



Donning the Robes?

***Re-creating feminist knowledge within the
framework of judgment***

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+ Outline of paper

Introduction: feminist knowledges and legal frameworks

1. The *Middendorp* case & homicide law reform in Victoria
2. Becoming Feminist Judges
3. Butler's account of intelligibility and vulnerability
4. Rethinking both violence and judgment as relational and communal

Concluding thoughts

+ The *Middendorp* Case

- The law's response to the death of Jade Bownds;
- The mobilisation of the offence of 'defensive homicide' and the impact of recent law reform;
- Familiar patterns and old prejudices: gendered narratives, provocation re-animated & women's experiences of violence as 'othered'.



Case citation: *R v Middendorp* [2010] VSC 147 (1 March 2010)

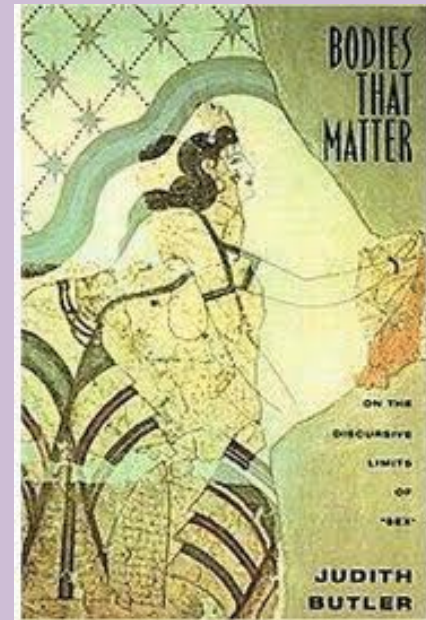
+ Becoming Feminist Judges

- Revisiting the facts with the victim as the subject;
- Rescripting the violence in line with feminist readings of the facts;
- Using the full range of legal penalties to better reflect the vulnerability of the victim;
- Searching for 'alternative histories' of violence (Rackley, 2013).



+ Intelligible yet challenging

- Butler's *Bodies that Matter* (1993, Routledge);
- Intelligibility, citation, iteration and legal fictions;
- Revealing the 'fictions' of legal precedent and opening out the 'law-making' elements of legal practice and process;
- Judgments as collaborative acts (Hunter 2012).



+ Violence as communal and relational

- Women's Courts & *Feminist Judgments*
challenging abstractions and searching for new forms of justice beyond the individual (Duhacek 2014);
- An emphasis on the relationality and communality of violence (Butler, 2007 - ***Precarious Life: The Powers of Mourning and Violence***)

'One insight that injury affords is that there are others out there on whom my life depends' (xii).

+ Concluding thoughts

- The need to work within the confines of the law to challenge existing systems;
- Need to reconcile uncomfortable nature of such processes –
 1. How do we reconcile our responsibility as feminist scholars and voices with the constraints, biases and violence of the law?
 2. Does donning such robes compromise aspirations for an equitable and adequate accounting for gendered violences and biases?