 merely because she had written *The Second Sex* in 1949. She did not, for example, envisage a collective women’s movement as a means of redressing oppression (Mitchell 1977: 82). But as the American literary critic Judith Thurman has argued, ‘revolution cannot begin until the diffuse, private indignation of individuals coalesces into a common cause’ (Thurman 2011: xv). As noted, Beauvoir is name dropped and acknowledged as germinal to that common cause in the 1970s as she offered a way to perceive how the personal was not only political, but that such a politics might be definable as ‘an international movement [...] not in organisation, but in ...identification and shared ideas’ (Mitchell 1977: 11). To assume that happened only in your own home missed the point. To move the personal to the political involved an exchange of ideas in real time; and that required somewhere to meet.

Before 1970, to say you were going to a ‘women’s group’ suggested one of two things. The first was membership of an auxiliary to a political organisation ostensibly concerned with universal questions but in fact predicated on male experience and organised for the benefit of men (for example, the experience of many women in The New Left) (Jennings 2010: 7-9). The other was to organise a concerted rebuttal to institutional exclusion based on sex, advocated courageously and separately by the excluded (Genovese 2016). Around 1970 these designations expanded, and changed. A women’s group became a transformative active project of finding together the words, and the means, to expose and then overturn the expected order of things from a point of view that did not originate from men at all. The Australian feminist scholar Dale Spender importantly reminded in 1983 that *There’s Always Been a Women’s Movement This Century*. But the problem in 1970 was that the questions asked by women as collective groups in earlier decades of the twentieth century, and the ways of asking them, stood in contrast to the self-characterisation of their own burgeoning community as a sisterhood with ‘dangerous ideas’ (Magarey 2014a). This is a point that the Australian feminist historian (and my first feminist teacher) Susan Magarey made as early as 1986 in her apt and instructive article ‘I Never Wanted to be an Administrator of Anything’ (Magarey 1986; see also Magarey 2014b). There was not, then, a ready-made template for unorthodox institutional and social life. ‘In such a situation,’ historian Ann Curthoys recalled in 2000, ‘the world of books became paramount... Reading was a way of thinking about alternatives’ (Curthoys 2000: 11). Beauvoir’s work (already read, already guiding the individual) helped transform the act of reading from a ‘one-to-one dialogue’ (Le Dœuff 1991: 57) to a ‘collective and profoundly sociable enterprise’ (Curthoys 2013a: 58). Beauvoir ‘taught us how to live’, as Curthoys puts it, and showed that it was possible ‘to forge an alternative to the narrow options then facing women, and to live according to a different conception of femininity, intellectuality, independence, sexuality and friendship’ (Curthoys 2000: 13).

The spaces created by women for women’s groups were as a consequence integral to forging these alternatives. Women’s resource centres, houses, bookstores, libraries were specific to the politics of their location. What their collectives shared, however, was a desire to tear up the rules of membership of orthodox institutional space – The Chamber, The House, The Library, The Faculty, The Committee Room – by creating membership protocols of their own. These women’s collectives also shared a mode of conduct, an awakened obligation to

reanimate the power of words that filled those spaces (what was spoken, what was read, what was written) to express the reformulation of relationships adequate to the times, and their own desires and discoveries.⁵

The women's space I want to visit to explore those ideas is Women's Liberation House, at 67 Glebe Point Road in inner city Sydney, circa 1970.⁶ This is for a personal reason. One of the young scholars who gathered there was Ann Curthoys. In the 1990s, she was also my PhD supervisor, when I moved to Glebe to study. It was from Ann that I learned how to cultivate a certain attitude to life and writing. So it was appropriate to the exercise of this essay about books, inheritance, and the relations of feminist practices, to return to 'radical Glebe' (as Ann has described the experience of being there at the time) (Curthoys 2013b), and to Women's Liberation House where *The Second Sex* sat symbolically on the first shelf.

6. Bookshelves

In 1970, 67 Glebe Point Road was a rented share house, but one with an open-door policy, an ephemera of pamphlets and books, a Roneo machine and a Letraset (Curthoys 2013b). In accounts by feminist custodians, Women's Liberation House at 67 Glebe Point Road appears as both a shared historical location, and a repeated referent of how ideas, and people, were brought into relationship with each other. Women's Liberation House defined itself outside of the expected protocols of membership, by word of mouth and by association. 'You didn't actually "join"', Curthoys recalled in 1988, 'you just went along' (Curthoys 1988: 2; see also Magarey 2014b: 380). 'Going along' was not limited to twenty something Anglo-Australian university students, although they undoubtedly provided the actual keys to the house (Curthoys 2013b; Magarey 2014a: 25-42). 'There [were] women across class, across race barriers, across ethnic origins ... across ages – and that was one of the things that was really exciting', the labour activist Laurie Bebbington noted in interview in the 1990s. 'There [were] Koori women ... women who were still at secondary school... And there were women who were fifty or sixty. ...no matter where you came from there were relevant issues about why you were where you were' (quoted in Magarey 2014b: 380-381; see also Magarey 2014a: 25-42).

⁵ Alongside earlier references in this essay to experiences in France and Italy, see for examples from the UK and US: Delap (2016); Spain (2016).

⁶ For a discussion of these spaces in Australia more broadly see Magarey (2014a: 57-72).

In their recollections of this time, feminist custodians offer descriptions of Women's Liberation House making it possible to walk through the front door with them, and to enter into a world. The front room was the meeting room, the 'point of solidarity' for consciousness raising activities (Curthoys 2013b). (A shorthand today, consciousness raising was defined by Juliet Mitchell in 1971 as speaking with other women in local groups to 'generalise phenomenon' and engender solidarity through difference, in order to 'change the pain that must be protested' and understand it 'is the politics – the turning of many individual experiences into a collective struggle' (Mitchell 1977: 58 (my emphasis)).) In the second room downstairs there were things to read (Curthoys 2013b). 'We gorged...on underground rags', Kate Jennings recalls, many of which were coming from America, but also Britain and Europe courtesy of personal connections (ibid), and were then copied on the Letraset to meet demand (Magarey 2014a: 25-42). These 'rags' titles were intentionally provocative but tongue-in-cheek: *Off the Pedestal*, *Off Our Backs*, *Up From Under*, *No More Fun and Games* (Curthoys 2013b). The journals soon shared shelf space with a new genre of popular books, produced by and for members of women's liberation groups in New York and London, and which were a sensation when they appeared in the first years of the 1970s. 'As a poet', Jennings recalled, 'I gravitated to...Robin Morgan, Ti-Grace Atkinson, and Valerie Solanas [author of the SCUM Manifesto]. Unafraid to be emotional, luminous with rage. Hard line, hardcore. Manifestos and poems that jumped off the page. I loved it' (Jennings 2010: 3). Others, like Curthoys and Magarey, training to be historians, and emerging from the New Left, it was Millett's *Sexual Politics* primarily, and also Mitchell's *Woman's Estate*, that 'were integral to the 'development of our ideas' (Curthoys 2013b; Magarey 2014a: 25-42). These books gave clues to their readers about how to speak about the category 'woman' as experienced in the immediate political moment, using some expected scholarly techniques, but a reversal of authorial voice, a disturbance of the idea that disciplines were contained and bound by their methods and traditions, and a keen recognition that the writing was for a general audience (with no kudos attached to scholarly obfuscation and certainly no evidence of performance anxiety).

By 1972, the second room upstairs at 67 Glebe Point Road had expanded to become a writing room and an editorial suite. At first, Curthoys recalled, '[we] were...energetically soaking up ideas [from overseas] borrowing, reprinting, reworking, quoting at length, discussing, explaining' (Curthoys 2013b). But in rapid succession, and with a sense of what

feminist artist, writer and broadcaster Virginia Fraser would later call a ‘mad confidence’ (Fraser 2010), Australian women’s liberationists ‘initiat[ed] then develop[ed] our own style’ (Curthoys 2013b). They published Australia’s first women’s liberation newspaper, *Mejane*, in 1971; and by the end of 1972, had started up a journal, *Refractory Girl*, that ‘represented the more academic side of women’s liberation with longer more scholarly articles’ (ibid; see also Magarey 2014b; Luker 2019). By 1973, Sydney Women’s Liberationists had armed themselves to begin an institutional disciplinary argument with the university, and its forms of knowledge and traditions. This argument was staged as the Philosophy Strike at the University of Sydney, an event well cared for by many Australian feminists ever since (not only in oral histories and memoirs, but in academic writing and public art) (see, e.g. Bashford 1998; Martinis Roe 2017). And by 1975, Australian feminist scholarship arrived at traditional publishing houses, with a remarkable launch of six now classic books in a single year (including Anne Summers’ *Damned Whores and God's Police*): a whole bookshelf of original feminist writing directed to our own specific history and located politics (Curthoys et al. 1975; Dixson 1976; Kingston 1975; Ryan & Conlon 1975; Summers 1975).⁷

I have a temptation to retell the stories of these achievements (they are great stories). But in paying attention to the bookshelf at Women’s Liberation House, I simply want to show that women’s liberationists created a new persona for themselves: the feminist intellectual. Her books were written outside of universities, by authors who were students undertaking intellectual apprenticeships, but who also were in daily conversation with women with all kinds of experiences and problems different to their own. Her books also demonstrated that writing on ‘the woman question’ was no longer ‘to justify a particular state of things by reference to some nature or necessity’ (Le Dœuff 1991: 112). Collectively, feminist intellectuals showed there was ‘no destiny’ for ‘woman’, singular, as a ‘writing and reading subject’ (ibid). The lesson of the book – *The Second Sex*, circa 1970, and those it inspired – was that it deprived the categorisation of ‘woman’ of ‘any subjective guarantee’ (ibid).

7. *Woman’s Estate*

To examine these accomplishments, I will take just one book off the shelf: Juliet Mitchell’s *Woman’s Estate* ([1971] 1977). *Woman’s Estate* is a good read, as it moves with pace and

⁷ For historiographical analysis of these texts, and those that slightly preceded them, see Curthoys (1996).

energy; perhaps reflecting what Mitchell described, thirty years later, as its ‘long gestation’ but ‘shot-gun birth’, (she wrote it in just six weeks).⁸ The book is organised in in two parts with short sections, for easy reading on the bus, or at a collective meeting. Like *The Second Sex*, *Woman’s Estate* traverses texts and disciplines as a point of necessity, as the only way to comprehensively analyse woman’s status as secondary. Part One is an overview of Mitchell’s own present situation but cast as a collective survey of the reasons and purposes of the arrival of the Women’s Liberation Movement. In order to adequately write about contemporary politics and theory in motion, Mitchell presents a hybrid genre: part sociological survey and political science thesis, part ‘how to’ book of ‘principles of organisation’ (Mitchell 1977: 56-61) and a primer of ‘concepts’ (ibid: 62). The book was therefore tailor-made for readers seeking guidance in how to engage with practices (like consciousness raising), and ideas now named for public dissemination (sexism, patriarchy, feminism). In Part Two, Mitchell presents a theoretical analysis that depends on her training as Marxist intellectual, but uses the theory she has mastered as a set of methods for her own redeployment (Çakmak, Mitchell & Somay 2006; Singh 2011). As Mitchell has reflected on the writing of *Woman’s Estate* and its precursor essay from the *New Left Review*, ‘The Longest Revolution’ (1966), ‘[f]or us, in the 1960s, Marxism was not out there as “Marxism”. One was also self-critical...[and] understood where we had to expand it intellectually’ (Singh 2011: 2). In Mitchell’s case, she did not ‘stick within the terms’ that ‘giant theorists’ (Marx, but also Freud) had set (ibid). Instead, following techniques learned from *The Second Sex*, and identifying Beauvoir as a theorist to work with alongside the male ‘giants’ (Çakmak, Mitchell & Somay 2006; Mitchell 1977: 81-82, 101), she reintroduced thought in order to respond to the ‘concrete situation’ (Mitchell 1977: 14) that she experienced (‘after all you are in a different historical epoch’) and observed (‘and in a different social context’) (Singh 2011: 2). Mitchell acknowledged that Marx, and importantly Engels, had not ignored ‘the woman’ question (or woman’s spheres of influence and forms of labour) (Mitchell 1977: 80). However, Mitchell also observed that those who came after them ‘inherited a tradition of thought which simply pointed to the a priori equation of socialism with feminine liberation without showing concretely how it would transform woman’s condition’ (ibid: 81). ‘The size of absence of women in socialist theory and practice is immense’, she

⁸ The ‘long gestation’ includes the publication of Mitchell’s essay ‘Women: The Longest Revolution’ in *The New Left Review* in 1966, which was incorporated into *Woman’s Estate* in 1971 (Shin 2015).

argued, and where ‘analysis has been offered clearly it has been inadequate, for the resulting practice has seriously failed to match it’ (ibid: 75).

What Mitchell argued in response seems so obvious today that it is easy to forget its radical force. First, she stated that women were an oppressed class, with definable interests able to be organised and promulgated by giving voice to women’s experience as a ‘class consciousness’ (Mitchell 1977: 75). Second, she took up Beauvoir’s transformative declaration in 1949, ‘I write it’, which deviated existentialist philosophy, and ‘the woman problem’, from male assumption to feminist inversion, and showed a way for a new generations of women writers to claim one’s self and one’s knowledge as central to any scholarly enquiry.⁹ Mitchell argued for ‘a specific theory of women’s oppression’ (1977: 75, 75-96). Her ambition was to ‘reject[...] the idea that woman’s condition can be deduced derivatively from the economy (Engels) or equated symbolically with society (Marx)’ (ibid: 100). By acknowledging that ‘women are exploited at work, *and* relegated to the home’, Mitchell began to examine how ‘the two positions compound’ oppression: ‘subservience in production is obscured by [women’s] assumed dominance in their own world – the family’ (ibid: 99, my emphasis). The family, in Mitchell’s emergent feminist theory, was then neither natural nor identifiable only as ideology. In ‘ask[ing] the feminist questions...to try to come up with some Marxist answers’, ‘the family’ instead could be understood as superstructure, in which the diverse aspects of women’s situation within it produced a ‘complex unity’ – production, reproduction, sexuality and the socialisation of children (ibid: 99-100). These required separation and disentanglement in order to understand how each was maintained and could be changed. In this way, Mitchell fragmented the category ‘woman’ as it had been used in existing thought, to topple the pre-eminence of the subordinated status of women preordained in culture and written into law. Sounding remarkably like Beauvoir in 1949, she argued: ‘There is nothing inevitable about the form or role of the family, any more than there is about the character or role of women’ (ibid: 100), and insisted that how the personae of wife, lover, mother operated was something able to be theorised, and redefined, by woman herself. ‘[E]xamining the concrete role and nature of today’s family from within’ (ibid: 159), in terms of both its psychology and its economy, was an intellectual activity necessary for woman to exercise agency and define her freedom. Significantly, such a project was not understood to be a burden for women alone (something often forgotten). ‘How can one sex be free without the other?’, Mitchell argued (ibid: 56), again

⁹ See Genovese (2022: 10-12) for an explanation of this argument in *The Second Sex*.

following closely Beauvoir's arguments about reciprocal relations in *The Second Sex*. For women's relationship to children to be totally voluntary, self-determined rather than expected or legally required, for one example, meant acknowledging alliance with (rather than reliance on, or sublimation to) men. 'Both sexes are oppressed by sex role stereotypes[...] don't you think men would like to be more at home with their children[...]?', Mitchell wrote (ibid), radically arguing that the inevitability of 'the family', as a realm which depended on a certain status for man and woman (he as property owner, father, household head; she as property, mother, housekeeper) be 'decomposed into a new pattern' as acts of mutual obligation and radical reorganisation (ibid: 107).

Mitchell's emergent 'feminist theory of oppression' was in these ways less interested in institutional equality (or marriage law reform) as a primary aim, but saw it as something that would come when women (and, by extension, men) liberated themselves as 'whole people' (Mitchell 1977: 14). That said, the fact that 'the agents and institutions of power' were 'men (and/or male dominated society)' (ibid), who could prescribe a 'natural destiny' based on sex, was an 'ideological concept' that had to be fought (ibid: 100). The duty of the feminist intellectual with that insight, Mitchell argued, was to present ways in which '[t]heoretical analysis *and* revolutionary action...restructure and destroy the inevitability' of 'woman's place' (ibid: 100, my emphasis).

Woman's Estate as a feminist book did not directly address legal doctrine as part of its project of destruction and reconstruction. But Mitchell's contribution to unofficial jurisprudence writing lives in the book's title and carries something forward. An 'estate', of course, operates at common law as inherited rights, interests and entitlement, from which woman has been historically excluded on the grounds of legal status. By virtue of her argument, Mitchell reminds us that an 'estate' is also a state of being, or condition of life, and open for transformation through redefinition and action. In these ways, I think, *Woman's Estate*¹⁰ attaches the subject woman to a class with interests of their own, who can collectively disturb social and economic functions of a body politic, and reorient its expected sites of contest. Yet it also says something about Mitchell's own state of being: that she refused to relinquish her

¹⁰ 'Woman's Estate' is also taken from a poem by the English Romantic poet William Blake, quoted on the title page of Mitchell's book, and can be argued to carry double meaning. For Blake's ambiguous attitude toward women in his own work see Fox (1977).

experience as either scholar or women's liberationist, and by joining them together in the style, content and argument of her writing provided guidance to others to do the same.

8. Relational Practices

There are two points I wish to draw by way of conclusion. The first is that it would be a critical fantasy to suggest feminists were the only writers taking on an intellectual project of looking at something slantways, to critique or refract, in the early 1970s; and it would be a feminist fantasy to suggest that women's liberation could occur without a direct intervention to juridical practices. But feminist writing circa 1970 did pay attention to something precise, that was distinct and new for jurisprudence. Scholars writing as feminists started asking law questions (or questions about living with law) for themselves. They did so outside of institutional confines (where they were still not welcomed or recognised), and without the imprimatur of the university jurists (including Legal Realists, whose work, despite the changing times, still did not extend to acknowledging women's experience) (Genovese 2022: 83-86; and see also 52-72). It was feminists who learned to interrogate the premises of their own disciplinary practices and engage in the robust suspicion of methods that had relegated their personal and collective interests into categories outside their experience of life. And it was feminists who saw the necessity of approaching interdisciplinary engagements as about more than a matter of empirical verification, but as projects of deconstruction and reintroduction, disturbing idealised forms as they wrote. The challenge to 'empirical objective' method, the idea of an unmediated singular subject who can be studied and known, and seen and read only in authorised ways, was destabilised by writers like Mitchell and many others. Their techniques – such as asking feminist questions to reach Marxist answers – forced into view *who* the subject and author of institutional and disciplinary observation might be, rather than relying on how objects of study ('woman', 'family') could be uniformly measured (Genovese 2022: 52-72). It was this practice that feminists then took with them to law school, into legal practice, into law reform, but most importantly for my project, into the legal academy. By asking feminist questions to reach different disciplinary answers, feminists circa 1970 liberated the idea that knowledge was privileged and contained. They demonstrated that it was possible to break the intellectual fourth wall between personae and personal experience, and as a consequence, refuse expectations of grand theory but nevertheless operationalise traditions of thought through writing. It is these

activities of feminist scholarly life that I think transform law and humanities scholarship, in ways that we do not see so easily now.

The second observation I would offer is that writing able to be described as ‘feminist’ from the early 1970s did not seek internal agreement, but did propose a different formulation of knowledge relations. I started this essay with an acknowledgment of the work of Italian feminist writers, to make a point about the integral role of spaces to the creation and transformation of those relations. The experience of what happened at the Bookstore in Milan is not of course transposable to Women’s Liberation House in Sydney or the Women’s Library in London, for just some examples. But the encapsulation of what happens when you and your friends stock the shelves of those spaces I think remains instructive, and aids my own exercise of naming and explaining feminist jurisography. The activity of women’s liberationists was not simply to read a shelf of women’s work that carried shared meaning because it was already known and admired. It was to ‘search for language of gendered mediation’ (The Milan Women’s Bookstore Collective 1990: 113) in those books because of the work the author did to reassess and rethink ‘the horizon’ of imbalanced knowledge, where the ‘measures of value are male’ (ibid: 112). Examining the writing of those who wrote before you, those who understood and exposed disparity and imbalance as a problem and a lived experience, became an activity in and of itself; a creation of a different symbolic ordering. ‘As long as the imbalance registered was one of women compared to man the horizon was neutral’, the Milan Collective wrote in 1979. ‘A neutral justice ordered women not to compare themselves to one another, promising to bring them to equality with men, with the result that female experience stayed imprisoned in itself, without social translation’ (ibid: 115). Instead, the starting point and practices of reading then writing, they argued, and as experiences at 67 Glebe Point Road showed, could be relations of trust with each other, in and over time.

My point is that the books written by those who learned from these shelves circa 1970 transformed the aspiration of a neutral and naturalised knowledge production and transmission. The texts of feminist intellectuals were, and remain, acts of social translation in which female experience was liberated with rigour, attitude and style. Their material and symbolic conducts with knowledge authorised a different starting point for all kinds of writing and new institutional relationships. It is this legacy that I set out to explore as an act of acknowledgment – and of literal genealogy of my own experience – in *Feminist Jurisography*.

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