

OVERVIEW

Gender equality in Australia remains one of the great festering sores of our nation. Sure, we gave women the right to vote by the early 1900s, so what's the problem?

Well, we haven't advanced all that far since.

Women are still far more likely to suffer violence at the hands of intimate partners than men. The gender pay gap remains. Female representation in parliament is one third that of men.

You might not think that 'freeing the nipple' has anything to do with these things, but they're all entangled within in the same issue... the way women are viewed and treated in Australia society.

At its core, '#freethenipple' is about resisting the sexualisation of women. And it's that issue – viewing women as sex objects – that continues to contribute to preventing gender equality in Australia.

Nipples are nipples: They exist to facilitate breastfeeding for babies. That's their purpose. But our current society has a very different perspective on them.

BACKGROUND

So, what actually are the current rules on women going topless?

Women across Australia, generally speaking, are permitted to sunbathe on beaches without covering their breasts. You won't be arrested or charged for being at the beach without a top on – although technically you still can be, (see below). But depending on the local council by-laws, you can be asked to cover up, and moved on if you don't.

But beyond the beaches, public nudity – and that includes not wearing a top if you're female – is still against the law. In NSW, for example, the law states¹, "A person shall not, in or within view from a public place or a school, wilfully and obscenely expose his or her person."

But what does 'wilfully expose his or her person' mean? Well, the law doesn't define it. It's based on what constitutes the contemporary standards of society of the day. In other words, if you were arrested and charged for public nudity today, you could still be in trouble. In NSW, for example, you face up to six months in jail for the 'offence'.

Even more worrying is that the laws are so antiquated the police don't even need to prove someone saw you. They only need to prove that there was the potential for someone to see you.

Obviously, these days it's unlikely you would go to jail for being topless in public. But you could be fined, and the fact that the option is 'still on the books' is the problem. Of course, women challenge this law all the time. In Brisbane in 2016, a group of young women organised 2a 'free the nipple' BBQ party in a public park, and authorities left them alone. But that obviously hasn't always been the case.

In Australia during the 1960s and 70s, during what's sometimes called the second wave of feminism³ (the 'first wave' was the women's suffrage movement which began in the late 1800s, over the right to vote) women were routinely arrested for 'indecentcy' without even taking their clothes off.

In 1972, Wendy Bacon – a journalist, academic and leading Australian feminist – was arrested for indecentcy over her editing of the University of New South Wales student newspaper, Tharunka. She turned up to court in a nun's habit, wearing a now infamous sign that read 'I've been fucked by God's steel prick'. Bacon represented herself, with the goal of redefining what an "average man" might find acceptable. She lost, and was sentenced to eight days jail.

1 <http://www.armstronglegal.com.au/criminal-law/offences/sexual/obscene-exposure>

2 <http://www.brisbanetimes.com.au/queensland/brisbane-free-the-nipple-picnic-sparks-wider-debate-about-equality-20160116-gm7amm.html>

3 http://www.skwirk.com/p-c_s-56_u-490_t-1335_c-5132/tas/sose:history/australia-after-1945/an-era-of-protest/germaine-greer:the-women's-movement

In Sydney in 2008⁴, three women were arrested for being topless at a protest outside a KFC restaurant (over animal cruelty practices). They were detained for 90 minutes, but ultimately released without charge.

Whereas men can go topless wherever they want in Australia. And have been able to without being harassed since at least the 1930s.

More than skin deep

Of course, gender equality is about much more than just 'freeing the nipple'. It's more than skin deep, and reflects more about our society than just their reactions to body parts. Across Australian society, gender inequality remains rife. Here are just a few examples of it.

Violence against women

In Australia, on average, one woman a week is killed⁵ by their intimate partner. Women are at least three times more likely than men to experience violence from an intimate partner, and one in four Australian women has experienced physical or sexual violence by an intimate partner.

Women are five times more likely than men to require medical attention or hospitalisation as a result of intimate partner violence, and five times more likely to report fearing for their lives.⁶

Women's wages

The current gender pay gap⁷ in Australia for 2017 is 16 per cent – that is, on average, women earn 16 per cent less than men. It's hovered between 15 and 19 per cent for the last two decades, which essentially means that for more than 20 years, the gap has not been closing. Additionally, one in 3 women retire in Australia today⁸ with nothing in their superannuation accounts.

One of the big reasons given for the gender pay gap is that women often work in less senior roles, because they still perform most of the time and energy consuming roles associated with raising children. But what's most extraordinary about the gender pay gap is that women are far more likely to undertake tertiary education than men – currently, almost 60 per cent of students at university in Australia are women.⁹

Representation in parliament

At most levels of Australian society, women remain disadvantaged comparatively to men. But one of the places where this is most obvious is in our nation's parliament.

The current federal parliament of Australia is 68 per cent male;¹⁰ despite the fact women make up just over 50 per cent of the Australian population.

So how does all this relate to 'freeing the nipple'?

Gender inequality pervades Australian society largely because of the way men still perceive women.

A woman's breasts – and her nipples – exist for one purpose: to feed babies. But society has a different view. We often see women's breasts through a sexual lens.

It's this sexualisation of women by society that is the root cause of women's inequality in Australia, and across the world.

In order to breakdown this barrier, 'free the nipple' has become an important part of women resisting the sexualisation, and regaining the ownership, of their bodies.

4 <http://www.smh.com.au/national/topless-chicks-arrested-in-kfc-protest-20080714-3eyx.html>

5 <http://www.ourwatch.org.au/Understanding-Violence/Facts-and-figures>

6 <http://www.ourwatch.org.au/Understanding-Violence/Facts-and-figures>

7 <https://www.wgea.gov.au/sites/default/files/BCEC%20WGEA%20Gender%20Pay%20Equity%20Insights%202017%20Report.pdf>

8 <http://www.abc.net.au/news/2016-04-29/one-in-three-women-retire-with-no-super/7370302>

9 <http://www.theaustralian.com.au/higher-education/gender-gap-widens-as-women-graduates-outpace-the-men/news-story/654602edef0f1d3ee230fa82cc58a798>

10 http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/FlagPost/2016/August/The_gender_composition_of_the_45th_parliament

Arguments against gender equality

There are obviously no valid arguments against gender equality, but some people may mount arguments against the right of women to 'free the nipple'.

Those arguments might include:

1. There has to be some standards of public decency – women's breasts are offensive'
2. There are more important issues around women's rights to confront than 'Freeing the nipple'
3. Women's bodies are sacred, and should be treated as such

Specific rebuttals to these arguments

1. Standards of public decency

Every society has to have rules, of course. But modern, evolved societies should be striving for rules that apply to everyone equally. There should be nothing offensive about a body part that's biological purpose is to assist in breastfeeding. The 'offensiveness' has roots in the sexualisation of breasts – exactly what this campaign aims to eradicate.

2. More important issues

If women can't even venture out into society with the same rights as men, then how do we expect women to gain equality in other areas?

The fundamental issue around 'freeing the nipple' relates to the sexualisation of women's bodies. Unless we begin tackling that problem, we have no hope to make progress in other areas such as violence against women– because yes, violence against women often stems from women being seen as sex objects and the property of others.

3. Women's bodies are sacred

Everyone's body is sacred. But why are women's bodies treated differently to men? In an equal society, men and women are treated the same. More broadly, women's bodies are sacred, and for that reason, they should certainly be de-sexualised.