

Curl

Property law | women and law | contemporary legal issues

Wednesday, 14 August 2013

Sex appeal and the 'disorder of women'



Did we get the vote so our sex appeal could be rated?*

The Leader of the Opposition, Tony Abbott, described Fiona Scott, one of his party's candidates for the forthcoming federal election as 'young and feisty' and that she has 'a bit of sex appeal'. The comments have gone viral, and have been widely reported in the mainstream media in Australia and overseas. Naturally, they have [attracted comment](#) - both from those who [criticise his statements](#) as sexist, and also from those who believe that the comments are at worst harmless, and at best, complimentary.

Behind the discussion about the offensiveness or otherwise of the comments is what they reveal about the place of women in public life in general, and political life in particular. It is interesting therefore to view the comments according to how we conceive of and justify civic participation.

The social contract

The [social contract](#) is the theory that presupposes the equality of all individuals, and their theoretical consent to be governed. The original 'state of nature' was uncertain and insecure. So, the theory goes, inhabitants in this original state of nature would exchange their natural freedom for protection of the state which would protect equal civil freedom. This is the philosophical justification for the State.

There are other accounts that begin with a paternal rule (the rule of fathers) and posit that the natural subjection of fathers is cast off by sons, who replace paternal rule with the consensual rule of the State. Either way, the notion of the social contract is a means of explaining the creation of a new political society of equals, separate from the private world of family.

The sexual contract

In her book *The Sexual Contract*, Carole Pateman examines the political philosophy that constructs the social contract and finds that it is designed to exclude and to subjugate women. She argues that civil freedom is not universal but that it is a masculine attribute and that it depends on patriarchal right. The original pact is not just a social contract that embodies freedom, but it is also a sexual contract that embodies possession and subjugation - of women.

The Enlightenment philosophers noted for their work on the social contract presupposed the subservient and subjugated role of women. Locke, for example, suggested that

About Me



Kate Galloway

I lecture in land law at James Cook University and I write and think about the nature of

property and its representations in the law; about issues affecting women; about justice generally; and about legal education.

[View my complete profile](#)

What readers like

[Queensland to reintroduce gendered statutory language](#)

[Women in Queensland. Back to the Future.](#)

[Why is Breastfeeding Scary?](#)

[Thinking Like a Lawyer - the Good the Bad and the Ugly](#)

[How the Law Constructs the Environment: The Wandoan Coal Case](#)

Subscribe To Curl

[Posts](#) ▼

[Comments](#) ▼

Follow me on twitter

[Tweet](#)

Labels

environment feminism
human body
human rights
land law
marriage
Queensland
sexism **women**

My Blog List

conjugal power of men over women originates in nature. Rousseau found that women must 'tend the hut and the children'; and to maintain political order, women must bow to men's judgements. All people, Rousseau claims, 'perish from the disorder of women'.

Women have traditionally been positioned as subservient to men and therefore the polity, and indeed a threat to civil order. This has historically left women without property rights or legal identity, and excluded from political representation, from education and the professions. Their bodies however, through their sexuality, has been marked as available for men. It is their sexuality that has traditionally rendered women as unsuitable for public life.

Sex appeal and the 'disorder of women'

For this reason, saying that a woman in public life has sex appeal is unconsciously recalling Rousseau's 'disorder of women'. The comment brings to the foreground the 'otherness' of womanhood and its historical unsuitability for public life. The argument has been put that male politicians are called sexy - but the argument is hollow. The context of male sexuality in our society is dominant, dominating and powerful. Women in contrast are sexually objectified for the purpose of domination. The genesis of the social contract and its omission of women is illustrative of that.

It is of course unlikely that anyone is *consciously* calling for the subjugation of Liberal candidate Fiona Scott, or of women generally, to the rule of men. What the comments reveal instead, is the deeply ingrained assumptions that we hold of women in general, and women in public life in particular. If we take the time to understand the history of women's struggle to engage in the polity, we can develop the ideas and the language to understand why it is objectionable to describe Fiona Scott as having 'sex appeal'. And why it is not equivalent to say the same about a man.

*Image from Feminspire <http://feminspire.com/votes-for-women-feminspire-interviews-the-pankhursts/suffragettes-1/>

Posted by [Kate Galloway](#) at 17:24

 Recommend this on Google

Labels: [Carole Pateman](#), [feminism](#), [Fiona Scott](#), [sex appeal](#), [sexism](#), [sexual contract](#), [social contract](#), [Tony Abbott](#), [women](#)

No comments:

Post a Comment

Comment as:

[A Barrister's Blog \(by Paul Cutler\)](#)

[Amicae Curiae](#)

[Castan Centre for Human Rights Law's Blog](#)

[CDU Law and Business Online](#)

[cearta.ie](#)

[Charon QC](#)

[Law Geek Down Under](#)

[Marshall Chambers - Blog](#)

[PleagleTrainer Blog](#)

[Private Law Tutor](#)

[PropertyProf Blog](#)

[RAW/ROAR](#)

[simonmckay](#)

[Skepticalawyer](#)

[Survive Law](#)

[The Australian Professional Liability Blog](#)

[The Ed Techie](#)

[THE TRIAL WARRIOR BLOG](#)

[The Volokh Conspiracy](#)

[The Watermelon Blog](#)

Blog Archive

- ▶ 2014 (3)
- ▼ 2013 (18)
 - ▶ December (4)
 - ▶ November (3)
 - ▶ October (1)
 - ▶ September (1)
 - ▼ August (1)
 - [Sex appeal and the 'disorder of women'](#)
 - ▶ July (2)
 - ▶ June (1)
 - ▶ May (1)
 - ▶ April (1)
 - ▶ March (1)
 - ▶ January (2)
- ▶ 2012 (26)
- ▶ 2011 (5)

Followers

[Newer Post](#)

[Home](#)

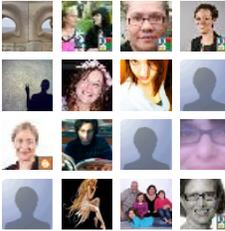
[Older Post](#)

Subscribe to: [Post Comments \(Atom\)](#)

Join this site
with Google Friend Connect



Members (22) [More »](#)



Already a member? [Sign in](#)

Simple template. Powered by [Blogger](#).