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SOME VIOLENCE IS BETTER THAN OTHERS

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This article is a part of our September focus on Violence – you can access more content from this issue [here](#)

By Kate Galloway

A woman, named Tracy Connolly, was killed in St Kilda in July. The next day, *The Age* proclaimed, “St Kilda prostitute murdered.” And in the *Sydney Morning Herald* the headline for Tracy’s murder read: “Appeal for witnesses over murdered St Kilda prostitute”. Many commentators have pointed out the contrast between how Tracy’s death was handled by the media, compared to the coverage of the rape and murder of ABC journalist, Jill Meagher. While Tracy was nameless in news reports for some time and her job described using the value laden and anonymous term “prostitute”, headlines about Jill’s disappearance and brutal murder told a different story. For example, the ABC reported, “Homicide squad investigating missing ABC worker’s disappearance.” One *Herald Sun* headline was, “Handbag found in hunt for missing ABC radio employee Jill Meagher.” Identifying Jill as an ABC employee had given her an identity that was missing with use of the generic “prostitute”.

While Tracy’s job may well be relevant in police investigations into her death, the difference in how the tragic deaths of both women were framed by the media, and by the public at large, is an inevitable consequence of the way in which society constructs women according to their sexuality. Women are sexualised according to “appropriate” sex (heterosexual, monogamous and reproductive) and “inappropriate” sex (deviant, prostitution, intersex, non-reproductive).

A woman’s location in the duality of appropriate/inappropriate sexuality will determine how the public perceives any violence she may suffer.

Importantly, control of women’s sexuality is supported by and mirrored in the law. Along with the urge to transcend the “natural and unknown,” represented by female fecundity, so too must the law prescribe orderly methods for transmission of property through offspring, and liability for the upkeep of women and children. Controlling paternity and its attendant liabilities is achieved in our legal system, through monitoring and controlling women’s sexual expression. This system is reinforced through effective social opprobrium directed at transgressors such as single mothers and sex workers.

The state expresses its claim to women’s bodies in many ways. The recent tightening of regulation in the US over women’s access to abortion and contraception is a case in point. Such US examples are infamous and legion, but it is not necessary to leave Australian jurisdictions to find evidence of State control over women.

In 2010 for example, Tegan Leach was the first woman ever prosecuted under Queensland’s *Criminal Code 1899* for procuring her own abortion after illegally importing an abortion drug. Leach was acquitted, but as long as the provision remains the state may criminalise women who seek to take control their bodies to deal with an unwanted pregnancy. Further, that the matter ended up in court required a decision to investigate, to charge and to prosecute. Each decision was made by an agency of the state, highlighting the fragility of women’s bodily autonomy. It also demonstrates the paramouncy of woman as mother, whereby the pregnant woman ceases to be her own person as she surrenders her bodily autonomy to the state.

Motherhood itself however is “acceptable” only within the boundaries of appropriate, government-sanctioned sexual relations. On 21 June 2012 the Queensland Attorney-General announced that the government would legislate to disallow surrogacy for women who have been in a de facto relationship for less than two years, or who are in a same-sex relationship. This issue was framed to suggest a concern to protect children’s “right” to a father and a mother. In doing so, the proposed law overlooked those who also lack this apparently important right – the multitude of other children born lawfully into a variety of family structures and circumstances. Rather than being a question of the rights of a child, this proposal was aimed at the control of women who fall outside what the law sees as a “legitimate” family relationship and its attendant accepted sexual relations.

While the proposal has not proceeded, that the Attorney-General would think to voice it indicates the state’s propensity to regulate women and a desire to control their sexuality.

Examples of control also occur outside the realm of personal matters such as pregnancy. Last year for example, the NSW Supreme Court heard the claim of Madison Ashton against the estate of millionaire Richard Pratt for breach of contract. She sued to enforce his promise to provide for her and her two children if she were available as his “mistress” when he travelled to Sydney. While there was no challenge to the fact that Pratt had made such agreement, the Court refused to uphold it for two reasons: first, because it was a personal or domestic arrangement. Additionally, the agreement was not upheld because it was “meretricious” – an arrangement to promote prostitution.

In contrast to the regulation of women’s sexuality through abortion legislation and surrogacy laws, in this case the Court refrained from acting to uphold Ashton’s contract claim. The law, regardless of principles of privacy or autonomy, will refrain from acting in a way that rewards, and will choose to act in the way that punishes, a woman’s transgressive sexuality.

The law does not operate in a vacuum. While in many respects it appears to embody contemporary standards – for example of human rights and notions of equality – on the whole its development is slow moving.

Even the ostensible application of principles of human rights is coloured by ancient social norms, notably those of sexuality. These examples above highlight the extent to which the law continues to insinuate itself into women’s bodily integrity, autonomy and self-determination, through taking a stand on what would otherwise be seen in terms of sexualautonomy and self-determination. It fails, however, to apply the same standards to men.

The other woman was initially given no name in press reports. She was a prostitute and therefore transgressed social expectations of the “acceptable” woman

And so we return to the contrasting reactions to the brutal violence committed against Tracy Connolly and Jill Meagher. One woman was married with a “good” job. She did not offend society’s construction of the appropriate woman. She lived within socially (and legally) sanctioned institutions that, whether consciously or not, reinforce our judgment of what is an “acceptable” woman and what is acceptable female sexuality. Therefore she was blameless and we were all offended at the perpetrator’s violence.

The other woman was initially given no name in press reports. She was a prostitute and therefore transgressed social expectations of the “acceptable” woman: her job defined her contravention of our norms. In the same way the Court showed indifference to Ashton’s “meretricious” claim for breach of contract, so too did the framing of Connolly’s murder evidence a judgment of blameworthiness.

To the extent that Tracy Connolly implicitly rejected what is expected of women and failed to submit to the institutions that exercise control over women’s sexuality, the violence perpetrated against her elicited a different response than violence against those who “conform”. As others have commented, our society demonstrates an indifference to this violence, as if we accept it as an inevitable consequence of sexual transgression. We see the nature of Tracy Connolly’s work as inviting brutality and violence against her.

The double standard illustrated by these two tragedies shows that we have failed to grapple with the essence of personhood: an idea we have imbued with gendered qualifications for admission. Until we relinquish these and stop attempting to control women, we deny the humanity of some and accept that some violence is better than others.

Kate Galloway is a legal academic at James Cook University in Cairns. Her areas of interest include feminist legal theory and justice.

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One Response to *Some violence is better than others*

1. *Hsin-Yi* says:

[September 13, 2013 at 2:17 pm](#)

Great article! That’s how unfair the media is sometimes, because Jill Meagher is a journalist herself, journalists automatically sympathised with her more.

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