

‘SEXUALISED ECONOMICS’, DIVORCE AND THE DIVISION OF FARMING PROPERTY IN AUSTRALIA.

Malcolm Voyce

This paper makes an analysis of rural divorce cases where women have not received a fair share of rural property following divorce. The reasons for women’s exclusion from a fair share of property settlements are not always apparent from legal judgments. This approach enables me to as regards family law texts to do several things.

Firstly, to analyses why some ideas in these texts have included while others have been excluded. My aim is to how legal concepts in family law texts such as ‘fault’, ‘contribution’, and ‘business assets’, include or exclude specific forms of knowledge about the family.

Secondly, this approach enables me to show how family law texts may be seen as evidence of a suppressed history concerned polarities of ‘virtue/disorder’ as against ‘heroic masculinity’. This will me to see how Family Law texts construct women as vessels or conduits through which property is transferred between men and men with the bulk of the estate passing to the male descendent.

Finally, the genealogical approach assists me to show family law texts may be seen in the light of economic discourses on socio-economic behaviour. Here I refer to the development of ‘governmentality’ and the emergence of a distinctly new form of thinking about the exercise of power in certain societies (Foucault 1991:102-104). This new form of power was bound up with the discovery of the economy as a new reality, which I argue in led to new behavioural expectations about the role of women concerning family property and the ethics of family self-support. I argue that these economic ideas were grafted with ideas of sexuality that compiled what I describe as ‘sexualised economics’.

Malcolm Voyce
Malcolm.Voyce@law.mq.edu.au