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## The 'Charles Darwin' of human sciences

### VIDEO

*Peter Kirkwood*

French-born philosopher Rene Girard provides important insights into the causes of violence, and the connection between religion and violence. The [Australian Girard Seminar](#) was formed recently to explore and spread his ideas.

Its website outlines his significance as follows: 'Rene Girard offers the most comprehensive, boldest, and most controversial account of human motivation, culture and religion. This French-American thinker weaves literature, anthropology, philosophy and theology into a developing project with many convinced followers in all these areas, also many critics.'

This interview on Eureka Street TV is the second of a two-part series on the work of this seminal thinker (view [part one](#)). The interviewee is one of Australia's leading experts on Girard, Anglican priest and theologian, Scott Cowdell. It was recorded at a conference on Girard called 'Violence, Desire and the Sacred' held earlier this year at the University of Sydney.

Cowdell was born in Brisbane in 1960, and grew up there. After his first degree, in physics and mathematics, at Griffith University he began studying for ordination in the Anglican Church. He gained a bachelor's degree in theology from St Francis College in Brisbane, and an arts degree and his PhD in theology from the University of Queensland.

Since ordination to the priesthood in 1988, he has held positions around the country. In Brisbane he worked as a parish priest in Fortitude Valley and Chermside, and lectured at the Brisbane College of Theology and University of Queensland.

He moved to Melbourne where he taught at Trinity College Theological School in the University of Melbourne, and at the United Faculty of Theology. Then to Adelaide where he was principal of St Barnabas' Theological College and lectured at Flinders University.

He now lives in Canberra. For five years he was rector of the Anglican church in the suburb of Manuka, and lectured part time in theology at Charles Sturt University. He is associate professor of theology at Charles Sturt, and founding president of the Australian Girard Seminar.

Cowdell is an accomplished writer, penning articles for a range of theological journals, and authoring a number of books, including *Atheist Priest? Don Cupitt and Christianity; Is Jesus Unique? A Study of Recent Christology; A God For This World; God's Next Big Thing: Discovering the Future Church; Abiding Faith: Christianity Beyond Certainty, Anxiety and Violence*. His forthcoming book about Girard is called *Rene Girard and Secular Modernity: Christ, Culture and Crisis*.

## Julia Gillard vs Kim Jong-il

MEDIA

*Alan Austin*

Australia is just like North Korea. Except exactly the opposite.

Australia has the world's most stable economy, the most promising future and the government most lauded by outside observers.

Yet a significant proportion of the population hates the current administration with a passion and is scathing of its economic management. Hostile newspapers are backing calls for an early election. Even its most ardent supporters are pessimistic about its re-election chances.

North Korea is a mirror image. It has one of the lowest income levels in the world, in negative growth, and has a controlled economy that no-one believes will ever [feed and clothe](#) its population. Yet the people of North Korea admire their glorious leader and his visionary ministers.

How can this be? The simple answer is News Corporation. But it is a bit more complicated than that. A way to a more balanced national psyche in both nations may, however, actually be quite simple.

Outside observers look at Australia's economic management with awe. No other western country has Australia's combination of high and stable employment, low inflation, steady [economic growth](#), low taxation, moderate interest rates, low debt, efficient delivery of medical and welfare services and effective superannuation.

Few other countries have the assured future of mineral trade, international tourism, international education, sheep and cattle exports (when the industry resolves its current problems) plus wheat and wool, and the chance to lead the world in green technologies.

Australia alone among western economies averted disaster when the global financial crisis hit in 2008. Nobel Prize-winning economist Joseph Stiglitz [wrote](#) that the Rudd Government 'put in place one of the best-designed Keynesian stimulus packages of any country in the world ... Australia had the shortest and shallowest of recessions of the advanced industrial countries.'

'For an American,' the Columbia University professor added, 'there is a certain amusement in Australian worries about the deficit and debt: their deficit as a percentage of GDP is less than half that of the US; their gross national debt is less than a third.'

So why do Australians want to eject the world's best economic managers, while the North Koreans worship and adore their hapless regime?

Consider recent headlines from the one national daily newspaper, *Korean News*:

Kim Jong Il's Great Feats Praised Abroad

Kim Jong Il Inspects KPA Unit Command

Worthwhile Life under Care of Great Leader

Kim Jong Il's Work Carried in Bangladeshi Newspaper

Kim Jong Il's Visit to China Hailed by Indonesian Organization.

Compare these with the headlines from Australia's one national daily:

Tax, not Gillard, is ALP's problem: Tony Abbott,

Public Entitled to Carbon Anger — Tony Abbott,

Tony Abbott Rejects Need for Media Probe,

Abbott Warns Gillard on Carbon Tax, and

Abbott Demands Equal Airtime on Tax.

See the difference? News in North Korea is the government praising the government. News in Australia is the opposition bagging the government.

My first freelance article submitted to a major journal in the 1970s included a pertinent comment from an opposition MP with years of relevant experience. The editor immediately crossed out the quote with a sharp, 'That's not news. He's a politician. That's what you'd expect him to say.'

It was a lesson journos of that generation in all liberal democracies learned as cadets. The opposition criticising the government is party politics. It is not news. Like a government praising itself.

In Australia today, most newspapers run 'news' comprised solely of opposition rants. Several such articles can appear in one issue. Refer any edition of *The Australian* in the run up to the federal election last August. Even ABC News now [carries](#) items consisting only of opposition attacks.

Much of the Australian media openly joins these mindless assaults. A current example is the carbon tax issue where objective analysis is overwhelmed by vicious partisan attacks. Before this, the democratic process was subverted in the coverage of the Government's home insulation scheme.

A fair analysis of that project should have reported the outlays, the houses destroyed, the industrial accidents, and the failures of the contractors, supervisors and state government inspectors. These should have been compared with data from the industry — already a major

one — prior to the stimulus package.

It should also have covered the scheme's intent to maintain economic growth and secure jobs. And it should have reported on the projected energy cost savings over the next 150 or so years.

Instead, the media focused almost entirely on the first set of issues, virtually ignoring the latter two. Blame was placed on federal Labor and the culpability of others overlooked. It was a relentless campaign and it continues.

Yet, as Sydney University's Rodney Tiffin [observed](#), 'the stimulus played a central role in making sure that Australia suffered less of a downturn than most other developed countries'.

Professor Tiffin noted that ceiling insulation in 2.2 million homes saves as much energy as taking a million cars off the road. He claimed that insulation cuts household energy use by up to 45 per cent. 'Whatever the actual figures, the environmental benefits are clearly substantial.'

For those who regard Truth as one aspect of the Divine or simply as vital for freedom, resisting such distortions of genuine information is not an option. It is an obligation. Fortunately there are [actions](#) Australians can take. Unlike North Koreans.

## Religious education ceasefire

### EDUCATION

*Fatima Measham*

The conflict over religious education is not [new](#), though it certainly seems to have sharpened recently.

The stoush calls to mind the debate in the United States over ‘creation science’ and its place in the curriculum. This debate also has a long history: from a 1968 US Supreme Court ruling that allowed evolution to be taught in Arkansas, to a Pennsylvania district trial in 2005 which rejected intelligent design as material for science education.

The lingering conflict turned schools into a battlefield, raised questions about the influence of Christian lobbyists, separated the fundamentalists from the moderates, and defined secular education as a democratic value.

We see these elements in Australia today, as challenges mount against volunteer-run religious instruction in state schools. With Christian Democrat MP Fred Nile holding industrial relations legislation hostage over Special Ethics Education, the whole business has become pretty serious.

The resistance to ethics classes exposes the anxiety over a dramatic reduction in church access to students, via scripture lessons. Not surprisingly, when the Anglican and Catholic Churches did not see any impact on Special Religious Education (SRE) enrolments, they reversed their opposition.

Moreover, when details of the ethics curriculum became available, the Anglican Education Commission [decided](#) that ‘it’s nothing to be frightened of’.

Indeed, both sides actually have the common goal of cultivating moral sensibility in young people. They will never agree as to how this may be done, but at least they can work together to ensure that students can safely explore the bigger questions in life, including how to live with others.

This is a higher, more inclusive goal. After all, when it comes to the challenge of lived authenticity, there is no dissonance between ‘ethics’ and the Gospels, or even other traditions such as Judaism, Islam and Buddhism. Whether you believe or don’t, you are expected to act with integrity.

So where does the conflict really lie? The answer can be traced to a changed social milieu.

When churches were given the privilege to access students in the early decades of public education, it had tacit approval from a population that was overwhelmingly Christian. In the late 1940s, 88 per cent of Australians identified with a Christian denomination. Religion was

simply the fourth 'R' after reading, writing and 'rithmetic.

But societies change. In the 2006 census, the proportion of Australians nominating Christianity fell to 64 per cent. The Australian Survey of Social Attitudes the following year found that only a quarter of those affiliated with major Christian denominations attend church weekly. Meanwhile, the number of Australians nominating 'no religion' continues to grow (19 per cent in the latest census).

In other words, the change in parents' expectations regarding religious education is merely an extension of the shifting attitudes to religion itself. They do not distinguish between [chaplains](#) and religion instructors, resisting both as instruments of proselytisation. When the dominant provider of religious education is a Christian organisation, it is difficult to convince them otherwise.

Some of the resistance is nuanced. Many families still support a structured teaching approach to social values. They recognise that their children have significant opportunities at school to begin orienting their moral compass. They are also keen to help their children navigate a social landscape that is more characterised by diversity than ever.

In this regard, New South Wales has led the way in its introduction of ethics classes as an alternative to scripture.

In other states and territories, many children who opt out of SRI end up in a half-hour limbo while their classmates receive lessons. It is an unacceptable vacuum in learning, and parents are rightly incensed that they are not presented with comparable options.

Christians should also be rejecting this state of things.

We all have a stake in providing every child with genuine opportunities to think deeply about what it means to be a human among other humans. In the end, it doesn't matter where they sit when they do this, as long as they are given the space.



## Silence for Norway's dead

### REFLECTION

*Bronwyn Lay*

While Norwegians mourn I am reminded of 25 years ago when I lived on Hoddle Street in Melbourne. On a quiet Sunday night Julian Knight committed Australia's first urban massacre on the street outside my home. That night, except for the helicopter light pouring through our windows, the quietude of death pervaded. We woke to a television screeching horrific noise and a disorientated nation.

Making my way to school I stepped away from the hysterical television and into the aftermath of war. Outside, the normally roaring Hoddle Street was covered in an eerie hush and with debris, dried blood and the drawn faces of police, media and emergency services personnel.

Sobriety fell from the grey sky to permeate everything. There was no running commentary, no flashing images, and no shiny newsreaders barking speculation. At the mourning site anxiety stood still. Nothing felt safe or familiar and I was completely silent inside.

At Clifton Hill Station the commuters were stone. Unlike other mornings where a hum rose from the crowd, everyone was frozen and silently faced the desecrated street before us.

I stood with this spontaneous memorial to strangers who, hours before, had left us. It was as if we stood at a cemetery, at the lip of the abyss, where our trust in others lay obliterated. Made mute, we stood together and met the silence of the dead. This act of solidarity between strangers resisted the blind individualism of Knight, who violently denied humanity to the strangers on the street.

It is powerful to watch the Norwegian people meet the silence of their dead at mass gatherings and marches. They poured from houses to remember together in silence, to reclaim public space and transform the streets into arteries of quiet solidarity. The Norwegian people are teaching us how collectively to mourn and reclaim social trust after it has been decimated.

Hysteria and noise still arise but, mainly, not from the directly affected. Many survivors from the island shooting have made a pact not to speak to the media about what they witnessed, not yet anyway. They don't want to contribute to the clamour that can cloud profound mourning.

Does it add anything to probe the wound while it's fresh? To report, to give an account, risks transforming trauma into spectacle, and disrespects the instinct of the wounded to recoil. There will be a time for public speech.

In the battle to understand what kind of mind perpetuates such evil, mute victims and the

truth can get smothered. Australia was unprepared for Hoddle Street. The police, the media, everyone, struggled to comprehend the event. It's tempting and natural to fill incomprehension with blind noise. Collectively and individually the experience of incommensurable loss, the murder of the status quo, can fill us with existential anxiety. Impulsive words rush to fill the void.

In the first hours of the Norway attacks there was screeching about Al Qaeda and radical Islamic clerics. Perhaps in that moment silence was required, for the truth revealed it was someone from within who held the gun to his own people.

The murderer wishes to speak. He wishes to make noise. He wishes to explain himself in court. Like Knight he did not commit suicide and retreat into the final silence he forced upon others. He desires to claim this event for himself and to maintain narrative control.

Criminal law shouldn't exist for this purpose. It shouldn't be a podium for the perpetuation of harm. Once Knight and this man chose to breach our, often silent, ethical pact to respect each other's basic humanity, they lost the moral right to control collective narrative.

This event also belongs to the dead, the survivors and the society that tries to restore the sudden social void. The narrative belongs to the collective and must be wrested away from destructive individualism. Legal processes focus on the individual and shouldn't be hindered, but wisely the Norwegian courts have banned televising court proceedings and thus reduced the potential for the mourning process to be mutilated into a noisy circus. Procedure will be followed but diluting the polemical justifications of the accused respects the victims' humanity.

The scramble to isolate the trigger inside Knight's mind followed us for years. While important, this anxiety dominated at the expense of those affected — the victims. We were so busy being anxious about what kind of society we inherited we inadvertently forgot the fallen.

Watching a few survivors of Norway's massacre speak to the media, it seems boundaries have been lost. Trauma, the extreme slash between the inside and outside and into our bodies, makes speech difficult. Words arrive rushed, stunted, incoherent or slow and cold.

In time they might be able to reclaim their narratives but for now I wish them a deeper kind of silence which, when shared, will ensure they aren't forgotten.

## We don't own Amy Winehouse

### MUSIC

*Tim Kroenert*

Celebrities, it sometimes seems, are public property. Particularly when the celebrity is an artist. Their work enters the public consciousness, and moves or brings joy to many. We feel that the art that has moved us, in some way belongs to us. And because the art is conflated with the artist, the artist belongs to us too. This feeling of ownership intensifies if the artist dies tragically.

We saw this with Amy Winehouse. During the hours after the announcement of her death at the age of 27, it seemed the British singer-songwriter and tabloid obsession was fair game for sympathisers and critics alike. For every note of heartfelt condolence that appeared on Facebook and Twitter feeds there was also a wisecrack, or expression of indifference.

Her name, *Winehouse*; the fact that her most famous song was a haughty tribute to her own substance abuse; and the premature assumption by many that she'd died of an overdose (an initial post-mortem failed to determine cause of death), provided fodder for jokes that were too obvious to be either funny or offensive ('Guess Amy should have gone to rehab, but she said, no, no, no').

The fact she died so soon after the massacre in Norway led some to lament the fact that the death of one celebrity could distract the public's attention from the deaths of many 'ordinary' people in that much larger tragedy. Such cynicism was better placed than too-soon bleak humour (although to the public's credit, it appears to have been unwarranted).

But the Winehouse we feel we own, and therefore feel justified in either grieving or disparaging, is not Winehouse. Celebrity sees humanity fragmented by fickle relevancy and diffused by media. The public persona is a product of our own perceptions, and is both illusory and transitory.

This is an obvious truth that ought to be regularly revisited. It is poignantly illustrated by the melancholy new French animated film *The Illusionist* (directed by *Triplets of Belleville* director Sylvain Chomet and based on an unproduced screenplay by Jacques Tati). *The Illusionist* follows the gradual acceptance of obsolescence by a once renowned stage magician.

It is the 1950s, and he is being superseded by new technologies and forms of popular entertainment. He takes jobs in smaller and smaller venues and even private parties. Eventually, in a remote village, he befriends a young girl, who believes his magical abilities to be real.

The film focuses on the illusionist's fatherly relationship with her. His kindness to her helps her as she grows into a young woman. Her kindness to him helps him come to terms with his

increasing irrelevance. Irrelevance only in artistic terms, however: both come to realise, through their human interactions, that he is worth more than either his gift or his reputation.

Winehouse, too, was more than either her gift or her reputation. Hearing her father Mitch speak of her as any father would about a child who has died prematurely, grounds her. His words remind us that we know her only to the extent that there are truths among the lights of tabloid sensationalism, and the extent to which her lyrics are authentically confessional. Certainly, we do not own her.

## Empathy in Norway

RELIGION

*Andrew Hamilton*

When news of the bomb blast in Oslo and the killings on Utoya island first came, it was suspected that this was the work of Muslim terrorists. Soon after it emerged that Anders Breivik in fact resented Islamic immigrants and was a self-confessed Christian. My instinctive response was one of relief. But why should it have mattered who had done these terrible things?

What matters most in this carnage, of course, is the terrible loss and pain of so many people. Around 70 people died, most of them school students or young adults. Many more were injured. Countless families have entered a world of pain and of incomprehension at the loss of children, brothers and sisters. Lives and communities will be scarred, some irreparably.

If this is what matters, the most decent initial response is not to analyse the events or to seek to assign blame. It is to keep in our hearts and minds those who have so suffered. The prayer services held throughout Norway offered many Norwegians words and silences to express bewilderment and compassion for those who had lost so much. Others expressed their solidarity in other ways.

The attempt to understand the massacre comes later. But understanding can reach only so far. It is impossible to explain adequately how one human being can make plans to kill and maim others, and can coldly carry the project through.

If we reflect on the killer's attitudes, personal history, social context and reading or viewing habits, we may receive some illumination. But many others with a similar background have never acted violently. In all human decisions there is ultimately an irreducible and mysterious spark.

In Breivik, that spark fell on combustible material. Everything suggests he had imbibed ideas that showed no respect for empathy with people as unique individuals. They were seen only as members of particular national, religious or political groups who were to be loved or hated accordingly.

Ultimately groups like Norwegians, Muslims, Marxists and the Norwegian Labour Party were undifferentiated abstractions, endowed with the qualities of the worst members of the group. So the lives of real people, including children, were expendable in the war against these abstractions.

This attitude to people contrasts deeply with the empathy with which people went out to the victims. They responded to the victims as persons with a centre of value which matter more than the differences of religion, race or political persuasions.

The contrast between these attitudes suggests that in order to honour the victims, it is important not to allow an abstract discussion of social groups to dominate the response to the massacre.

Perhaps this explains the relief when the killer proved not to be Muslim. In itself, the identity of the killer did not matter. But given the common prejudice against Muslims, a terrorist act committed by Muslims would have focused public anger and outrage against Muslims. Their value would be seen to be defined by the religious allegiance, and compromised by the actions of criminals who shared it.

The lack of respect for persons in the response would then mirror the lack of respect that was a central element in the killings.

Now that Breivik has been shown to be influenced by Christianity, by xenophobic ideas of race and by suspicion of Marxist ideas, it would be equally wrong to blame all opponents of migration, all Christians and all right wing theorists for the killings. Their ideas may be wrong, but ideas and the groups that held them did not do the killing. A man did.

But it remains true that the tinder through which murderous sparks can quickly run is the habit of seeing people as ciphers of religious, racial or political abstractions, and so to accord respect or disrespect on that basis and not on the basis of their simple humanity. That habit is fed by polemical and sneering rhetoric in public conversation, and by portraying people as monsters.

Undoubtedly many changes in Norwegian society will be canvassed as a result of this event. Limiting access to weapons and explosives, scrutiny of right wing groups, and a stronger security presence will be discussed.

But the most beneficial change there, as in Australia and many other Western societies, might be to encourage and to expect restraint in public conversation. It would be a great thing if the empathy and respect given to the victims of this terrorist were reflected in the way in which citizens negotiated their differences, and in the ways in which the media spoke of human beings.

## Malaysia solution pros and cons

THE MEDDLING PRIEST

*Frank Brennan*

Australia, a founding signatory to the Convention Relating to the Status of Refugees, and Malaysia, a long time sceptic of international human rights instruments, have now signed an agreement under which unvisaed asylum seekers heading for Australia by sea will be removed to Malaysia for processing. The agreement is legal. It has the approval of UNHCR – the world’s pragmatic, resource-stretched agency charged with advocating for refugees.

The deal has some upsides, and some downsides.

First the upsides: 4000 proven refugees who have been waiting a long time in Malaysia for resettlement will find a permanent home in Australia within the next four years. And they will not displace any other persons, given that our humanitarian intake will be increased to 14,750 per annum. Those asylum seekers who had reached Australia before the signing of this agreement will now be processed in Australia, and if found to be refugees, will be offered a permanent home here.

The next 800 boat people who head for Australia will be taken to Malaysia for processing. This sends a clear message to people smugglers and their clients: ‘There is no point leaving Indonesia, because you will just end up in Malaysia with no chance of preferential treatment during the processing of your claim.’ The agreement states: ‘No transferee should be given any preferential treatment in the order of processing their claims in Malaysia and ... they should receive no processing advantage (including access to resettlement) as a result of having undertaken irregular migration to Australia.’

Despite the repeated claims in the Australian media, advocates of John Howard’s Pacific Solution could no longer be assured that they could send a clear message to Indonesian boat owners and asylum seekers waiting in Indonesia. Why? Because most of those proved to be refugees under the Pacific Solution ended up in Australia or New Zealand. Presumably those found to be refugees in Malaysia will not end up here, or at least not for a very, very long time.

While awaiting processing, those transferred to Malaysia will be held in detention for about 45 days only, then released into the community. The International Organisation for Migration (IOM) will provide them with a month’s accommodation and assistance. They will have access to ‘self reliance opportunities particularly through employment’. So they will be no worse off than they would have been had they remained waiting in Indonesia.

Now the downsides.

Australia, an island nation continent surrounded by neighbours most of whom are not signatories to the Refugee Convention, has spent the last ten years looking for a regional

solution to unauthorised people movement in the region. This bilateral agreement, if emulated by other signatories to the Convention, would result in the complete emasculating of the Convention, with UNHCR becoming the de facto authorising officer for states contracting out their obligations to non-signatories.

Once again, Australia is not a model international citizen, but a pragmatic player content to use 800 hapless asylum seekers as a means to an end.

The next boats heading for Australia are sure to include some unaccompanied minors. If they were not eligible for transfer to Malaysia, the scheme would be unworkable. On Tuesday, Chris Bowen, the Minister for Immigration, explained that the government could not afford to have any 'blanket exemptions' as 'that would send completely the wrong signal'. He rightly said, 'I do fear we would see boatloads of children coming to Australia and all the danger that that implies.'

So unaccompanied minors fleeing places like Afghanistan and arriving in Australia will be transferred to Malaysia within 72 hours of arrival with 'special procedures to deal with the special needs of (these) vulnerable cases'. The governments are entrusting this task to IOM.

The Australian Government is hoping that the Malaysian Government will be attentive to the needs of these vulnerable children. They will have access to 'private education' provided by UNHCR, and where 'such arrangements are not available or affordable, (they) will have access to informal education arrangements organised by IOM'. Their health needs will be provided by private clinics and private hospitals under arrangements set up by UNHCR and IOM.

Though Malaysia has acceded to the International Convention on the Rights of the Child, it has maintained a number of reservations. For example it refuses to sign up to the part of the Convention banning discrimination against a child on the basis of 'race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status'.

When Malaysia first acceded to the Convention, it entered so many unprincipled reservations that many EU countries objected, claiming that such blanket reservations were 'incompatible with the object and purpose of the Convention ... undermining the basis of international treaty law'.

The agreement is legal. Back at the time of Tampa, the Australian courts had the opportunity to look at the extent of government's executive power to stop aliens entering Australia and to remove them from Australia. In the Tampa litigation, Justice French (now Chief Justice of Australia) said:

In my opinion, the executive power of the Commonwealth, absent statutory extinguishment or abridgement, would extend to a power to prevent the entry of non-citizens



and to do such things as are necessary to effect such exclusion. The power to determine who may come into Australia is so central to its sovereignty that it is not to be supposed that the Government of the nation would lack under the power conferred upon it directly by the Constitution, the ability to prevent people not part of the Australia community, from entering.

He did note however: 'The task of the Court is to decide whether the power exists and whether what was done was within that power, not whether it was exercised wisely and well.'

In the infamous Al Kateb Case, Justice Hayne on the High Court said that 'a non-citizen may be removed to any place willing to receive that person. It follows that, unless some other provision of the Act restricts the places to which a non-citizen may be removed, the duty imposed by (the legislation) requires an officer to seek to remove the non-citizen to any place that will receive the non-citizen.

Under the Migration Act, Bowen simply needs to make a declaration that Malaysia 'meets relevant human rights standards in providing protection'. His declaration would not be closely scrutinised by the Australian courts, and it seems that not even the Greens will call it into question in Parliament. Senator Sarah Hanson-Young has said there will be no 'horse-trading' on this issue in the interests of 'ensuring stability in Parliament'.

The Malaysian solution is legal and unprincipled, but it might just work — stopping the boats. If other countries try to replicate it, we will have to tear up the Refugee Convention and start again. If any of the 800 includes West Papuans fleeing Indonesia in direct flight fearing persecution, we will have undermined the whole basis of the Convention. And the plight of the unaccompanied minors transported from our shores to Malaysia will be on our conscience.

## Refugee lotto

### POLITICS

*Kerry Murphy*

An old legal maxim is 'hard cases make bad law'. Maybe complex cases compromise policy. Refugee law and policy is complex and the Malaysian agreement signed this week is another example of a compromise on human rights principles for political expedience.

In May 1992 mandatory detention was made a legal requirement by the then Labor Government. This occurred at a time of legal challenges to detention of Cambodian asylum seekers. Nearly ten years later, the Liberal Government used increasingly harsher policies, from the temporary protection visa to the misnamed 'Pacific Solution' (it was neither pacific nor a solution).

The continued politicisation of 'boat people' and calls to 'stop the boats' shows that policies regarding asylum seekers still bedevil Governments. The Malaysian Solution is the latest policy reaction.

How far will a Government go to 'stop the boats'? Rather than consider ways of ensuring protection of the human rights of refugees not just in Australia but also regionally, political responses are designed to achieve 'border security'. If we are prepared to achieve the political solution of 'stopping the boats' we have to act in a way that does not respect human dignity.

Australia has certain international obligations as a signatory to the Refugee Convention. It is not a responsible solution to move our international responsibilities offshore as was done with Nauru and is part of the Malaysia agreement. Arrivals onshore by boat or air should all have their cases assessed onshore. This approach is not politically likely because it is will not 'stop the boats'.

However, when the politics is so hostile that principles are lost in policy setting, what is the next best option for the refugees?

Assessing cases by Australian officials in Nauru did nothing to improve the protection of refugees in our region. Whereas getting non-signatory countries such as Malaysia to enter discussions with the UNHCR about improving protection for refugees is a small but positive step. Many refugees live in countries that are not full signatories to the refugee convention, such as Pakistan, India and Turkey.

The deal means the 800 asylum seekers transferred from Australia will not end up as part of the 4000 refugees to be resettled. Good if you are in that 4000, not so good if you are one of the 800.

The agreement provides that the transferees should not be detained beyond health and

security checks. This is in fact better treatment than they would receive in Australia. They will be able to work and children will have access to education.

There is also a provision to provide some consideration for what is known as 'complementary protection' for those who do not meet UNHCR assessment criteria. This is not currently standard in Malaysia and is a small step forward in protecting the rights of refugees in the region.

Resettling 1000 refugees annually from Malaysia is the equivalent of 1 per cent of the total number of refugees in Malaysia. However it increases Australia's refugee resettlement by over 13 per cent.

Part of the justification is to 'send people to the back of the queues'. This plays into the view that refugees arriving by boat are 'bad' because they 'take' the place of the more 'deserving' refugees. UNHCR has repeatedly stated that the queue does not exist. There are no queues, there never have been. Few are resettled, most wait for the refugee lotto in the hope they might be picked next time.

How someone arrives and makes their application for protection is legally irrelevant to whether they meet the refugee definition.

There will always be far more refugees than can even be resettled and at best, we can help a small number who meet the strict refugee criteria. It is not true to claim that the most deserving miss out thanks to people arriving on boats, because Australia will and does refuse families with health issues, such as a family with a Down syndrome child.

Some of the major reforms in immigration history in Australia have occurred despite adverse public opinion. Consider two examples: the resettlement of non Anglo-Celtic Europeans and Jews after WWII by the Chifley Labor and then Menzies Liberals governments. Then the Fraser Government accepted many thousands of Vietnamese and Cambodians in the 1980s.

These policies were not driven by popular opinion but were able over time to change opinions for the better. As former Liberal MP Bruce Baird stated on the ABC program, *Leaky Boats*, 'people will change their opinions when they are informed of the facts'.

Still, the last two decades has seen few positive developments for the protection of refugees who arrive by boat.

Australians will welcome around 180,000 new migrants and refugees this year. It is estimated that around 40 per cent of Australians were born overseas or have one parent who was. The notion of the fair go is solidly embedded in Australian culture. However we need bipartisan political leadership which provides accurate information about refugees, not politics that reinforces ill-informed fears.

## **Fearing America's national debt**

POLITICS

*Brian Doyle*

If you are anything like me, there are some words and ideas that cause immediate glaze and trance: hermeneutics, tax code, parliamentary procedure, Thomas Aquinas, and Patrick White, for example.

But the greatest of these doze-inducers are the magic words The National Debt. I have seen people at a dinner table plop their faces into their pastas when these words are uttered; I have seen savage dogs instantly rendered insensate; I have whispered brawling children to sleep by briefly examining the national debt and its implications.

Yet this morning I inflict the words debt and deficit upon you, because even I, a simpleton in economic and financial matters, have begun to be quietly terrified and angry about my country's financial status, and not for political reasons as much as parental.

Of late I begin to think my country is stealing nakedly from its children, begging its grandchildren, and essentially selling what was one of the greatest national ideas in human history to China.

An unnerving state of affairs.

Here are some handles on it. The United States' national debt — the money we owe — is \$14 trillion, the biggest outstanding bill in American history. Our biggest creditor is China. My personal share of that debt, were we to pawn it off on each citizen of any age and stage, is \$46,000, far more than half my annual income. The budget deficit — the hole between income and outgo — is \$1.5 trillion.

The proposal being debated in my national capitol, the one that probably will pass into law, will allow us to borrow more money, so that our deficit will creep past \$1.5 trillion, even as we raise a few taxes, cut an enormous number of public services, hope desperately for a business boom, and blame each other for the mess in ever more vituperative terms.

It's a crazy number, 1.5 trillion — 1,500,000,000,000; pinball numbers, as we say in the States. And how very easy it is to ignore the matter, hope it will all work out, trust our elected representatives to right the ship, entertain the idea of learning Chinese, and trundle along trying to manage the smaller unwieldy corporation that is the family unit, with its two minor incomes, vast mortgage, and economically useless teenagers, not to mention the dog, who has never earned a penny as yet.

But I cannot do that, because the cold logic of it all is clear to me. When I borrow more than I earn, I am in deficit. I have debt, or debt has me. If I borrow more to address the deficit, I

have more debt. Eventually I can borrow no more. Yet debt still has me, and a huge debt, too.

Unless something miraculous happens, soon I have no house, no car, a lien on my earnings the rest of my life, no money for the kids to go to college, no money for when I am old and broken, and the hope only that I can lean on friends, family, and government for support, or write a novel so lewd and foolish that it is instantly made into a major feature film.

But imagine it is the government itself drowning in debt. If one country owes another a vast amount of money, can the first threaten the second with force if the second, for example, invades its neighbors? If you have no money as a nation, how do you pay your soldiers and sailors and airmen? How do you invest in education to foment creativity to spark new and lucrative businesses? How do you clean your air and water for your children? How do you come to the aid of your allies, like, say, Australia, if China decides to suddenly nationalise Australia's mining industry?

And how would a dad, wide awake in the nether reaches of the night, explain to his children that they are saddled with national liens on their earnings for the next 50 years, and that probably they will not want to have many or any children themselves, for children in the future may be useful mostly as tax production units, paying off the debt incurred in the opening years of the 21st century?

The essential idea at the heart of the American experiment, both when it started and unto today, is that you are free to do what you please, within the bounds of civility and safety.

For all that we argue constantly about what this means, for all that we fought against the imperial, fascist, and communist powers that would happily have kept or placed us in thrall, for all our fears of a murderous Yemeni thug and his fellow conspirators who would foment a war between East and West, it seems to me that America now teeters on the edge of a darker future than we have imagined since Hitler's fever dreams of an Aryan world served by slaves of every color and creed.

We cannot continue in this fashion, or we will enslave our own children and grandchildren to ruinous debt for the terms of their natural lives; we will twist their lives in unimaginable ways, because we would not pay our bills or reduce the airy luxury with which we lived.

We talk freely about personal sins; we quietly consider the Germans to have collectively committed a national sin in the last century, at least of omission; how sad that America might be remembered as the nation to have committed a sin of commission against its own beloved children.

## The ethics of getting a job

MARGARET DOOLEY AWARD

*Patrick McCabe*

Both Michel de Montaigne and Ignacio de Loyola had privileged upbringings. Both were born to wealthy Catholic families in Renaissance-era Europe. Both had a fine education, but Loyola's wasn't quite as extravagant as Montaigne's.

In Montaigne's infancy, his father ensured that his tutor, his parents, and his servants all spoke to him exclusively in Latin. The idea was that Montaigne would learn Latin as his first language, as his father believed 'the tedious time we [apply] to the learning of the tongues of them who had them for nothing, [is] the sole cause we [cannot] arrive to the grandeur of soul and perfection of knowledge of the ancient Greeks and Romans'.

Each day, Montaigne's father also ensured Montaigne was woken 'by the sound of some musical instrument'. At six years of age, Montaigne was sent to an elite French college, where he completed the entire curriculum by age 13. Montaigne then went on to study law.

Both Loyola and Montaigne proceeded to lead illustrious early careers. Montaigne became a public figure, acting as counsellor and courtier to various important men. Loyola became a distinguished soldier, a career he later admitted appealed mainly because of its glamour and excitement.

At this point, the two men's lives diverged. Montaigne retired to a chateau to write and think, emerging occasionally to involve himself in local politics. In his writings, Montaigne decided he had led a commendable life of 'affability and good humour'. He had done little wrong to anyone: 'The most injurious [complaints I hear of myself are] not ... "Why has he taken such a thing? Why has he not paid such a one?" but, "Why does he part with nothing? Why does he not give?"'

Montaigne felt his critics were too demanding: 'They are unjust to exact from me what I do not owe, far more rigorously than they require from others that which they do owe,' he complained. Montaigne did not feel he owed anyone anything. As long as he did not actively take, who would have the temerity to ask him to give?

Loyola's career as a soldier abruptly ended after sustaining serious battle injuries. In the resultant period of convalescence, Loyola decided upon a new career. He founded a religious order, the Society of Jesus, and dedicated his life to the service of others through the Society's works. His radically altered perspective led him to conceive of his career in terms alien to Montaigne:

'The human person is created to praise, reverence, and serve God', he wrote. 'Thus ... we should not want health more than illness, wealth more than poverty, fame more than disgrace,

a long life more than a short one ... but we should desire and choose only what helps us more towards the end for which we are created.'

He adopted as his mantra: 'What have I done for Christ? What am I doing for Christ? What will I do for Christ?' Loyola felt life was about a calling, a mission from God to live our lives in his service.

Several centuries after Loyola and Montaigne's lives, I was born. Like them, I was privileged to receive a rigorous education — 13 years of private education, followed by five years of university studying arts and law. When this year ends, I will have finished university and will be forced to begin forging my life's path.

Will it be sufficient that, like Montaigne, I have a happy disposition, find a job I enjoy, and do no harm? Or ought I to follow Loyola's philosophy, and regard 'happiness' as simply a distraction from the real goal of life — 'to serve'?

In his book, *The Pleasures and Sorrows of Work*, Alain de Botton expresses scepticism at the notion of a 'calling' that so influenced Loyola. He believes 'calling' is an 'unfortunate' term, prone to torturing us with false hopes of fulfilment and meaning.

Acknowledging its Christian heritage, he laments that a 'secularised' version of the notion persists. Oprah Winfrey proved his point when, on her recent final show, she gave her fans one last piece of advice: 'Start embracing the life that is calling you and use that life to serve the world.'

Botton seems more sympathetic to the views of a career counsellor he observes, who believes one's career is 'an act of selfhood'. A good career, according to him, is one that makes you happy, one where you do what you love. When one of the counsellor's clients says she likes helping people, the counsellor adds 'altruism' to a list of the client's interests. To the counsellor, altruism is just another interest, another clue to what career this client might find most rewarding. It shares equal weight with the client's interest in a seafood restaurant.

The Loyola approach of 'service' appeals for two reasons. First, Montaigne sees no contradiction in complaining that his fellow citizens demand from him 'what I do not owe'. His incredibly privileged youth has left him with no feeling of obligation towards his much less fortunate fellow humans.

I was not given a Latin tutor at birth, and my father is yet to hire a musician to wake me up. But when I consider all I have been given, all the sacrifices that have been made for my sake, and all the work nearly two decades of education has involved, I cannot help but feel that if the objective of all that was simply my contentedness, the means were disproportionate to the end. The Loyola approach speaks to this sense of obligation, what some disparagingly label 'middle class guilt'.

Second, despite his Christianity, the Montaigne approach makes little allowance for any

Christian desire to live out Gospel values. To Christians such as myself, this also makes Loyola's approach to one's career appealing. A personal passion for 'making a difference' — seeing things change for the better, ideas becoming reality — also motivates my preference for Loyola's call to unselfish service.

Botton's career counsellor might at this point claim no contradiction exists between the two approaches. If I am passionate about 'service', I should follow that passion, and have a rewarding, happy career. However, 'service' almost inevitably means less money and less respect. It would be untruthfully high-minded to claim complete indifference to such considerations. Further, areas of interest often don't correlate with areas of need. I find constitutional law fascinating, but see little scope for a steady career in that area that could honestly be characterised as altruistic.

Proponents of the 'Montaigne approach' argue there is a false dichotomy between commercial jobs, where the object is financial gain, and altruistic jobs. This argument adopts the capitalist philosophy that acting in one's self-interest is the best means of furthering the common good. Self-interested actions lead to economic growth, and economic growth will eventually solve all the world's problems. In this way, everyone from investment bankers to road workers all work towards the common good.

It is certainly wrong to characterise any commercial job as somehow evil. Yet simply becoming a 'cog' in the 'capitalist machine' seems an incremental way to achieve any real good. Further, the 'capitalist machine' might not be perfectly designed to achieve good for each member of society equally.

Though the Loyola approach holds considerable appeal, in many ways the Montaigne approach is more sensible, and probably more conducive to happiness. Perhaps it is foolish to attempt to practice altruism in an employment context. Employment is about remuneration for labour, not changing the world. If one wishes to practice altruism, perhaps that is best pursued through volunteering.

In this way, a happy, but also ethical life can be attained, by working in a field you enjoy, and then volunteering in one's spare time.

An obvious issue with both approaches is that not everyone can pursue an altruistic career, nor a fulfilling one. Many must simply find whatever employment is available to earn a living. Some therefore perceive an arrogance in agonising over this dilemma. It's certainly a preferable position to be in. But there is nothing arrogant about recognising that your privileged position might alter your motives in seeking employment.

I am inclined to conclude that though the 'Montaigne approach' is sensible and easy, life is not about being sensible and taking the easiest route, and so I will always pursue a path of service. I fear, however, that this is a view too easily expressed on paper. The truth is that, as I conclude my studies, I have only a handful of clear ideas as to how my life ought to proceed.



Perhaps the best approach is not to determine my life's course at this moment. In the end, words and the writings of Renaissance-era thinkers can take us only so far. Perhaps all I can do is throw myself into the world, and hope that by doing so I will discern my place within it.

## **No place to talk about death**

POETRY

*Warrick Wynne*

### **Late walk along Jerusalem Inlet**

Rows of trees knee-deep in bracken  
trunks green with soft moss  
all dead or dying  
a shovel shaped pit  
the sound of water  
some Mirkwood path  
to a wide green place  
where a house was  
all ruined  
broken rocks and bricks,  
beside the broken oak tree,  
a non-allegorical snake.

### **The Stations of the Stairs**

Beneath the new stairs  
that rise from the beach,  
the shallow cries or calls of children  
and the floating lovers,  
the old remain blurred  
and bowed, instantly acquiring  
an archaeological air.  
These constructions  
rise in stages like Apollo  
with platforms for viewing

or resting, the salt  
prickling at your back  
arriving at last at a higher  
if less sanctified place.

**Low tide, Norman Bay**

This isn't a place to talk about death,  
the tide falling, thin peaks  
crumbling in a light onshore,  
the light fading too,  
though the waves in the corner  
are still that aqua colour  
that makes them look tropical,  
the beach is as wide as ever  
Skull Island holds the horizon.  
The light is falling away with the tide  
but the dark shapes are birds going somewhere  
the bubbles in the sand  
small breaths rising into the air

**When we eat together**

When we eat together  
around this flat altar  
we place the food  
between us,  
and before us.  
Something stops  
for a time  
in this ritual

the purpose of which  
to bring us  
together again  
renewed

**Them as visitors**

They move unsurely at first  
through this redistribution of effects,  
flop finally into the familiar family couch  
re-cast here to appease us all.  
And we cluster around the new table  
as if the old wood, reshaped, shrunken, could recall other tableaux,  
things we did together,  
in the continuity of cutlery.  
They eat quickly, then want to go,  
'we're empty nesters' one says to the other  
as we walk them to their cars  
and watch them drive away.  
And we walk back together in silence down the darkening driveway,  
to this re-shaped shelter,  
the dry husks of strange seeds  
crackling under our feet.

## Demystifying famine

COMMUNITY

*Ben Coleridge*

On 20 July the United Nations declared that the situations in two regions of Somalia, southern Bakool and Lower Shabelle, are to be recognised as famine, and called for a concerted and rapid humanitarian response. While the carbon tax and the travails of Rupert Murdoch have been grabbing headlines, a humanitarian emergency of potentially disastrous proportions has been taking its toll.

According to the UN Office for the Coordination of Humanitarian Affairs, there are now 11.5 million people in need of humanitarian assistance across the Horn of Africa, and almost half the population of Somalia — around 3.7 million people — is in ‘crisis’. More than 166,000 Somalis have fled into neighbouring Ethiopia and Kenya.

According to UN Secretary General Ban-Ki-Moon, to prevent this situation transforming into a nation-wide famine, about \$300 million will be required in emergency aid over the next two months.

Equipped with these figures and the occasional pictures that flicker across television screens, it can be hard to really understand what famine is: why does it arise and what do people endure under famine conditions? And why is it so important that a situation is named officially as famine?

Famines are — bluntly — manifestations of intense starvation leading to substantial mortality. According to the UN definition, famine is characterised by people eating significantly less than 2100 kilocalories of food per day, instances of wasting in more than 30 per cent of children and two deaths per 10,000 people every day.

If one were to believe the news cycle, this crisis in Somalia would seem to have arisen without warning. But it is in fact the product of a pattern which has revisited Eastern Africa throughout the last century; a pattern of unstable food supply, drought, crop failure and endemic undernutrition. It is part of a pattern we have had plenty of opportunity to observe and recognise.

In fact, Eastern Africa is historically well acquainted with famine, with the first recording of famine in the region dating back to the ninth century in Ethiopia. And in the 20th century, successive famines occurred in Ethiopia and the Ogaden region during the 1970s—1980s when around 1.5 million lives were lost as a direct result of war and starvation.

Famines in this region have generally occurred against a background of endemic malnutrition and low food consumption. Because of the small scale and relatively rudimentary nature of Somali and Ethiopian agriculture, farmers have rarely produced surpluses which

might be marketed.

With this low food productivity, the rural population of certain provinces of Somalia satisfies its minimal subsistence needs for only about six to nine months of the year. For the remaining months there occurs the yearly phenomenon of pre-harvest hunger which, in rural communities, often leads to diets deficient in protein, calcium, vitamin A and various other essential dietary elements.

These tenuous circumstances are rendered even more fragile by the fact that rural incomes depend on rain-fed agriculture which, in the different regions of Somalia, is variable and unpredictable. Rural communities in Somalia and Ethiopia are consistently vulnerable to climate shocks or political disruptions — the margin by which they avoid hunger on a day to day basis is extremely thin.

Over the last decade in Somalia rural communities in particular have been assaulted by a combination of shocks which have eroded or obliterated this margin altogether. In the first instance, long and short-term climate irregularities have plagued Somali agricultural households.

Agricultural life in Somalia centres on two main rainy seasons, the *Deyr* and the *Gu* wet seasons. These periods of rainfall are separated by periods of dryness during which the harvests are brought in. Recently, regions of Somalia have witnessed successive failures of the seasonal rains, which have led to crop failure and the diminishment of agricultural yields.

This raises the worrying spectre of the disastrous famine in Ethiopia in 1984–86 which was preceded, between 1979–1983, by successive failure of the seasonal rains (the *belg* and *kerempt* rains).

However, the famine in Somalia is not only the product of short-term drought. It occurs in the context of a decades-long drought that has affected a swathe of sub-Saharan Africa since the early '70s. This period has witnessed prolonged pattern of rainfall [below](#) the long-term mean. The largest negative anomalies in the early '80s preceded the famines in Wollo and Tigray provinces of Ethiopia.

If this wasn't enough, conflict and political division have hamstrung efforts to reduce people's vulnerability to starvation. Ongoing violence between the Al-Qaeda affiliated Al-Shabab insurgent group and the Federal Transitional Government has not only led to social and political collapse but has also disrupted the operation of markets. So, just as rural households are growing more reliant on markets for food (due to the failure of their own crops), markets are themselves breaking down.

In this, another comparison can be made with Ethiopia. Against a background of continuing climate stress, Ethiopia experienced continuous internal and external warfare throughout the '70s and '80s, which made normal economic activity difficult. This arguably

contributed to the emergence of famine conditions and certainly intensified the suffering of the rural population once those conditions arose.

In 1984 thousands of people sat starving in the Ethiopian town of Korem. They had gathered there from the surrounding regions in order to seek relief. But Korem quickly became a death camp, with the mortality rate in excess of 100 people per day. Although international aid was received, it was not enough to stem the tide of starvation. Only after BBC journalist Michael Buerk and his cameraman Mohamad Amin filmed the dying at Korem did international aid efforts gain momentum.

The crisis in Somalia has all the ingredients of another disastrous famine. If UN member states do not continue to pledge — and deliver — aid, the inhuman scenes of Korem could easily reappear.

## Catholic Ireland's watershed moment

### RELIGION

*Gerry O'Hanlon*

The Irish Prime Minister Enda Kenny surprised most people in Ireland, and further afield, by his hard-hitting [statement](#) in parliament on the [report](#) of the Commission of Investigation into the Catholic Diocese of Cloyne last week.

The surprise was that his main focus was not so much on the main Irish culprits criticised in the report (Bishop John Magee and his Vicar General, Monsignor Denis O'Callaghan, charged with investigating complaints of clerical child sexual abuse), but on the Vatican itself.

In undiplomatic language Kenny stated that the Report 'excavates the dysfunction, disconnection, elitism [and] narcissism ... that dominate the culture of the Vatican to this day ... The rape and torture of children were downplayed or 'managed' to uphold instead the primacy of the institution, its power, standing and 'reputation'.'

He supports this serious charge by the claim that 'for the first time in Ireland, a report into child sexual-abuse exposes an attempt by the Holy See to frustrate an Inquiry in a sovereign, democratic republic ... as little as three years ago, not three decades ago'.

It is clear that, whatever about the nuances of the allegations made — there is, for example, some puzzlement about his reference to Vatican interference 'as little as three years ago' — Kenny has articulated well the anger of the Irish people towards the Vatican.

His speech was a clear, watershed statement of attitude — this new Government is adopting a less deferential attitude to the Church and the Vatican. This has been welcomed not just by the victims of clerical sexual abuse but also, it would seem at this early stage, by the majority of the general public.

It is true, as some have alleged, that Kenny did not require great political courage to articulate this new position — in Ireland the already greatly weakened Church is an easy target and an attack upon it is bound to garner popular support. However Kenny's sincere position as a practising Catholic offsets the charges of political opportunism.

It is true also, as some critics of Kenny's speech have noted, that the Cloyne Report itself is not at all as critical of the Vatican as Kenny himself, limiting itself in the main to comments about the Vatican 1997 response to the 1996 Framework Document of the Irish Bishops.

The report notes that this response was 'entirely unhelpful' and 'gave comfort and support to those who ... dissented from the stated official Irish Church policy'. The issue at play here was the insistence on mandatory reporting to civil authorities, and Papal spokesperson Federico Lombardi has noted that mandatory reporting was not then — and is still not —



required by Irish civil law.

The Vatican itself has been on a learning curve on these matters. It seems to have been as late as 2010 (a good 14 years after the Irish Bishops made their position clear) that it came to the unequivocal recommendation that full cooperation with civil authorities is required.

The fact that the Vatican cannot confess its own tardiness and shortcomings in these matters (because of fear of legal proceedings, with attendant financial liabilities?), but comes across as washing its hands and blaming local hierarchies, underlies much of the anger that is felt in Ireland.

This points to the deeper issue underlying this whole saga, in Ireland and elsewhere in the Church. It would seem that the Vatican espouses the principle of subsidiarity when it suits — so, local churches are autonomous and responsible in their own regions in this matter of abuse. But in many other areas — for example, of the translation of the New Missal, the role of women in the church, the decision-making powers of laity — there is scant evidence of effective subsidiarity.

Brendan Hoban, founding member of the Association of Catholic Priests in Ireland, noted that 'Kenny has articulated another obvious truth about the Irish Catholic Church: that the domination of Rome is strangling the emergence of a people's Church in Ireland'.

There is, of course, an important role for Rome and the papacy, but not at the expense of a vigorous local and regional autonomy: and, the basis for that, as Hoban goes on to say, 'is to be found not in some revolutionary manual but in the documents of the Second Vatican Council'.

Perhaps, *pace* all the qualifications raised by critics, the Irish people — and many further afield — agree with Kenny because they too sense that our present model of Church is dysfunctional and requires radical renewal.

## Sex abuse action and the seal of confession

EDITORIAL

*Michael Mullins*



Prompted by a resolve of the Irish Government to enact legislation aimed at breaching the seal of the confessional, Australian Senator Nick Xenophon threw a sectarian bomb on Thursday.

‘There is no contest when it comes to protecting the innocence of a child or maintaining a religious practice,’ he [told](#) reporters in Canberra. ‘Why should someone be absolved of their sins ... when it comes to child abuse because they’ve got a pat on the back from their priest?’

There’s no doubt that his bullish intervention was an affront to the Catholic Church and the principle of freedom of religion.

According to the Catholic understanding, confession is made to God through the priest, and so disclosing what is said in that conversation is to violate what is sacred. That is why Catholic priests would consider themselves bound to go to jail rather than obey an unjust law.

To make laws about such specific practices that a significant group of people would be obliged to disobey on conscientious grounds rarely serves the common good.

But equally Senator Xenophon is reflecting the view of many Australians that religious practices must not be allowed to obstruct the course of the law, especially in cases of sexual abuse of minors involving church personnel.

Underlying Xenophon’s comments is the reality that there is [little basis](#) in Australian law for priests to claim immunity from prosecution for withholding information that is subject to the seal of confession.

The Constitutions of the USA and [Ireland](#) do provide the seal with a stronger claim for protection. In some jurisdictions within Australia, including NSW, the Evidence Act provides limited recognition of the seal. The [Australian Law Reform Commission](#) could best be described as ‘open minded’. But in practice, the most enduring protection that is afforded the seal of confession in this country is community goodwill.

By definition goodwill requires mutual cooperation and charity, which in turn relies on the perception that it is merited. The church sexual abuse scandals of recent decades — and their handling by Church officials — have understandably eroded much of the goodwill that would be needed to maintain respect for the seal of the confessional.

The Irish Prime Minister [made this very clear](#) last week in his unprecedented attack on the Catholic Church. In general terms, many of his points could be applied to the Australian

context.

In rebuilding goodwill, it is necessary to engage with those hostile to the Church, especially if there are points of agreement. The head of Survivors Australia Nikki Wells [paid](#) the Church a compliment when she told ABC Radio on Thursday that 'in principle [the Australian bishops' sex abuse protocol] *Towards Healing* is a fantastic document'.

While she added that 'it's not worth the paper that it's written on because the Catholic Church itself doesn't even abide by their own protocol', her praise for their strategy is a good basis for building the bridges necessary for making a fair assessment of Catholic adherence to the protocol. That conversation in turn may ensure community support for important aspects of Catholic religious practice such as the seal of confession.

## Taming the pokies

COMMUNITY

*Jennifer Borrell*

Poker machines cause and profit from problem gambling. These are unequivocal facts established by solid research and the Productivity Commission.



The Federal Government is looking at options to make poker machines safer. The proposed measures will give back choice to many people lost in the hypnotic 'zone' of the machines. They will require gamblers to nominate their loss level before they gamble.

The gaming industry is clearly threatened by these mandatory pre-commitment measures. Clubs Australia has embarked on a marginal seat campaign opposing them, and a new advertising campaign aimed at misleading the public will screen at NRL games for the remainder of the season.

Clubs Australia says it doesn't want one dollar from problem gamblers. This claim is disingenuous at best. The Productivity Commission concluded that 60 per cent of total losses from poker machines come from problem and at risk gamblers. This amounts to over \$7 billion a year.

The Commission found that 30 per cent of regular poker machine users are problem and at risk gamblers. This is a conservative figure as it also found that gambling problems and spending are under-reported in surveys. For every problem gambler up to 10 other people are directly affected, and revenue is leached from local businesses and communities, usually in less affluent areas.

Importantly, the Commission established that poker machines are a dangerous product in need of greater regulation to make them safer for users. It recommended that poker machine gamblers use 'pre-commitment' measures, where gamblers decide in advance how much they are willing to lose.

A two-track system proposes pre-commitment measures for gamblers using high intensity (high spending) machines and no pre-commitment measures for lower intensity machines. Pre-commitment has been shown to work in trials in two Australian states, as long as it is compulsory.

Implementing these measures would be relatively cheap, especially as a proportion of poker machine profit. It would simply involve reprogramming the machines, which are, after all, computers. In fact the technology is already largely in place with industry loyalty cards. So

what's all the fuss about?

Perhaps the real fear is that the measures will work. They will reduce revenue from problem gamblers and clubs will feel it in their hip pocket. This business model relies on people losing control of their gambling and the resulting family breakdown, divorce, child neglect, post-retirement poverty and even suicide. This model is unsustainable on economic and ethical grounds.

Clubs Australia is hiding behind the wellbeing of families and children as they fight to keep this money acquired on the backs of the misery of vulnerable addicts.

The hidden army of people whose lives have been devastated by this dangerous product will not be seen marching together on the streets for change. Nor do they have a kitty of millions of dollars to speak truth to power in the public domain. This money has long filtered to poker machine businesses, where it is being used to fight product safety regulation.

Local clubs can be a wonderful asset for people and communities. I'm not talking about multi-million dollar businesses masquerading as clubs, but those small local organisations that exist because of the goodwill of everyone involved.

For my own part, my son has had the benefit of a wonderful sporting club while growing up, supported by volunteers and mentored by the best. I am eternally grateful to this club for being part of the village that raised my child. But I am especially grateful that not one person died, not one family broke down and not one child was neglected to pay for his footy jumper and boots.

## Gender more than anatomy

### POLITICS

*Ellena Savage*

I am comfortable in the sex assigned to me at birth. I'm female. Roar. Or, as certain elected members of our cabinet and shadow cabinet would have it, *meow*.

However, I do find it bizarre and slightly offensive when I am asked to report my sex on forms, other than those of the medical variety. It's not as though being female gives me any advantages other than a Medicare rebate on a gynaecologist. Why do institutions think it's important for them to recognise my sex?

This 9 August will mark the centenary of the first Australian census. Families, friends and reluctant cohabitants alike will collaboratively submit their statistics to the Australian Bureau of Statistics. The findings will be fascinating now, and possibly amusing in a few centuries time. But they will not reflect what Australia really looks like.

The census records demographic facts, which are used by all levels of government and other service providers to accurately distribute services. But it won't recognise the fact that some people in Australia don't identify as either female or male, and that such people have specific needs. Some of these people are intersex, born with androgenous sex organs. Others are transgender, or 'genderqueer': people whose experience of gender does not match conventionally with their biological sex.

In the census, it is compulsory to specify one's sex. If this space is left blank, a sex is assigned based on other information provided, or by the flip of a coin, emulating the 50/50 sex division thought to exist in Australia.

This year, Nepal was the first state to include a 'third gender' in its national census. This was the outcome of radical campaigning by a queer rights advocacy organisation, the [Blue Diamond Society](#), led by Nepal's first openly gay parliamentarian, Sunil Babu Plant.

The census was Nepal's first since the nation's successful establishment as a democratic republic, following the fall of a Hindu monarchy and the end of a 13-year Maoist-led civil war. The provision was secured by Plant's victory against the government in the Supreme Court, whose ruling guaranteed full equality for sexual and gender minorities.

'Gender' is the performance of socially prescribed behaviours along sexual lines, which inevitably results in the differential treatment of men and women — to the detriment, I believe, of both. It is what makes small girls play operatic family dramatisations and small boys play super truck racing.

Mainstream feminist and gender theorists argue that gender is socially constructed. The

critical response to a Canadian couple who made news with their choice to raise a '[genderless baby](#)' illustrates just how invested we are in these binaries.

Sex, however, supposedly describes physicality alone. I don't question the importance of registering one's sex in the census. As well as addressing physical differences that identify different health and education needs, this information can correlate to those needs that align with mainstream understandings of gender — those associated with, for example, unemployed males, or working single mothers. It can also help us measure the economic status of women in Australia.

However the exclusion of a third gender renders those who fall outside the gender binaries invisible. There are no comprehensive population studies of people who don't identify either as male or female in Australia, and the upcoming census will fail to identify the specific needs of sexual minorities.

Australia's laws regarding transsexuality are relatively progressive. Following sex reassignment surgery, an individual is entitled to be issued with a new birth certificate, unless they are already legally married. This is progressive in that it recognises transsexuality as a phenomenon, but also regressive in that it demands transgender people to physically conform to a sex binary.

Sex reassignment surgery is very expensive, and results in infertility. Children in Australia who are diagnosed as transsexual and whose parents consent to the prescribed sex reassignment surgery are effectively sterilised without their own consent. The push for surgery obfuscates the delineation of gender and sex (the former is between one's ears, the latter is between one's legs).

Advocacy group [Organisation Intersex International](#) is urging intersex people to list their religion as 'Intersex' in order that their gender is recognised. As was the case with the 'Jedi Knight' phenomenon that began a decade ago, the religion question is being subsumed by the political motivations of people who feel the census misrepresents them.

People need to be understood in fundamentally humanistic and dignified terms. Dissolving gender, or at least tempering its negative impact on identities, will not happen overnight. But for now, people whose identities are neither male nor female need to be counted.

## Consumers rule in Murdoch's evil empire

MEDIA

Catherine Marshall



If ever we needed proof of the public's complicity in the *News of the World* debacle, it came on Wednesday when Wendi Deng defended her husband, Rupert Murdoch, against a foam attack.

It was just the thing to distract an easily-bored public from the rigours of a Parliamentary inquiry: the beautiful, much younger wife sitting stoically by her husband, pouring him a glass of water, stroking his back, and then inflicting a fierce blow upon the interloper who tries to land a plate of foam in his face.

This incident should have been nothing more than a brief disruption to an otherwise sombre hearing in which the contrite Murdochs defended themselves before a parliamentary committee. Instead, it became the lead story, electrifying the Twitterverse, blog sites and online newspaper forums even before Deng had returned to her seat.

'This should put an end to the trophy wife talk' Tweeted @tommyinak. 'Hear me roar! Mess with my husband? Oh no you don't!' said the Wendi Deng: Kickass Facebook page, one of many tribute sites that cropped up within hours of the incident. 'Murdoch's wife is an Internet sensation' declared the *Hindustan Times* online.

Even as Murdoch tried vainly to restore his media empire's credibility in the eyes of a sanctimonious parliament and public, condemning the culture of phone hacking at his now-defunct *NOTW*, here was the public setting the agenda for tonight's news bulletins, declaring its priorities so that editors of the popular media were in no doubt as to which angle they would follow.

Never before has the public had more say in what material it consumes, more influence over which stories it would like to read, or a greater choice of outlets from which to source its news. Thanks to the digital revolution, there is now a well-established interface between journalists and their readers, politicians and their constituents, celebrities and their admirers.

Despite this, the public was quick to claim ignorance and roundly condemn the theft of private information by *NOTW*: the intellectual elite implied that it had been acquired for the consumption of 'low class' readers, despite the fact that 39 per cent of the newspaper's readership fell into the middle-class demographic.

And the 2.7 million people who were known to have bought a copy of the newspaper each week, consolidating its status as Britain's top-selling Sunday newspaper, were conspicuous by their absence, unwilling to acknowledge that their appetite for lurid gossip and scandalous



stories had effectively guaranteed the newspaper's success.

These were people who'd had the chance to voice their opposition to phone hacking when the practice first came to light several years ago; and if not then, at least in early June, when actress Sienna Miller received a payout from News Corporation as compensation for the hacking of her voicemail.

Ignorance is no longer an excuse, especially in these post-Princess Diana years where the role of the paparazzi, traitorous friends and dodgy journalists in obtaining 'Diana exclusives' is well-known to any consumer of news.

But the instant availability of information on the internet, and society's regular incursions into domains that were once private — family photographs on Facebook, sex tapes on Youtube, streams-of-consciousness on Twitter — have given rise to an appetite for soundbites that will deliver an instant, deeply gratifying hit.

Consequently, readers are gaining the upper hand over journalists when it comes to shaping and interpreting news, especially online. Their preferences have resulted in a dumbing down of popular media, where trite articles (Masterchef eliminations, Miranda Kerr's post-baby figure) are given more prominence than serious reportage and analysis (Africa's famine, Pakistani police executions).

There is no doubt that readers influence the ongoing coverage of events, as evidenced by the hugely popular 'Vancouver riot kissers', and the Sydney toddler Rahma El-Dennaoui, who is virtually unknown despite the fact that she was abducted from her home in 2005 and, like Madeleine McCann, has never been found.

The 'customer' is always right, and this tendency to empathise with one story and ignore another is proof that readers will shape their own agendas and their responses to news, often limiting themselves to a small — and dubiously-obtained — range of content in the process.

'How do we understand why people around the world found themselves in solidarity with the protesters in Tahir [in Egypt], when they pretty much missed the protests in Tunisia, which ... had some very similar causes, but which were almost invisible?' asks Ethan Zuckerman, incoming Director of MIT's Centre for Civic Media, on ABC Radio's Future Tense program.

'And how did it [happen] again so that by the time we're in Bahrain or Syria a lot of that interest has fallen off? Can we figure something out about the way the media works and how our interests work?'

These are good questions, and ones we might well ask of the people who are happy to consume tainted material as long as no-one tells them where it came from.

## Good journalism and Murdoch's pie-gate

### FILMS

*Tim Kroenert*

***5 Days of War* (MA). Director: Renny Harlin. Starring: Rupert Friend, Val Kilmer, Andy Garcia. 113 minutes**

*5 Days of War* is a timely film. It arrives at the same moment that Rupert Murdoch's News International media empire finds itself with [more than just egg on its face](#) over the *News of the World* phone hacking scandal. As the world watches this real-world story unfold of journalism at its most prurient and base, *5 Days of War* pays tribute to journalism at its most noble and courageous.

'In the early part of my career I got to make some movies that were entertaining and successful but I always felt that I was missing something,' reflects director Renny Harlin. With *5 Days of War*, he says, 'I have made a movie that is about something and that has meaning'.

The film takes place during the Russian invasion of the sovereign (former Soviet) state of Georgia in 2008. It follows the plight of a group of journalists deep within the conflict zone, who risk their lives in order to capture and broadcast the 'truth' of the unfolding events. Their evidence includes footage of acts of brutality committed by militants engaged by the Russian military.

Harlin describes it as an anti-war film. It opens, somewhat tritely, with the famous misquote commonly attributed to early 20th century US Senator Hiram Warren Johnson, that 'The first casualty of war is truth', and with a dedication to all war journalists who have lost their lives while documenting conflict (at least three foreign journalists were killed during the Russia-Georgia episode).

His fictional but 'based on fact' film displays technical proficiency and attention to realism. It was shot on location, and the filmmakers had access to large numbers of military vehicles and weaponry supplied by the Georgian military, minimising the need for CGI. The actors were provided with training by US Marines who were in the country readying local troops for duty in Afghanistan.

Notably, director of photography Checco Varese is a former news cameraman with extensive experience filming in conflict zones in Columbia, Bosnia and Chechnya. His camerawork lends the film an authentic, newsy feel that places the viewer in the midst of events.

But sadly this is not a good film. Its shallow characterisations and lack of emotional engagement, and its plethora of explosions and blood-gushing gun violence, put it closer to the 'entertaining and successful' films of Harlin's earlier career (mostly 'fun but dumb' action

movies including *Die Hard 2*) than to morally complex war films such as *Apocalypse Now*, *The Thin Red Line* and *The Hurt Locker*.

It also misses the [nuances](#) of the conflict, portraying Georgia as a David whose only crime is to want to be closer to America (and what more noble national goal can there be?), and Russia as a petulant and bullying Goliath raining wrath upon its diminutive neighbour out of sheer geopolitical sour grapes. The film has been described by some critics as anti-Russian propaganda, with some justification.

Unfortunately, in this, Harlin has done a disservice to the journalists he wished to honour. If a film is ever made about the life of [Tim Hetherington](#), the photojournalist and documentarian killed this year in Libya, hopefully it will better capture the humanity of its subject, and thus offer a more compelling portrait of journalism at its best, to counter the News Limited example of journalism at its worst.

## Getting the media we deserve

MEDIA

*Justin Glyn*

The *News of the World* phone hacking scandal has exposed newspapers, police and politicians to uncomfortable questions about relationships at the top of British society. One question less aired but equally relevant (in Australia, as much as the UK) is the nature of the relationship between the public and the media more generally.

The media often present themselves as lenses on the world, upholding the public's 'right to know'. They can be right. For some time, however, people have suggested that, even in a democracy, media outlets can be quite selective about what they report and how they do it.

In 1988, Noam Chomsky and Edward Herman stated that the interests of advertisers, political elites and media owners (among other factors) have a disproportionate influence on the media and its focus. Drawing on an essay by Walter Lippmann in 1922, they used the term 'manufacturing consent' to describe this distortion.

It is certainly true that in this internet age, we rely on the media not only for information ('if it's not on Google, it doesn't exist'), but often also for our opinions about the world around us. In short, the (print, broadcast and electronic) media all too often tell us what to see and think.

On the other hand, it is too easy to wring our hands and blame the media for bias and shoddy practices. There is a symbiotic relationship between media and the public. The brutal fact is that media present to its readers/viewers the world that they wish to view — whether its 'sleb' gossip, football or anything else.

We like our fix of gossip and outrage — viewed, of course, through our favourite political spectacles — and are not always too concerned how we get it. That is notoriously why tabloids sell. As Billy Bragg puts it in his recent song about the scandal, 'Scousers Never Buy the Sun', 'Everyone who loves that kiss and tell, You must share the blame as well.'

The tabloids may try to boost this demand but they do not create it.

Indeed, it was only when the scandal reached a level where the lurid details would sell newspapers (alleged hacking of the phones of relatives of dead soldiers and a teenage murder victim) that it came to the forefront of British national consciousness. Previous enquiries into phone-hacking (and even an apparent admission to a Parliamentary committee of payments to the police for information back in 2003) did not have the same impact.

While we in Australia may not have the same issues as Britain, it is not hard to find media outlets which both manufacture and pander to consent.

A 2010 parliamentary report notes that Australia received 0.6 per cent of the world's

asylum seekers in 2009. Fewer than 50 per cent of these arrived by boat. Of those who did, 70–90 per cent had their claims to refugee status upheld. However, rhetoric and policies aimed at asylum seekers have been an accepted part of political life in Australia for a number of years now.

Some of this may be due to media misreporting. But, uncomfortably, there is evidence that the papers and the parties know that this rhetoric both sells papers and wins votes. As recently as 27 June, *The Australian* reported a Lowy Institute poll claiming that 72 per cent of Australians were concerned about the arrival of boat people; of that number, 88 per cent believed they ‘jumped the queue’ and 86 per cent believed they were a security risk.

Given such a high level of misconception and mistrust, it would be surprising if there were not media outlets willing to capitalise on it. Doing so, of course, allows them to enhance the mistrust – which, in turn, makes them more popular.

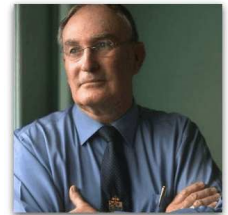
What to do? We live in an age where 24-hour news makes it hard to stop and think critically about the endless stream of sound-bites. Yet, in the final analysis, we have a right to decide what we buy or watch and whether we check facts and question assertions or unethical practice. No-one can take that from us. We allow bad journalism to flourish if we do not demand good journalism.

## Democracy in the Church

### RELIGION

*Andrew Hamilton*

In recent weeks the media have given some coverage to a [petition](#) circulating among Australian Catholics. The petition was composed by a lay group called Catholics for Renewal, comprised of Catholics who have been active in parish life. They hope many Catholics will sign the petition, and that the Bishops will communicate its content to Pope Benedict when they meet him later in the year.



The petition offers a sombre picture of the state of the Catholic Church. It speaks of a Church that has lost contact with young people. Many older Catholics have also become increasingly disaffected. The Church has been unable to provide ministry to communities, especially in rural areas.

The document attributes the malaise in part to defects in governance, displayed in the handling of sexual [abuse](#) by Church representatives, in the process by which Bishop Morris was [dismissed](#), by the attitude to women within the Church, and by the inability of Bishops to adopt pastoral strategies suitable to their own dioceses. It then offers a vision of a faithful Church, and proposes that pastoral synods be held, bringing together the resources of laity and clergy.

The petition raises two questions: about the truth of its argument, and about the place that such petitions generated by the laity have in the governance of the Catholic Church.

Although some media reports have presented the petition as radical, its assertions and requests are moderate. Its reading of the general loss of contact by the Church with young people is supported by the decline in Mass going. The alienation of young Catholic women has been remarked on for many years, and observers have also noted the more recent disillusionment of many older Catholics.

The dire lack of resources, especially in rural dioceses, and the inadequacy of presently available pastoral strategies to address them are increasingly evident. So too are the corrosive effects that the early failure to deal adequately with sexual abuse has had on trust in governance.

The lack of due process evident in the new Mass [translation](#) and in the treatment of Morris has also been widely criticised. The desire for a Church in which women are treated as equals, which is free from homophobia, and in which the state of the Church and pastoral strategies can be discussed honestly ought to be unexceptionable, even though how this desire might best be enshrined in practice is a matter of debate.

The proposal that diocesan synods be held is modest. But although they are unlikely to include those who have given up on the Church, and lack executive power, open and honest discussion of the situation of local churches and of their remedying can only be helpful. They can form the foundation of pastoral strategies that will be based on more than rhetoric.

The second question raised by the document concerns the place of petitions within the Church.

To some Catholics petitions will seem inappropriate. They believe the Pope and Bishops are given responsibility by God for guiding and leading their people, and that they are responsible only to God. Petitions by lay Catholics presume a level of ownership of the Church that they do not have, and can only muddy the waters. Australian Bishops should therefore consign them to wastepaper bin, as have many European Bishops when lay Catholics have pressed for reform of the church.

This view is unpersuasive. It supposes that the bishop's responsibility from God *for* his people is incompatible with his responsibility *to* his people, and with the responsibility for the Church that all people receive with baptism. These forms of responsibility work at different levels and are consistent with one another. Each should be expressed in the way in which bishops and people engage with one another.

In this context, occasional petitions seem as appropriate a form of engagement within the Church as they are in political life. The pressure which a petition exerts on rulers of church or state is not normally a pressure to act, but to recognise a reality which they prefer to ignore and the strength of public concern about it. That pressure is proper.

Petitions have the value once attributed to canaries in the mineshaft. Their witness could be dismissed by mine owners who wished business to continue as usual. But that dismissal did not make the mineshaft a salubrious living space. To promote the health of the enterprise and of the human beings involved there, it normally proved better to feed the canaries and to listen to their song.

## Why we're mean to Julia

POLITICS

*Moira Rayner*

This would not matter, had not the public become accustomed to being spon-fed opinions by our limited, shallow and self-important communication media, ten second 'grabs' on news programs, and a learned preference for reality-show performances.

Compare this to Paul Keating's appearance on *Lateline* last week. Lord, how I longed for the return of this kind of able, intelligent, affable and articulate public conversationalist, whom we let go at such a critical time in our development as a nation, because we thought he lacked the common touch.

Keating ran rings around host Tony Jones that night, explaining his position — that there's no bloody point in holding an enquiry into 'media ownership' in Australia because of Murdoch's criminal reporters in the UK: the real issue is whether or not we need a legally enforceable right to privacy — instead of reacting to his impatient interviewer. Knowledgeably, with a prepared written reference, and authoritatively, because Keating presented an argument, not a position.

There aren't too many of such people around, and those who try aren't appreciated (Malcolm Turnbull), or preselected (dozens of 'em), or, in Julia's case, are being silenced by being 'reported' selectively and critically.

You don't try to teach an old dog new tricks, but old ones work pretty well. Gillard is — after a year of trial and error, poor advice and silly strategising — running the case for action that will map out the first steps towards a seriously dark and threatening future.

We will create a march of folly if we don't demand public debate about the real issues, not the dog-whistling of the electorate. Watching Keating, I felt keenly our loss of the depth of political thinking and planning that he represents. We need it now, knowing that life in Australia is as stable as the earth beneath us and the tides of the sea.

Gillard may not 'sound right', but that's our fault, because we have not looked for expertise from those who give us their opinions for a fee (who cares what Janet Albrechtson, law graduate and married woman with influential friends, thinks about climate change?), or real policy discussion.

The Gillard election proposal for a thoughtful, year-long public consultation on climate change responses was a good one, but badly timed and rightly ditched. But there is time, now, to consider the arguments, and take a chance.

We, the electorate, spurned the thoughtful way in 1996 and won 11 years of mean-spirited



disputation and sneers. In 2007 we voted in favour of vision, empathy and grand designs and watched it wither in a welter of micro-management and power broking.

We asked too much of a former deputy prime minister in a toxic environment of careerist changing of the guard. But as the banner read in the closing scenes of *On the Beach*: 'There is yet time, brother.'

## **Indigenous Australia in 2031**

EUREKA STREET/ READER'S FEAST AWARD

*Lea McInernery*

### **A story for the times**

It is long before Vincent is born, and the people who live this side of the water are always saying, 'When I get to the other side', as if everything will be okay then. But they never go. They never pack their bags and get on the boat and go. They stay there, looking across the water, day after day, thinking it must be better over there, there on the other side. Their own side is beautiful, a paradise. But they don't want their own paradise. They want that one over there.

It's always been this way, or so it seems. It was a story created a long time ago. No one remembers who first told it, but the ones who heard it, they told it over and over, and now it's become true. The story is stuck to their cells, their skin, their hair. They live in that story, that story is them.

Every day they say this: One day. They are sure things are better over there, and once they get there, everything will be fine. One day. Meanwhile, they are stuck here. Meanwhile, their country is dying for lack of attention, and them with it. Their eyes are always drifting across the water, while the world in front of them lies unnoticed, forgotten.

So disconnected are the people now, everything is starting to die. The trees, the flowers, the insects, the birds, the animals, the fish, the rivers, the oceans, the land. All dying. The creatures and the elements have heard the story too, the story of across the water. Unlike the people, though, they don't believe it. 'It's not a good story,' they say to each other. But it drains the life from them, all the same.

The story has no words like 'here' and 'now'. It has no gurgles of laughter like water has, as it trips over rocks on river beds and sandy ocean floors. It has no big relaxed sighs like the trees have, as the winds move through them on a warm day. It has no songs of sweetness like the birds have, as they glide across the sky.

All this story has is that place over there, across the water, a long way away. And as the people gaze at it, day after day, they forget the trees and the birds and the rivers and the skies. They forget themselves. They forget life.

And life, seeing itself forgotten in this place, slips away, and waits for the people to make a new story.

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ACKNOWLEDGMENT DAY, 26 MAY 2031

'This is Aboriginal land and you are welcome. Look around and learn, in order to understand Aboriginal people and also understand that Aboriginal culture is strong and alive.'

So begins Acknowledgment Day celebrations for 2031 at Uluru, country of the Anangu people.

As is custom, the Preamble to the Constitution is read out. Following that, local Anangu woman, Nita Arnguli, teacher Beth Cahill and student Vincent Kapiwaru share stories.

*Nita Arnguli*

Each year we remember some of the new stories of this century, and recall some of the people who have helped us create them. This year, we go back to the end of the first decade, when a critical mass of us finally recognised the extent of our collective destruction of nature and culture. At the time, several voices rose above the panic and confusion, and grounded us in what was not a comfortable reality.

James Thornton, the international environmental lawyer, said that rather than talking about climate change, we should talk about culture change. He reckoned back then that what we needed was a movement similar to the Renaissance of the late Middle Ages, the time that gave birth to humanism.

Sir Ken Robinson, the renowned educator, lamented the loss of our innate creativity, through education systems that were no more than factories making future workers. All kids have tremendous talents, he said, and we squander them. Ken reminded us that each one of us is unique, with unique gifts to offer the world.

Patrick Dodson, greatly loved and admired Elder, said we must imagine a renewed nation, and also called for a renaissance. He saw it underpinned by Indigenous culture and spirituality, with its thousands of years of connection to this land.

Of course, as we all know, Patrick went on to become the first co-chair of the Council of Elders of Australia, a role he played for ten years with great dignity, wisdom and love.

Back in 2012, the settler people of Australia finally made their peace with their Indigenous brothers and sisters, whose land had been taken, in ignorance, and with cruel intent, 200 and more years ago. A blink in time, but long enough to interrupt the natural order and unbind what had been bound for so long, the people and the land and the seas and all the creatures.

With the Constitutional amendment, and the settler peoples' acknowledgment of those past wrongs, came the discovery of what had been lost, what was missing, what needed to be restored. The people talked to each other over many days and nights, and began to recover the knowledge.

There was much work to be done and together they made a plan. Not a plan for seven

minutes or seven years, but a plan for seven generations, for their children's children, and theirs too, and so on, stretching over time and seasons, cycles and songlines.

And in their plan, they wrote of hope, their hope that they would all one day come home to themselves and to country. They wrote of the belief that they are all connected and that to harm one was to harm all. And they each stored that belief in the palm of their hand, a pulsing reminder. We are all connected. To harm you is to harm me.

They mapped out the work that needed to be done over the next 200 years, the most important work, the true work. They made it into what we now simply call the Plan. Five things, all connected, criss-crossing, a web of life, no less. Five things, counted off on their fingers and thumb, one, two, three, four, five; stored safely in their hands.

Five things.

Make peace. Heal country. Nurture talents. Design new tools. Bring everyone along.

One, two, three, four, five. Counted off on fingers and thumbs, right hand and left hand joining briefly at the fingertips as they remembered each day what they must do, all of them.

They each had their role, their gift to the whole, and they set about doing this, day after day. Gradually making Australia new. And we continue on, feeling for the pulse in the palm of our hand, counting off on our fingers and thumbs, remembering and doing the important things.

So, friends, on this 26th day of May, in the year 2031, we mark time once again, like we have every year since 2012, the year that brought the beginning of the new story between the ancient peoples of this land and the settlers, with their memories of other ancient lands. The year of Acknowledgment, as it has come to be known.

Let's now do as we also do each year and hear the stories of two of our people, Beth and Vincent, who live here in desert country.

*Beth Cahill*

I came here to teach in 2014, around the time the Plan started. I was 21. My family was puzzled when I announced straight after I qualified, that I was leaving the city and going to the desert. They were worried, I know. It was hard to explain. They thought there was something wrong with me. But they were so ravaged by decades of chaos in their lives — welfare, drinking, smoking, bad food, dying young. I wanted to get out. I had tried to stay, but it wasn't going to work. I would have got swallowed up in the alcohol too.

Why was I different? I don't know. Some spark, like a piece of sapphire that miraculously turns up in the deep earth, found by someone who is not greedy. One of my teachers wasn't greedy; she found this spark in me and helped me find my talents. She nurtured them in me and did the same for many others. Only a few stayed the course. In those days, many didn't

have the strength.

Let me talk about Vincent. He is 11 now. When I first started teaching him, he was one.

As the other teachers and I learnt more about creativity and how to nurture the children's talents, their learning happened more quickly. We were seeing evolutionary leaps. It was like the Earth was relaxing and playing with us, now that we were finally getting it about everything being linked.

Vincent was the first of the children to make the conscious connections about time. He quickly came to understand its three levels and how to give attention to each. He is able to be in one dimension and sense the other two dimensions within the same moment. In the old schools, children used to lose this ability by the time they were seven.

Through this endlessly, infinitely creative way we now work with the children, Vincent has been able to hold the knowledge and store it in his whole being.

It makes him well. And strong.

*Vincent Kapiwaru*

Beth helps me see my talents. She watches me doing things on my own, she watches me with the other kids. She opens up the whole school to me and to all the other kids. Take your time, wander around, take it slow, go fast, do what comes naturally, she tells us.

At my school, we've got lots of stuff to muck around with. A big sportsground with running tracks, an oval with a special ground for here in the desert. It feels soft and smooth — like grass, Beth says. I've seen grass on the screens.

We have music, dance, drawing, painting. We learn English, our local language and computer language. We do lessons in maths, science and technology. We learn stories about trees and flowers, insects and birds, the animals, the fish, the rivers, the oceans, the land. And all the connections.

Like Beth said, I've learned about the three layers of time. I can live in the different times at the same time. Material time — here and now, eating, drinking, moving, resting, being with my people. Timeless time — when I'm using my talents, making things and helping others. Deep time — past, present and future all connected. We say this is spirit time. Everything held together. There's no fear in this time. Just love.

All this, Beth and the others are teaching me. They are letting me grow into myself, like a river growing into the ocean.

Country is strong. I am strong.

That's my story.

## Churches and the Malaysian Solution

### THE MEDDLING PRIEST

*Frank Brennan*



The latest attempt to stem the flow of asylum seekers arriving in Australia by boat, the so-called 'Malaysian solution', is causing great angst in the community and with our political leaders.

This proposal involves people trading by the government of a democratic country committed to the rule of law. People trading is wrong even when part of a broader suite of policies designed to arrest trans-border flows and to ameliorate slightly some pressures on other governments accommodating large numbers of asylum seekers. Even if it works, it is wrong.

Any proper assessment of the proposal requires a consideration of the case of the bona fide refugees sent from Australia to Malaysia. They have no right to settle in Malaysia, no rights to work, education or welfare while their claims are undetermined, and no guarantee that their claims will be determined in a timely, transparent manner.

If the transfer to Malaysia is appropriate, so too would be return to Indonesia given that Australia has arrangements in place with the [International Organisation for Migration](#) and UNHCR there for some minimal accommodation of entitlements while awaiting status determination. We would essentially be deciding that protection is now available in Indonesia or Malaysia and that all persons heading for Australia are therefore engaged in secondary movement, not direct flight.

This is not part of a regional solution to a regional problem. At most it is a bilateral attempt at solving an Australian problem. Malaysia has 200,000 people to care for. That must be part of the so-called regional problem and solution. The one-off acceptance of 1000 refugees each year for four years is no durable contribution to that part of the regional problem.

If Nauru were to sign the Refugee Convention, if people were to be detained only for the purpose of identity, health and security checks, and then housed there humanely until their claims are processed (with at least the same standard of food, clothing and accommodation as Christmas Island), and if those proved to be refugees were to be guaranteed immediate release from detention and prompt resettlement, that would be preferable to the Malaysia option.

Everyone, including the strident supporters of the Howard-Ruddock Pacific solution, knows that it was a one-off solution to stopping the boats, posited on the false claim that even proven refugees would not be resettled. Most were — and in Australia or New Zealand. And they would be again. There is no clear message you can send to people smugglers and their clients: 'Don't head for Australia or you will end up in Nauru before you end up in Australia

or New Zealand.'

The search is still on for a replacement for the Pacific Solution achieving the same result. Any acceptable solution must fulfil the following conditions: no people trading; legally guaranteed access to food, clothing and shelter during processing; and prompt resettlement on proof of claim.

If the numbers to be resettled in Australia became too great, skewing our humanitarian intake, there could be a case for revisiting the temporary protection visa (TPV) despite its treacherous side effects including the need for more women and children to risk perilous journeys.

To stop the boats and secure the borders, one needs to engage in measures contrary to the Refugee Convention. We should: adhere to the Refugee Convention; do deals moving asylum seekers from Australia only with countries which are signatories to the Convention; foster a regional approach to the full suite of regional problems; and enter into only morally coherent bilateral arrangements regarding distinctively Australian problems.

I see no need for church groups or agencies to be ahead of the field in offering endorsement of the government's proposal or processes in the formulation of the Malaysia Solution. On process, even Bill Farmer, former head of the Immigration Department and ambassador to Jakarta, has gone public indicating that these arrangements cannot work unless the governments do the hard negotiating with attention to detail out of the public eye, and prior to any grand announcements.

On the substance of the proposal, it is going to be unworkable (i.e. failing to have the desired universal deterrent effect) unless some children, including unaccompanied minors, are included in the transported caseload. It will be morally indefensible insofar as it permits the removal of children, including unaccompanied minors, who may well be bona fide refugees and whose needs and entitlements will not be sufficiently protected in Malaysia.

Why would a church group publicly endorse something it knew to be either unworkable or immoral?

Until the Malaysia Solution is in place, church groups should continue to advocate publicly the need for any proposal to receive the endorsement of UNHCR and to advocate privately with UNHCR on what they view as the necessary minimum conditions for endorsement.

They should continue to insist that Australia comply with its international treaty obligations (including the Convention on the Rights of the Child). Given that our key neighbours are not signatories to the Refugee Convention, church agencies should continue to urge all governments in the region to work towards a truly regional solution to the regional problems of people movement and asylum.

Once any Malaysia Solution is in place, church groups or agencies as ever should work

hard and pragmatically to make it work as best it can, minimising the adverse impacts on the most vulnerable including unaccompanied minors.

Any legislative backing for the Malaysia Solution may well be subject to the legislative requirements of the forthcoming Human Rights (Parliamentary Scrutiny) Bill 2010 which is presently before the Senate and expected to pass readily now that the Greens hold the balance of power. The Executive will need to provide a statement of compatibility with all key international human rights instruments, and the joint parliamentary committee will need to be satisfied with compliance.

The committee will provide a useful forum for church groups and agencies to put a principled legal position.

**Further reading:** [Human rights and Christian lawyers](#) | 'When I appeared on Q&A with Christopher Hitchens, a young man asked whether we can 'ever hope to live in a truly secular society' while the religious continue to 'affect political discourse and decision making' on euthanasia, same-sex unions and abortion. Hitchens was simpatico. I was dumbstruck.' [Full text](#) from Fr Frank Brennan's speech to the Queensland Christian Lawyers Dinner in Brisbane on 14 July 2011.



## Boat people poems

POETRY

*Michael Sharkey and Barry Gittins*

### **Myself and other**

That other who is so much like myself  
as to be asked by fellow-travellers on buses  
boats and trains what it is like to live with images  
that haunt him: broken branches  
when the rows of trees are dormant in the cold time  
and the canopy's a maze of cross-hatched twigs  
and mummied fruit: how sharp the rows are  
in the frost, when green is dream: how like he is.  
My father is that vessel I remember full of blood  
he paid my mother for her beauty  
when the sky poured down its weight of blue  
for her; the ocean creatures gave their tears  
to wash her feet, the clouds shared rain  
to fill her sight with quince and lime, their odour  
blowing through the house and mounds of roses  
whose thorn teeth would tear her flesh.

—*Michael Sharkey*

### **Stilled waters**

The ship adrift on my childhood bedroom wall  
was plain but sound. Poo brown hull, white sails,  
jetskiing waters out to sea. Jibs, spinnakers, t'gallants  
and sundry mysterious hankies all billowing, propelling  
an eager vessel into deep waters wherein dwelled dragons,

off-shore tax schemes and paradises beyond t' blue.  
Islands enticed, outstripping conveyance and passage.  
Old Jim Nightingale painted it; a hale retiree who'd wearied not  
of maritime watercolours, nor condemned hardtack cardboard.  
I stared at the image from my bed, a guiding if unfixed star,  
as my younger brother voiced his croup cough  
and fancies flew o'er uncharted vistas. As-yet unsung glories.  
The next year my handdrawn, pencil coloured ripoff  
scored a meritless first prize in an untalented talent quest  
A treasured memory, if truly lacking in substance:  
doubloons and just-post-pubescent chest.  
I yearned for guiding winds.  
Horizons dim. Storms blow. Years pass to starboard.  
On the port wall, o'er the tub in my family bathroom  
lies a faded reproduction of a beached (breached?)  
fishing boat pulled to shore. Muted, Italianate colours  
may conceal sun damage, pacific torpor evokes  
eviscera. Gasping fishheads. The vessel's pulled to shore  
sans anchor; calmed waters make a seeming drydock  
of a craft that lulls uneasily. Overt bliss  
reflects off an oar; or is that the Artist's trick of the light?  
Bought after the wreckage of a shoaled first marriage,  
the becalmed, calming painting survived a bachelor's anchorage,  
flotsam and jetsam, to find love. Peace. Safe, prized harbour  
under muted tiles and a stultifying fan/heat/light orb.  
Craft designed for open waters creep around shores.  
Keels longing for deep surges embrace sand and foam.

Joy in safety lurches, whalelike, against shells of aspiration.

Happiness bumps listlessly against salt-tanged dreams unvisited.

Amphibious I watch, breathe, consider tide's release.

—*Barry Gittins*

## Sharing the carbon price pain

EDITORIAL

*Michael Mullins*

The purpose of carbon pricing is to change human behaviour towards reducing carbon pollution of the atmosphere.

It's not meant to be easy. In fact, the more painful it is, the more successful it's likely to be.

But political reality demands that the Government makes it easier to swallow by offering relief in the form of tax cuts and other compensation. Then because compensation eases the pain, it works against changing behaviour. It makes the Federal Government's carbon pricing scheme appear pointless.

Imagine if the Government compensated smokers for higher tobacco taxes that were designed to stop them smoking. They would be able to afford to pay the higher cost of cigarettes, and it's likely many would. There would be no pain and no gain.

It follows that if the Government compensates us for higher electricity bills, there is little incentive for us to use less electricity.

That is unless the point of pain is isolated from the point of relief. In other words, if the bill arrives and the compensation has been forgotten or spent on something else, those with tight cash flow will experience hardship and feel compelled to reduce their use of electricity.

This could be the point at which the scheme works. But it will be thanks to the poor, who are usually those with the tightest cash flow. Australians on higher incomes are more likely to have a larger cash flow and will therefore lack the motivation to change their behaviour.

So the poor will share the greater part of the burden of carbon pricing.

Last week the St Vincent de Paul Society issued a statement indicating it was 'particularly concerned about very low-income households living in rental accommodation'.

'These families have absolutely no room to move when it comes to choices about energy consumption, and little ability to manage the price shock of higher utility bills.'

Gavin Dufty, Vinnies' Victorian Manager of Policy and Research, [said](#) the proposed compensation package fails to capture some of the significant variations in impact due to utility billing cycles, household location, household type and household needs.

He advocates a 'percentage offset on energy bills' for the poor, rather than forcing them to rely on a form of compensation that is removed from the point of pain.

'Given our regular encounters with people already experiencing the threat of energy

disconnection, we want to work closely with both the Government and the energy retail industry to ensure that all Australian households are effectively guaranteed access to energy as an essential service.'

The Government is to be commended for its attempt to use carbon pricing to redistribute wealth to the poor. But unless it fine-tunes its proposals along the lines of the Vinnies recommendations, it could have the opposite effect and make life difficult for those on low incomes.

## Remembering Bonegilla's refugee riot

### MULTICULTURALISM

*Bruce Pennay*

Fifty years on, a riot at the Bonegilla Migrant Reception Centre outside Albury-Wodonga warrants recall, for host society response to newcomer disgruntlement has present-day resonances. Indeed, the growing current trend to apologise for our immigration pasts indicates on-going concerns about how Australia receives newcomers and takes in strangers. Though now they are uninvited refugees, whereas in 1961 they were invited refugees and migrants.



On 17 and 18 July 1961 assisted passage migrants, principally from Germany and Italy, and refugees from Yugoslavia (mostly Croatians), marched within the centre chanting 'We want work' and parading 'ugly signs'. They threw stones and damaged buildings. A policeman was hurt. Police reinforcements dispersed protesters with a baton charge.

The violent demonstrations caught the attention of the national, the ethnic and even some overseas media.

The *Sydney Morning Herald* thought the demonstrations 'un-Australian'. The Minister for Immigration, Alexander Downer, reminded migrants 'such behaviour was not tolerated in this country'. The demonstrators had caused hundreds of pounds of damage.

Investigation prompted sympathy for the demonstrators. For at least four months churchmen, consular officials and the unemployed migrants themselves had been making representations seeking ways to relieve their unemployment distress. Many of them were skilled and had been lured, they said, to come to live and work in Australia. 'Menzies' credit squeeze', had meant they were waiting up to four months for allocation to a job. This was not the 'Australia Unlimited' they had been led to expect.

The *Sydney Morning Herald* rebuked Downer for his handling of the incident. He had failed to show any appreciation of the plight of the unemployed migrants. Australia, it declared, had moral obligations if not contractual requirements to supply work for those who had left jobs overseas to come on the promise of work.

Downer responded with the announcement of a temporary reduction in the migrant intake. He also arranged for the unemployed at Bonegilla to be moved to city-based worker hostels, where there might be a greater range of work opportunities.

Eleven men later faced charges of riot, assault and damage to Commonwealth property. The trial, however, was aborted, when the police prosecutor prudently withdrew the charges of riot and assault. He said he was satisfied that the men before the court had not intended

harm or hurt. Moreover, they had apologised. This prompted the magistrate to adjourn hearing the damage charges, although he still rebuked those before him for their behaviour.

Plainly it was deemed unwise to have unemployed migrant workers gaoled as martyrs who would inevitably draw unfavourable attention to the difficulties facing the Australian immigration program through an economic recession. No one wanted to impede future efforts to recruit migrants.

Immigration officials and publicists reassured the public that the riot was of little consequence. The media had sensationalised the wild actions of a few irresponsible stone-throwing youths, who meant no real harm. The whole thing was a storm in a tea cup. Migrants were really grateful for being allowed to settle in Australia. Bonegilla was doing a sterling job, though boredom was a major problem with long-term residents, particularly in winter. Officials and publicists tried to recover the reputation of the reception centre with improvement to the facilities and with promotional activities.

In 1982 TT.O, who had arrived as a child of Greek migrants, challenged the notion that the riot and Bonegilla were forgettable. In an ABC radio documentary impression of Bonegilla, he interviewed people who appeared as champions of those arrested for riot. This riot, for them and for TT.O, was an overlooked workers' protest, 'another Eureka' that had been effectively silenced. TT.O railed against the way the migrant experience was structured by unsympathetic policy makers and administrators. Migrants were allocated only the undesirable jobs Australians did not want to take up. They were 'industrial cannon-fodder', 'wogs for cogs', a 'bottomless pit of cheap labour'. Moreover, 'Hotel Bonegilla' was barren and boring.

Others have similarly punctured the forgetting of post-war migrant experiences. In accepting the World Youth Day Cross when it arrived in his diocese in 2008, the late Bishop of Sandhurst, Joe Grech, [waved](#) towards Bonegilla and called for a public apology: 'We should say sorry because we didn't know how to welcome them'. *Eureka Street* subsequently [echoed](#) Grech's call for of an apology to embrace all non Anglo-Saxon Australians.

Apologies, of course, are only meaningful if they not only prompt reflection about former shortcomings, but also address present-day problems and opportunities related, for example, to responding to new arrival disgruntlement.