

Book Review
by
Zoran Lapov
Women, Judging and the Judiciary
From difference to diversity
by Erika Rackley (Routledge, 2013)

The book is both illustrative and challenging in its purposes. What's more, it innovatively invites to rethink a set of basic notions surrounding the issue of judiciary and gender. But, why there would be a need for undertaking such a step? – as a matter of fact, certain ideas of judges and judging have been too rooted and overlooked as “normal”, hence accepted in an unproblematic way of thinking by both academy, institutions and public opinion. Thereby, the problem calls for a new light to be shed over the perception of gender-profession dichotomy.

Behind these assumptions, the authoress addresses the discourse of women in legal profession by exploring academic debate, everyday case studies and statistical data, added by indispensable retrospective glances; in order to make its pathways complete, the analysis is supported by an international panorama (yet focused on the United Kingdom), pouring a comparative approach into it. Gender, legal profession, justice/judging, rights, equity, difference versus diversity, appointment, merit etcetera, are just some of the key-concepts that thought-provokingly permeate the lines of the present work. In this way, the reader is prompted to take a journey through a multilevel analysis of the women's representation – both quantitatively and qualitatively – in the given professional sector.

As suggested by the title, *Women, Judging and the Judiciary* moves from *difference to diversity* in relation to the roles that the genders have been bestowed with in this arena. Women used to be deemed as different (in many senses) for so long periods of time, and this view keeps being the rule in several realities to date. In addition to its specific time and place demarcation, such a reputation of women has turned the question of genders into a question of differences. It is widely known that the social status of women has been gradually enhanced in a good portion of the globe in the last five to six decades, being vestiges of the process reflected in their representation in the legal profession too. Being affected by novel approaches to the gender issue of the last decades, the discourse has progressively shifted its routes under the banner of diversity, without leaving the legal profession out from its trends nor deprived of the resultant fruits. Rather to make it different, the aim of these approaches is to widen and enrich the issue: diversity of genders, dragging judging potentials and opinions in, is expected to spread over various levels of judiciary.

Yet, the outcome? – if compared to their male counterparts, the women unsurprisingly keep being underrepresented in the said professional domain especially on higher ladders of the judiciary pyramid. Everyday practices testify that the reality and the aforesaid propositions are not matching: the women involved in the legal profession are still facing several difficulties in taking important positions in decision-

making processes. As a final result, the number of women judges is still low. Further details concerning the phenomenon, namely its dimensions on the international scale, corroborate the finding: this condition affects not only particular societies marked by as much particular societal characteristics (as it could be expected), but applies to a row of the so-called “western democracies” too.

Brilliant the recollection of the little mermaid’s sacrifice.

The following question imposes itself as introductory to the debate: what are the reasons of failure in the scope of judicial diversity and inclusiveness? In the attempt to answer the question, Erika Rackley not only reaffirms the persistence of gender inequity in the judicial system and decision-making worldwide, but makes depart a thorough analysis of multiple causes and consequences that underpin the phenomenon.

On the background of the outlined scenario, the authoress provides a theoretical frame that the concepts of ‘diversity’ and ‘difference’ are embedded in. The definition of the two is followed by three concepts which prove to be vital for the discourse of judicial diversity itself: legitimacy (in relation to the public confidence), equity, and (once more!) difference. How and to what extent does the gender diversity introduce changes in the world of law – in terms of its phenomenology, professional dimensions, practices, institutions, social actors etcetera; and the other way around: what have these processes and changes meant for the female perspective? Setting off from these conjectures, one could move on to the representation and status of women in the legal profession availing her/himself of statistics, case studies, life stories, individual contributions, perpetual obstacles, everyday practices, and other relevant developments offered by the book with the goal of making the picture full and fully credible. Crossing a vast battleground of deep-rooted imageries, preconceptions and interpretations surrounding the involved social actors, especially the persona of judge, the reader lands back to the field of difference and diversity: actually, s/he is challenged to experience the subject under several frameworks – excluding difference, embracing difference, reclaiming difference, up to arrive at the issue of judicial diversity being positioned behind the question: “*A diverse judiciary is a better judiciary?*” Why we might want it to be more diverse then?

Well, if adopted in terms of cross-cultural and professional enrichment, the diversity should be welcomed in the legal profession to a higher degree, with particular attention to the realm of judicial appointment and adjudication: the judicial diversity and inclusiveness will definitely affect the role of the (woman) judge and the process of judging. In the lines of *Women, Judging and the Judiciary*, the need to introduce a broader openness to the judicial diversity and to appoint more women to the judiciary is particularly pointed out. The authoress exposes reasons (*why?*), modalities (*how?*), and envisaged outcomes (*what?*) of this purposeful invitation, namely: why, how, and to what extent these goals might be achieved. Meaning that further policy development is still a work in progress in this context. In conclusion: the matter of judicial diversity, especially at senior levels, remains so a complex and scorching subject in the legal profession.