

The Most Frequently Used Arguments for Increasing Women's Participation in Justice

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Background

This document develops two main arguments, which the author uses to elaborate discussions of the inclusion of women judges in the area of judicial administration. The two main topics are democratic legitimacy (disadvantaged groups) and the specific contribution that women can make to justice if their participation in the justice system is increased.

The author provides evidence to support both claims, arguing for equality for women in justice and the significant amount of consensus that exists in this area in societies that are based on the principle of democratic equality.

The topic to which the author dedicates most of her attention is cultural representation in a diverse society and the theories of authors such as Shetreet, Griffiths, and Kartz, who argue that there is a doctrinal justification for ensuring that the justice system is integrated in a manner that reflects the diversity that exists in society. This includes implicit recognition of the fact that women and other groups that are excluded from justice is an issue of principles. Mention is also made of women judges such as Abramson in the U.S., Lady Justice Hale in England, Madame Justice Wilson, and Madame Justice L'Heureux of Canada, who have noted that justice should include a considerably greater number of women and reflect the ethnic and racial diversity of society. They go on to argue that this will increase confidence in the justice system and is essential for ensuring that the institution is perceived by the public as just and representative.

The author offers a short conclusion that links the text's main arguments and makes reference to women's access to justice. She notes that "a (female) judge who is conscious of how gender and other social factors impact the litigants and who takes these issues into account in her work will clearly improve women's access to justice and in doing so will contribute to the creation of a more just society."

Topic 1
Women's Participation in the Justice System