
The Cairns abortion trial: Language, deviance, and the ‘spoiled identity’

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Abstract
In 2009 a couple in Cairns were charged, and later found not guilty, of illegally obtaining a medical abortion through the use of medication imported from overseas. The court case reignited the discussions surrounding the illegality and social acceptance of abortion in Queensland, Australia. Based on a discourse analysis of 150 online news media articles covering the Cairns trial, this article critically examines the language and key words relied upon by media when covering the Cairns trial. It argues that, despite popular support for the decriminalisation of abortion, emotive language that aligns with a pro-life ideology is still being employed which has the power to shape perceptions of deviance and stigma surrounding abortion. This is useful to demonstrate how media discourse surrounding abortion needs to further align with a pro-choice ideology for women to be empowered for their choices.

Keywords:
abortion, deviance, discourse, gender, media

On 20 March 2009, Cairns Police searched the North Queensland property of 19-year-old Tegan Simone Leach and her partner, 21-year-old Sergie Brennan. As part of an ongoing murder investigation, police were routinely searching houses in the area for witnesses or informants (Betts, 2009: 25). During the search, police found empty blister packets and instructions written in Ukrainian. The blister packets were of Mifepristone (commonly referred to as RU486), Misoprostol and painkillers. During a police interview with Leach and Brennan, Leach revealed that the drugs were used to induce a miscarriage, and indicated to police that she believed there to be no medical reason to undergo an abortion in order to preserve her life (Schwarten, 2009). Subsequently, Leach and Brennan were charged under the Queensland anti-abortion laws and, on 11 September 2009, they were committed to stand trial (Barry, 2009; Schwarten, 2009). Leach was charged under Section 2251 of the Criminal Code Act 1899 (QLD) under Chapter 22: Offences against morality and state.

More than a year after the couple were charged, following intense media attention and a high-profile trial lasting three days, it took a jury less than one hour to find the couple not guilty of both charges on 14 October 2010. While the couple were both acquitted, the court case reignited discussions surrounding the illegality and social acceptance of abortion in Queensland. Public outrage over the case increased pressure on the Queensland Government to decriminalise abortion. Yet Sections 225 and 226 have not been repealed or reformed since the acquittal of Leach and Brennan. The prosecution of this couple in Queensland is in stark contrast to the increasingly liberal approach to abortion in some other states, most notably Victoria which legalised abortion in 2008 (Austin and Rood, 2008). It also seems to go against the trend towards a greater acceptance of medical, not just surgical, abortion through the approval for use of the ‘abortion pill’ drug RU486 in 2004, which has just recently been added to the Australian Pharmaceutical Benefits Scheme (ABC, 2013). However, changes to the way abortion is managed and legislated in Australia have caused significant controversy. Albury’s (2007) analysis of the socially conservative campaign against RU486, demonstrates the extent to which key events such as this generate short-term moral panics that rely on concepts such as ‘shame’ that may stigmatise many women who choose to abort.

The Cairns abortion case not only raises questions about abortion law in Queensland but also about the ways in which the media depict and discuss abortion and those who choose to abort. The couple involved in the Cairns case were faced with significant attention from the media, as well as being pursued by the police and the legal system. In addition to numerous media articles condemning their actions, the media published Leach and
Brennan’s names and addresses. They were forced to move house, and pay for security and a guard dog after their house was ‘hit by a Molotov cocktail’ and their car was vandalised (Viva Hyde, 2009). Brennan said of the firebomb: ‘Everyone in Australia knew who we were, and where we lived’ (Viva Hyde, 2009). Despite their acquittal from the charges against them, they were still victimised. This article examines how, despite wide public support for the decriminalisation of abortion (Betts, 2009: 35), the use of language and key terms in media coverage during the Cairns trial demonstrates that abortion discourse continues to normalise language stigmatising those who abort as deviant. First the importance of language and labelling in media coverage of social issues is discussed, followed by an outline of the methodology employed. This article then examines key terms and phrases consistently used in the media representation, arguing that four key themes clearly emerge which reflect a pro-life ideology contributing to the social construction of abortion as deviant.

Language and labelling in the media coverage of abortion
Language, including conversation and textual practices, has a significant role in constructing social meaning and political identities, as they are shaped and reshaped through power struggles (Torfing, 2011: 192–7). The social construction of women who choose to abort is thus strongly influenced by media discourses in which the choice of some terms over others can depict this action as justifiable or condemned, as normal or deviant.

Much of the existing literature on abortion in Australia focuses on the current state of abortion law (Betts, 2009; de Costa et al., 2007; de Crespigny and Savulescu, 2004; Douglas, 2009; Gleeson, 2009; Pesce, 2006; Petersen, 2005) and the debate between pro-life and pro-choice beliefs (Coleman, 1988; Singer, 1993; Dean and Allanson, 2004; Brown, 2004; Wyatt and Hughes, 2009). The overarching conclusion of the literature is that the variations in abortion law state to state create confusion and uncertainty, and both policy and media representations have been heavily influenced by a pro-life ideology.

Abortion has previously been linked to deviance (Rosen and Martindale, 1980) and stigma (Allanson, 2008; Kumar et al., 2009; Major and Gramzow, 1999; Teasdale, 1999). Schur (1971: 24) describes an act as deviant ‘to the extent that it comes to be viewed as involving personally discreditable departure from a group’s normative expectations, and it elicits interpersonal or collective reactions that serve to “isolate”, “treat”, “correct”, or “punish” individuals engaged in such behaviour’. Kumar et al. (2009: 628) describe abortion stigma as ‘a negative attribute ascribed to women who seek to terminate a pregnancy that marks them, internally and externally, as inferior to ideals of womanhood’. The relationship between this construction of abortion stigma and deviance with language has also been previously explored. Teasdale (1999) specifically examined language surrounding abortion in parliament in Western Australia and argued that restricted access to safe abortion procedures creates fear for women facing unwanted pregnancies. Allanson (2008) notes the importance of abortion discourse, as anti-choice language of stigma, misogyny and sexism around abortion impacts women’s access to abortion services in practical and personal ways.

It has been argued that news media are responsible for deviance amplification by drawing society’s attention to acts considered to be examples of deviance (Holdaway, 1988: 45). The Cairns abortion trial offers a unique snapshot of media discourse surrounding abortion in Queensland, Australia.

Methodology
This article is drawn from research analysing 150 media articles concerning the Cairns abortion case in order to determine how choices of language and terminology can contribute to constructions of deviance. The articles examined cover a time period commencing with the first reporting of the committal hearing on 2 September 2009 up to 30 November 2010 (the ‘not guilty’ verdict was related on 15 October 2010). The ‘media’ is represented in this project by online news material only as not only are many print articles also available as online items but the online archiving of news available in papers also creates longevity of news sources, making the data set more accessible, and this was preferable as the analysis was carried out over a two-year period as part of a larger project.

The 150 articles were located using key terms in internet search engines as well as online databases with all duplications removed. The majority of the articles (99 of the 150 total of articles) were published by the Cairns Post, Australian Associated Press, Sydney Morning Herald, ABC Online and The Australian. The remainder were made up by other mainstream news sites, as well as ideologically based news sites. The decision was taken in this research not to exclude news articles from outlets with a clear ideological position (either pro-life, or pro-choice) for three reasons. First, it is particularly important to examine these news sources in the context of an increasing expansion of new media, and specifically ideologically driven media, which, as McRobbie and Thornton (1995) argue, has greater power to promote niche perspectives in a wider media market. Second, the inclusion of these articles allowed for a comparison of the ways in which mainstream media sites discussed the
Cairns case, and what similarities and differences existed between them and sources with a declared perspective on the issue. Third, this research was also interested in how pro-life perspectives made their way into mainstream news reporting, and thus we have also explored opinion pieces, and the use of quotes from campaigners, and the role they play in contributing to stigma.

Coding of the data involved counting of key terms including ‘abort/ion’, ‘miscarriage’, ‘procedure’, ‘baby’, ‘child’, ‘fetus/foetus’, ‘embryo’, ‘unborn’ and ‘mother’. Also terms including ‘drug/s’, ‘pill/s’, ‘medication’ were counted to examine the language surrounding their method of termination. A second level of coding identified whether the articles presented a pro-life, pro-choice or neutral stance to demonstrate how the content was relayed to the reader through an overall theme. Drawing upon abortion literature (Brown, 2004; Coleman, 1988; Dean and Allanson, 2004; Singer, 1993; Wyatt and Hughes, 2009) a pro-life theme was detected in the article if the author projected an anti-abortion stance. In contrast, a pro-choice theme was detected if the overall content appeared to support legal access to abortion for women. Some articles were also identified as ‘neutral’ in cases where no clear opinion was presented, or both a pro-choice and pro-life opinion were represented.

These findings were then analysed using deviance theory informed by labelling theorists’ understanding of deviance (Becker, 1963; Schur, 1971), focusing on how the language stigmatised abortion and created conceptions of deviance. This method of qualitative discourse analysis best aligned with this project because the examination of texts for analysis enabled a critique of the linguistic choices and how they carry ideological meaning (Fairclough, 1995: 25). This article does not provide a detailed quantitative data analysis of the frequency of the word choices, nor does it intend to provide a thorough critique of how the pro-choice and pro-life debate of abortion discourse is constructed. Rather, it examines the emergence of key themes reflected in the choice of key terms and phrases, demonstrating the power of language within media discourse to produce stigma surrounding abortion and construct those who abort as deviant.

Pro-life themes within the media discourse

In the articles examined, three key themes are identified as contributing to shaping the construction of deviance for those who abort – the humanising of the foetus, the stereotyping of the traditional female role of mother, and creating a separate category of women who abort as ‘spoiled’. A fourth theme presented in the analysis is language focusing on the method of termination creating another level of deviance based on a normative expectation of ‘acceptable abortions’.

Guardians of the unborn child

Throughout the media coverage of the Cairns trial, the terms ‘foetus’, ‘baby’, ‘child’, or ‘unborn’ were often employed in discussing abortion. The use of the words ‘baby’ and ‘child’ are more likely to humanise the foetus and are often used to present a pro-life message, where abortion is not a clinical term to describe the termination of a pregnancy, but rather the killing of a baby/child (Carey and Newell, 2007; Singer, 1993). The taking of a human life is considered murder, which has been enacted into Australian law as a serious crime. Consequently, by choosing the words ‘baby’ and ‘child’ over ‘foetus’, the foetus is humanised and this message of abortion as child murder is made clearer to the reader.

An example of how this negative construction is achieved is by associating the foetus with ‘unborn’. An article which provides a clear example of humanising the foetus is from the Catholic Leader website titled ‘We Are the Guardians of the Unborn’s Silent Innocence’ on 17 October 2010. One excerpt states ‘The existing Queensland law on abortion maintains a consistent message to adults that intentional violence against their offspring is never justified, whether before or after birth’ (van Gend, 2010). The use of the phrase ‘intentional violence against their offspring’ presents two key elements of a pro-life message. First, the reference to ‘offspring’ elevates the foetus to the equivalent status of a child, establishing the humanising elements consistent with the choice of the word ‘baby’ in much of the media coverage. Second, the words ‘intentional violence’ labels the woman procuring the abortion as violent and murderous. Other media stories also positioned women who abort as guilty of violent crimes against unborn children. The Salt Shakers, a Christian pro-life action group, published an article which critiqued the judge’s instructions that a not guilty verdict would require proof that the drugs ingested by Tegan Leach were not noxious and caused no ill effect to Tegan. The article proclaimed, ‘What about the baby – it certainly suffered an “ill effect”!’ (Salt Shakers, 2010). By referring to the foetus as a baby and referring to the damaging effect of abortion on the foetus, the language is constructing this image of murder and therefore stigmatising those who choose abortion as murderers. This criminalises abortion and serves to further the construction of those who obtain an abortion as deviants.

While these two examples are from declared Christian news sites, and thus predictably select emotive language to invoke a pro-life message, several examples can also be found in mainstream news media stories.
One article from *The Australian* on 15 October 2010 quotes ‘the jury must be satisfied beyond reasonable doubt that the drugs Ms Leach took were noxious to her health, rather than to the health of her unborn child’ (Elks, 2010a). In this sentence, ‘unborn child’ could have been substituted with ‘foetus’. Another article from *The Australian* on the 16 October referred to the foetus as an ‘unborn infant’ and ‘unborn baby’ (Jane, 2010). This was an opinion piece where the author wanted to argue how one could be pro-choice and not ‘anti-infant’. These two examples are instances where journalistic choice could have resulted in the use of the term ‘foetus’, which is less emotive and does not further the construction of abortion as deviant through the depiction of women as ‘intentionally violent’ to their ‘unborn children’.

While there are clear instances where ‘foetus’ could be substituted, journalistic choice is limited when the legislation is being quoted. Several instances where ‘child’ was included in the articles involved quoting Section 225 of the Criminal Code Act 1899 (QLD) which itself uses the terminology ‘child’ (for example Ackland, 2009; Petrinec, 2010a; Walker, 2010). Arguably, each time the media refers to the legislation without paraphrasing it to select less emotive language, the construction of abortion as deviant is subsequently amplified whether it is their intent or not.

### Rejecting motherhood

The casting of women who abort as committing violent, murderous acts against children not only acts to humanise the foetus and criminalise women but also further constructs abortion as a deviant act and as a rejection of the traditional expectations of motherhood. The language choice of many of the media articles serves to embed notions of femininity as intrinsically linked to motherhood by persistently using the term ‘mother’ instead of woman when discussing abortion. It is not unusual, or unexpected, that declared pro-life news sources such as Salt Shakers, Cherish Life or the *Catholic Leader* would select terms such as ‘baby’ and ‘mother’ in their coverage of the Cairns abortion case. However, these terms also frequently appeared in more mainstream media articles, both in the reporting of events, and also in the reporting of pro-life activism and perspectives. In the 22 articles by a single source, the Australian Associated Press (which are published on multiple news sites), ‘mother’ appeared 12 times. Referring to Tegan Leach in the articles as the mother humanises the foetus as a child waiting to be born. In this construction, the definition of a mother as one who has conceived a foetus, rather than one who has given birth, or one who is caring for a child, devalues the life of the woman, while simultaneously elevating their value as a mother, a value which is lost once they terminate the pregnancy. In this perspective, Tegan Leach not only lost a child, but also the opportunity to be a mother. Rosen and Martindale (1980: 103) argue that this ‘rejection of motherhood’ is considered to be a deviation from the traditional role of womanhood enabling those who have abortions to be socially constructed as deviant. While what defines the traditional role of women varies culturally and historically, abortion is constructed as deviant, with women who abort seen as challenging the ‘essential nature’ of women (Kumar et al., 2009: 628).

### Wounded identity

Language can further position those who abort as ‘spoiled’ or ‘harmed’ and therefore deviant from the norm. In Harvey’s (2001: 175) research on the impact of social stigma, ‘stigma’ is defined as a ‘spoiled identity’ due to attributes that are a deviation from acceptable societal norms. The analysis of the news articles discovered that language and key terms are evident in abortion discussions which demonise and isolate women who obtain an abortion. In a *Brisbane Times* article published on the 14 October 2010, the Cherish Life Queensland President Teresa Martin was quoted as stating ‘We don’t believe that abortion ever helps a situation, it does harm, it harms physically, mentally, spiritually and emotionally’ (Trenwith, 2010). This quote was picked up and repeated by several other mainstream news sources including in a *The Australian* and the *Cairns Post* (Elks, 2010b; Petrinec, 2010b).

Another example is from Queensland GP David van Gend, in his article published by the *Catholic Leader* on 17 October 2010, who describes women having an abortion as ‘good-hearted women whose inner lives have been wounded by abortion – having created a place of death in their body’. This language stigmatises the procedure of abortion as leaving women ‘wounded’, with their body now ‘a place of death’ which causes harm ‘physically, mentally, spiritually and emotionally’. Van Gend’s perspective on the consequences of abortion for women was included in an article by *The Australian* published on 11 August 2009, in which he argued that ‘you are at a far higher risk of suiciding after aborting a baby’ (Walker, 2009). This is another example of mainstream news media contributing to stigmatising of women who have an abortion through the uncritical reporting of such perspectives.

The impact of this negative talk describing the body of a woman having an abortion as ‘wounded’ and a ‘place of death’ is consistent with Engeln-Maddox et al.’s (2012) discussion of ‘negative body talk’, in which...
women talk about their own bodies by making comparisons with fellow women. Engeln-Maddox et al. argue that this negative body talk has become a social norm among women, reflecting and perpetuating ‘body disturbance’ in women. The media construction of women as compulsorily harmed by their experiences of abortion is consistent with Australian political discourse over the last two decades. Baird (2013) argues that the ‘informed consent’ provisions introduced by the Howard government under the leadership of the pro-life Health Minister Tony Abbott positioned abortion as distinct from other medical procedures, requiring a ‘doubling of informed consent’ due to the allegedly significant emotional harms to women (Baird, 2013: 255). The meaning of abortion was thus constructed alongside the societal judgement that, while abortion in some circumstances was legally permissible, it was also undesirable due to the asserted harms caused to the women choosing to abort (Baird, 2013: 260).

This construction of women as ‘injured’, ‘wounded’, or ‘fallen’ as a result of certain experiences is consistent with the ways in which women’s bodies have been governed over the centuries, particularly in situations, such as sex work for example, where women eschew expectations that sexual activity should occur only in committed, heterosexual relationships where procreation is a possibility (Agustin, 2007). In a similar way, the decision to procure an abortion is not only a rejection of motherhood but also a rejection of sexual activity primarily for the purposes of procreation. These actions challenge traditional conceptualisations of femininity, and also challenge the primacy of the state in the governing of women’s bodies. Kumar et al. (2009: 629) argue that over-simplifying abortion, and not taking into account the complex circumstances possibly surrounding the decision to abort, assists in creating ‘a category of ‘women who abort’ as deviant from the norm’.

The wrong way to have an abortion

The language in the media did not just create a separate category for those who abort, but also isolated and demonised the couple due to their method of termination as against the socially acceptable norm of abortion. Therefore the couple were further constructed as deviant compared to other women who choose to terminate their pregnancy. This was achieved through language highlighting two key related issues: the couples’ termination was not administered or performed by a licensed medical practitioner and they used medication that was imported from overseas. The second highest counted word (after ‘abort/ion’) throughout the 150 articles was the word ‘drug/s’ (most commonly appearing in association with the word ‘abortion’). An example of its use is in a Cairns Post article on 3 September 2009 which stated: ‘It’s alleged Ms Leach used abortion drugs smuggled from the Ukraine by Mr Brennan’s sister to abort her foetus’ (‘Cairns Court Packed for Abortion Case’, 2009). The inclusion of the word ‘smuggled’ when describing how the couple came about Mifepristone (RU486) and Misoprostol is also relevant. For example, one article from the Australian Associated Press explained that ‘Brennan provided abortion drugs, mifepristone (also known as RU486) and misoprostol, smuggled from Russia to Leach so that she could induce her own abortion’ (Schwarten, 2009). Aside from the fact the pills were sent from Ukraine and not Russia, the use of the word ‘smuggled’ implies that they were brought into Australia secretly and criminally. As a counterpoint, an article in the Sydney Morning Herald informed the readers that the pills were declared and cleared at customs (Collins, 2010).

By using the term ‘drug’ instead of Mifepristone and Misoprostol, or an alternative such as ‘medication’, an image of danger, illegality and criminality is created. In Peretti-Watel and Moatti’s (2006: 675) study on the sociology of deviance in relation to drug taking, they argue that drug use is often labelled as ‘risky’ by the media, and society as a whole, with the ‘risky’ label being associated with deviance and immorality. However in some instances just changing the use of the word ‘drug’ to ‘pill’ would not have been enough if there was still an association to ‘smuggled’ or ‘illegal’. For example, a Courier Mail article on 21 April 2009 was titled ‘Charges Laid as Teen Takes Smuggled Abortion Pill’ (Michael, 2009). Using language that creates negative connotations surrounding their method of termination continues to construct the image of deviance and illegality, despite the medication being legal in Australia.

The police arrest and prosecution of Leach and Brennan is the latest in several interventions by police into abortion practices in Australia in recent decades. In Western Australia and Tasmania abortion services were temporarily suspended following police investigations into the provision of services by doctors (Baird, 2013: 254–5). These interventions, along with the police investigation in Cairns, clearly position abortion as a legal, rather than a health, matter. This taint of criminality is a challenge not only for doctors wishing to provide services but also for women seeking terminations.

In the case of Leach and Brennan, the use of the words ‘drug/s’ and ‘smuggled’ conveyed an additional element of criminality in relation to the actions of the couple, labelling them as doubly deviant. This link to criminality assists in the stigmatisation of the couple and their actions as deviant from the norm through the difference from the common method of terminating a pregnancy with assistance from the medical profession. Furthermore, the use of the words ‘drug/s’ and ‘smuggled’ allows the media to create hysteria and a moral panic.
(Cohen, 1980) regarding the ‘abortion drugs’ being illegally imported into Australia to fund an abortion black market. It is also creates hysteria regarding the current rates of abortion and the upward trend of the use of medical abortion. One example of an article that adopts language constructing this type of hysteria include is from the Sydney Morning Herald and entitled ‘Use of Abortion Pill to Quadruple’ published on 6 June 2009 (Horin, 2009). Another example is from an opinion piece from The Punch titled ‘Abortion Drugs Are Dangerous, Just Think About It’ published on 28 September 2009 (Kenyon, 2009).

The opinion piece from The Punch included statements such as ‘we should never get to the point where we do not question the existence of abortion in our society’ and a plea to the reader ‘asking women not to kill another human being’ and ‘asking you as a reader to think about when human life actually starts’ (Kenyon, 2009). Research has been conducted by Denham (2008) which examines how the media amplifies drug use to create a moral panic about an increase in overall drug use in society. Utilising this technique with regard to abortion creates a moral panic surrounding abortion practices in Queensland and reinforces the discourse of morality around abortion in society. However Allanson (2008: 24) argues that asserting the anti-choice idea that there are too many abortions ‘distorts reality, invalidates women’s experiences and perpetuates societal tolerance of, and collusion in, appalling treatment of women’.

Tegan Leach chose to induce a miscarriage via a medical termination. However by using medication not prescribed by a medical practitioner and not administered in a hospital, but instead imported from overseas and administered in the privacy of her own home, Tegan Leach was acting against societal norms. Some media coverage constructs her as deviant for rejecting the traditional method of obtaining an abortion, creating a separate category of women who terminate outside the medical profession. Anna Bligh, the then State Premier for Queensland and state leader of the Labor Party, stated on a Q&A panel (a federal government funded weekly panel by ABC TV where the general public asks questions of panel members) televised, on Thursday 30 July, when questioned about the Cairns trial that:

Her boyfriend bought [sic] a drug back into Australia and she has self-administered that drug … even if Queensland had more liberal legislation, not even the most liberal legislation on this matter in the country, in my view or my understanding of any of those Acts in any other state, would provide that it would be okay for someone to administer a drug to themselves that they had brought into the country illegally. (ABC TV, 2009)

The panic that women will be obtaining medical abortions without any assistance from and support by medical establishments could also be argued to strengthen the role of doctors as ‘gatekeepers’ regarding women’s reproductive decisions. Giving women more freedom with regard to home medically induced abortions can be argued to be a ‘radical change in empowerment for women’ (Kero et al., 2009: 324). This is as opposed to the way in which the pregnant body is medicalised, whereby the medical profession uses ‘invasive biomedical means’ to ‘lurk around women’s outside social practices and peer inside women’s bodies’ (Moore, 2011: 449). Therefore at times the moral panic was directed at the way in which the couple went about obtaining an abortion, rather than the abortion itself. As Bligh stated regarding the self-administration of a medical termination, Australian legislation would not want to be ‘condoning that sort of activity’ and ‘doing this to yourself is something that I think we need to guard against’ (ABC TV, 2009).

The repeated discussion of smuggled drugs within the media coverage serves to misdirect the public in assuming the case was about the importation of medication or its use without medical supervision. However, the couple were charged under anti-abortion legislation which remains in the criminal code and were not charged with importing the medication into the country or using it without medical supervision. As previously stated, Section 282 of the Criminal Code Act now allows doctors protection to administer medical terminations, and patients do have protection to take medication but only if it is legally prescribed by a medical professional. However, common law precedent still only allows this medication to be prescribed legally if it is to ‘preserve the mother’s life’. As Tegan did not require a termination for this reason, ultimately she still could have faced charges regardless of the involvement of a medical professional. The media’s attention on the method of termination and the use of language such as ‘drugs’ and ‘smuggled’ not only constructs the couple and their actions as deviant, but also furthers the constraints and stigma surrounding the social acceptance and illegality of terminations, and cements the role of doctors as gatekeepers of women’s reproductive choices.

**Conclusion**

The Cairns abortion case sparked a flurry of debate in Queensland over abortion law. Changes made to the legislation were minor, granting women no greater control over termination than they had before, while the media coverage of the Cairns case demonstrated that women who choose to abort are largely stigmatised for their choices. The choice of key terms such as ‘baby’ and ‘child’ versus ‘foetus’, and ‘mother’ versus ‘woman’
imply certain expectations about the acceptability of women’s decisions. In this article we have argued that the use of the terms ‘baby’ and ‘child’ humanises the foetus, invoking a harsher judgement over women’s decisions to end a pregnancy. This is clearest in articles by pro-life organisations, which talk about the violence of women against their unborn children, but is also perpetuated by mainstream media through the selection of the terms ‘baby’, ‘child’ and ‘mother’. Elevating the foetus to the status of baby and child also consequentially applies the label of mother to pregnant women. A decision to reject this role by pursuing a termination is constructed as a rejection of the ultimate role that women should play, resulting in a wounded body and a spoiled identity for women who abort. Furthermore, media focus on their method of termination and repeated use of terms such as ‘drugs’ and ‘smuggled’ continued to isolate the couple and criminalise them for their decision to deviate against societal norms.

This analysis of the media portrayal of the Cairns trial clearly demonstrates how language and key terms employed by media can contribute to the stigmatisation and social construction of abortion as deviant. If women are to be empowered, rather than criminalised, media representations must refrain from applying damaging labels which judge women and condemn their choices and instead rely on language that aligns more closely with a pro-choice ideology.

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**Notes**

1. Section 225: The like by women with child
   
   Any woman who, with intent to procure her own miscarriage, whether she is or is not with child, unlawfully administers to herself any poison or other noxious thing, or uses any force of any kind, or uses any other means whatever, or permits any such thing or means to be administered or used to her, is guilty of a crime and is liable to imprisonment for 7 years. (Criminal Code Act 1899, 2011)

2. Section 226: Supplying drugs or instruments to procure an abortion
   
   Any person who unlawfully supplies to or procures for any person anything whatever, knowing that it is intended to be unlawfully used to procure the miscarriage of a woman, whether she is or is not with child, is guilty of a misdemeanour, and is liable to imprisonment for 3 years. (Criminal Code Act 1899, 2011)

3. Surgical abortions are carried out in Queensland each year under common law precedent set in the 1986 case of *R v Bayliss*. Under Section 282 of the Criminal Code Act 1899 (QLD), which was used as a defence in *R v Bayliss* and accepted by Justice McGuire who was the presiding judge: ‘a surgical operation upon any person for the patient’s benefit, or upon an unborn child for the preservation of the mother’s life’ is legal (Betts, 2009: 26). While this created a situation where women were able to go to a private clinic for an abortion, it created ambiguity with medical abortion as section 282 only refers to a surgical operation. However, eight days prior to the date when Leach and Brennan were to stand trial, the Queensland government rushed through an amendment to section 282 giving doctors the same legal protection to carry out medical abortions as was already available for surgical procedures (Betts, 2009: 26). Section 282 of the *Criminal Code Act 1899* (QLD) falls under Chapter 27: Duties relating to the preservation of human life and now states:

   282: Surgical operations and medical treatment (1) A person is not criminally responsible for performing or providing, in good faith and with reasonable care and skill, a surgical operation on or medical treatment of—

   (a) a person or an unborn child for the patient’s benefit; or

   (b) a person or an unborn child to preserve the mother’s life;

   if performing the operation or providing the medical treatment is reasonable, having regard to the patient’s state at the time and to all the circumstances of the case.

4. The spelling in this paper is ‘foetus’ as most media articles reporting on the Cairns abortion trial used this spelling. The *Oxford Dictionary* (2013) online definition of fetus/foetus is ‘an unborn or unhatched offspring of a mammal, in particular, an unborn human more than eight weeks after conception’ (2013). In the context of the media articles analysed, when foetus was used, it was assumed to broadly refer to an ‘unborn human’ from conception to birth.

**References**


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