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David Walsh's Catholic guilt

REVIEWS

Barry Gittins and Jen Vuk

The Bone of Fact, by David Walsh. Pan Macmillan Australia. Publication date: 1 October 2014.

Jen:

'By some great good fortune (mine, not yours) you hold in your hands my story… To extract 55 bucks from you I need to say something clever… So we enter the realm of *A Bone of Fact*; the much-anticipated, thoroughly unreliable memoirs of Tasmania's resident rascal, gallery owner, father, philosopher, gambler. Ladies and gentlemen I give you-David Walsh.

So what do we get for our money? For one, a weighty product peppered with stills from Walsh's 'subversive adult Disneyland', MONA (Museum of Old and New Art), in Hobart. Adorning the leather-bound-like cover is Walsh's name in gold leaf. Writ large. Any similarities it shares with a certain hard-cover book found in hotel rooms across the country is merely a coincidence.

Of course, this is exactly what the committed 'Catholic atheist/vegetarian' wants us to believe. And yet in this latter-day savant there remains enough of the faith (Catholic guilt? Look no further than MONA's preoccupation with sex and death) to warrant a closer inspection.

This much we do know: Walsh, the youngest child of a fiercely Catholic mother and violently unpredictable father went on to use his extraordinary gift with numbers to fund, build and run one of Australia's most surprising, innovative and daring galleries. That MONA's foundations are built on the proceeds of gambling doesn't seem to bother Walsh a jot. But don't believe all you read. After all, it isn't for nothing that Walsh's favourite novel is Dostoyevsky's *Crime and Punishment*.

Informing us of his desire to write like the late US writer Kurt Vonnegut (and who wouldn't?), Walsh quickly establishes himself a witty and urbane host. His lively banter could have easily kept us at arm's length, but no, he throws us a 'bone of fact'-a line from a poem written by his deceased older brother Tim: 'Sit awhile and think of me./ As I throw you starving sods a bone of fact…'

Tim's sudden death from cancer in 1991 still bears heavily on Walsh. The sincerity of these early chapters draws the reader in and refuses to let go. It's only later that we're presented a mind in flux (though never formally diagnosed, Walsh believes he has Asperger's) in which he marvels about synaesthesia, muses over 'robust versus antifragile' ('a system that improves with stressors') and gives gambling tips (worry not, dear reader, my lips are sealed).

A Bone… is one part love letter (to Hobart, fatherhood and art, among others); and two parts plea bargain. That's how Walsh can take a stab at Catholicism one minute and the next admit that in the 'thrall' of Michelangelo's *Pieta* he loses all faculties.

And for someone who's gleamed much from betting, gambling gets short shrift.

'Trading…a zero-sum game,' he writes. 'I built Mona to absolve myself from feeling guilty about making money without making a mark.'

Barry:

What manner of man 'inventories his pretensions as &'art, science, maths, smartarse, penis, narcissist&', and adds author to this tally,&' through an autobiographical jaunt turned dis-unified theory of pretty much everything? Sex and love; death and religion; love and parenting; science and mathematics; art and architecture; it's all up for grabs. Walsh must have given his marketers a massive headache… is this tome a humble vanity project? A boys' own tribute to self-discovery? A playfully philosophical gambolling over broken ground? A homage to science? Quantum mechanics, belly dancing and grace? A leading example of self-disclosure as an art form?

Perhaps his purpose is simply an exegesis of the self. Thus our author's best described as the bloke for whom Diogenes of Sinope (aka Diogenes the Cynic) wandered around looking for, while carrying a lamp in daylight hours - an honest man. While I find him indefinable, immune to categorisation or definition, I find great spiritual and intellectual pleasure from peering into the busy cranium of ostensible satyr turned satirist, David Walsh.

Of course, by any fair standards, 'satyr' is an overblown description. Describing personal decisions and relationships openly and freely leaves you with a distinct impression of an honest and ethical individual, not the *roueacute*; he may aspire to present himself as. For me also, Jen, Walsh's undoubted skills would be futile without his casting around for meaning and connection to Tim, his brother lost to a 'choledocal cyst'. Citing the bustling, shaggy dog of knowledge that is Wikipedia, Walsh shares that such a condition comes with 'future complications' and 'a 2% risk of malignancy'.

'A two per cent risk can be 100 per cent is history is told,' laments our mathematical sage, 'as it is, retrospectively. I'm always banging on about the fallacy of the inevitability of history. Tim is 98 per cent alive, according to medical authorities.'

As for Walsh's zero sum game of seeking absolution for his improbably fiscal success through gambling's 'filthy lucre', I'd say Australia has reached rich rewards from Walsh's subsequent kindnesses. His self-flagellation is unnecessary, extravagant even; perhaps it prefigures future endeavours.

Jen, as you well put it, Walsh leads us down a garden 'path through the labyrinthine thoughts of a genuine radical' - and, yes, one with heart, to boot. I suggest all who trail down this path can be likewise rewarded. The man makes words sing off the page.

Walsh's tendency to talk to himself and cast obvious winks and asides is endearing and simultaneously hoary and refreshing. Thus, while one sign of the gifted and intelligent - and loaded - may be a tendency to adapt to a dilettante existence (duly leaving potential unfulfilled) that is decidedly not the case here.

For sheer whimsy and *joie de vivre* I doubt that there is another Australian writing who can match Walsh's love of and facility with the English language.

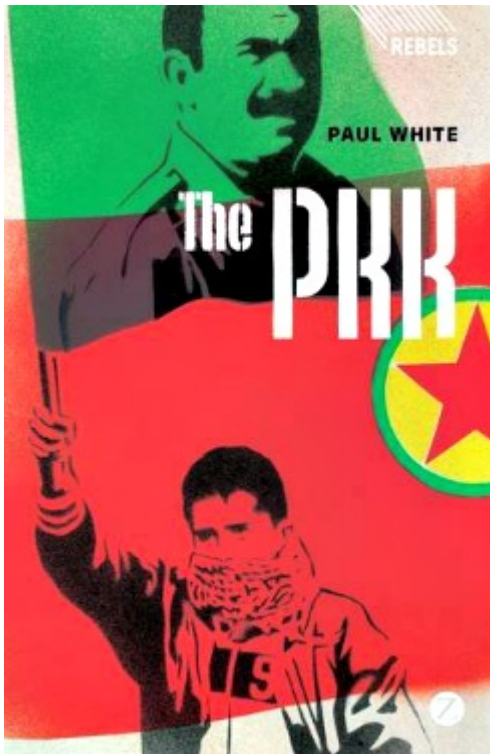
While recognising Walsh's proclivity and proficiency for numbers, *A Bone of Fact* also reveals his gift for words - and poses beautifully absurdist hopes for what may await us all.

Jen Vuk is a freelance writer and editor whose work has appeared in Fairfax Media, The Herald Sun and The Australian. Barry Gittins is a communication and research consultant for the Salvation Army who has written for Inside History, Crosslight, The Transit Lounge, Changing Attitude Australia and The Rubicon.

The Kurds as cannon fodder

AUSTRALIA

Paul White



Once again the West has found a way to use the Kurds as cannon fodder for its own purposes. Once more, however, the biggest losers will be the ordinary Kurdish people. The Kurdish Regional Government (KRG) in northern Iraq comprises two rival armed groups - the Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK) - which have a history of killing each other's supporters in their mutual drive for absolute power. The PUK began as a faction inside the KDP. In 1964 the KDP militia literally pushed the dissident faction into Iran.

The KDP and the PUK are roughly matched militarily. Mindful of this, the two factions have historically competed for US patronage, in order to obtain the upper hand. This leaves both open to manipulation by unscrupulous Western politicians.

Between 1974 and 1975 both factions were convinced by the US to fight Saddam Hussein, after the US promised them military support. But the Iraqi Kurds were lured into war with Baghdad only to pressure the Ba'athists to cease threatening US regional interests. A 1974 CIA memo reveals that both the Shah and the White House desired that Baghdad and the Kurds mutually weaken each other: 'Neither Iran nor ourselves wish to see the matter resolved one way or the other'. The US Congress's Pike Committee commented: 'This policy was not imparted to [the Kurds], who were encouraged to continue fighting. Even in the context of covert action, ours was a cynical enterprise'. Even before this, the KDP had handed over many dissident Iranian intellectuals to the Shah's brutal regime.

In due course Saddam got the message and concluded the *Algiers Agreement* with the Shah's Iran - a firm Washington ally. Iraqi resistance collapsed and hundreds of Kurdish leaders were executed. Questioned about this later, the then Secretary of State Henry Kissinger callously remarked: 'Covert action should not be confused with missionary work'.

History repeated itself after the 1990-91 Gulf War, when Kurdish nationalists in Iraq were urged by the United States to rise up against Saddam Hussein - only to be left without US support at the critical moment and to face even greater casualties than in 1975. Following the First Gulf War, the US militarily guaranteed Iraqi Kurdistan against Saddam and a 'semi-autonomous Kurdistan Regional Government' was established with US

patronage. But the inherently rapacious natures of the KDP and the PUK warlord factions soon led them to turn their guns on each other again. Between 1994 and 1996 the KDP and the PUK fought each other. Ordinary Kurds were the chief casualties of this amoral civil war, which was waged on both sides solely to maximise factional power. The US guaranteed Iraqi Kurdish air space against the Ba'athists and armed both the KDP and the PUK. And these two gangs went to war against the civilian populations of the two sectors controlled by the two Kurdish parties. Each party's militia raided the other group's zone often in this period, attempting to expand the size of their zone by compelling residents there to switch their allegiance to themselves. Cynically, the West remained content, as long as both factions continued to serve as a bulwark against Saddam.

The US-led Second Gulf War from 2003 saw further US support for the KRG, which reaffirmed its support for the drive against Saddam. The Ba'athist regime was easily removed, but a new insurgency soon emerged, dominated by Sunni Arab Muslims. The PUK and the KDP remained loyal to their US patrons.

Both the KDP and the PUK rely for their power upon deeply reactionary feudal tribal leaders. This leads the KRG to repeatedly baulk at human rights. Thus, in 2008 the KRG passed a bill outlawing female genital mutilation (FGM). This barbaric practice has maimed an estimated 60% of Iraqi Kurdish women and girls. The law was then cancelled the following year. It took an international campaign to force approval of *The Family Violence Bill* on 21 June 2011. Human Rights Watch reports that the KRG again failed to implement the new law's provisions. Male family members continue to abuse or kill female relatives since the law was passed. Special courts to prosecute domestic violence cases have not been established, despite being required by the law.

The US is currently rearming the KRG factions, in order to use them against the Islamic State (IS) group. Simultaneously, the ex-Marxist PKK and its Iraqi Kurdistan affiliate, the PCDK, have joined the PUK and the KDP in combatting IS in Iraqi Kurdistan. All three Kurdish groups have engaged in terrorist acts in the past - including against ordinary Kurds. All of them have displayed equal capacities to expend their own people's lives for their faction's material gain. None of these political thugs deserve our support.

Dr Paul White is the author of two books on the Kurds: Primitive Rebels or Revolutionary Modernizers? The Kurdish National Movement in Turkey (Zed Books, 2000) and The PKK: Coming Down from the Mountains, (Zed Books, 2014). He conducted field research in a PKK guerrilla training camp, interviewing the PKK leader Abdullah Öcalan and other Kurdish leaders and guerrillas.

Thinking beyond gender equality etiquette

AUSTRALIA

Zac Alstin

Australians' attitudes to violence against women

Full technical report

FINDINGS FROM THE 2013 NATIONAL COMMUNITY ATTITUDES
TOWARDS VIOLENCE AGAINST WOMEN SURVEY (NCAS)

vichealth.vic.gov.au



Amidst disturbing reports of misogynistic views among a minority of the Australian population, the recent [VicHealth](#) survey on violence against women found that 'attitudes to gender equality are the strongest influence on understanding of violence and the second strongest influence on attitudes to violence.'

The message is clear. Changing attitudes to gender equality will have the biggest impact on attitudes to violence against women. But what about those of us who already have positive attitudes to gender equality?

Like many Australians, I've been fortunate to grow up with little exposure to negative attitudes towards gender equality. It wasn't until I was a teenager that I first met people who had inherited from their parents (or at least from their fathers) a segregated view of humanity in which women were evidently an inferior subset of the human species. It was strange and alarming to realise that in the minds of these peers 'women' were equal-parts desirable yet frustratingly deficient creatures, against whom we must take precautionary measures to manage their more challenging behaviours. It was as if finding a woman was like buying a car: you want one that looks good on the outside, but you better make sure it's not a lemon.

I have to credit my parents and, in particular, my father, for raising me with a view of the world that did not contain a distinct set of 'rules' and generalisations for dealing with women. Perhaps it was also due in part to growing up with the influence of two older sisters, and a highly-educated mother who worked in a professional capacity from when I was young.

Our family performed well in regard to key gender equality concepts described in the report, such as: power-sharing and decision-making within relationships, whilst avoiding stereotypical ideas of gender roles, 'benevolent sexism', hostility towards women and gender equality, and narrow ideals of masculinity and femininity, including objectification of women. Yet the concept of gender or of gender equality was never explicitly invoked. Instead it was simply common sense that we ought to treat people as individuals and have concern for their individual well-being. Like racism, sexism and gender inequality are confounding and intellectually invalid generalisations often served with disturbingly hostile undertones.

Indeed, while my childhood environment might have put me on the right side of the gender equality scale, as an adult, and especially as a philosopher, I can't help but think that the 'correct' attitude to gender equality really ought to be just an outcome of intellectual integrity and general virtue.

As a PhD student looking at Chinese philosophy, I am reminded of the following passage from the canonical Daoist text the *Laozi* or *DaoDeJing*:

A person of superior virtue is not virtuous, and this is why he has virtue. A person of inferior virtue never loses virtue and this is why he lacks virtue. (R.J. Lynn translation)
The meaning of this admittedly enigmatic statement is that virtue is not itself the source of virtue. Clinging to the outer form of virtue is not a sustainable path; as the *Laozi* continues: one will soon descend from virtue to 'benevolence', from there to 'righteousness', and from righteousness to 'propriety', which verges on legal sanction and the use of force. At each stage the ostensive quality or goal is not achieved, instead our efforts degrade into something lesser. Thus it would be insufficient to just tell people that violence against women is wrong, without also developing an understanding of the full range, extent, and harms of such violence. Likewise, it would be a missed opportunity to teach people to understand violence without linking the issue of violence into the underlying problem of gender equality.

In terms of gender equality, the question is whether we focus solely on outcomes, tending toward legal penalties and enforcement or, if we are able to also consider what comes *before* gender equality, that is: an appreciation for individual worth and the capacity for intellectually robust critiques of societal norms and cultural conditioning. Unlike the Daoists, we can probably do both: the pragmatic focus on countering gender inequality as well as the cultivation of a deeper approach to individual worth. But we are

timid when it comes to proposing a deeper intellectual direction for our society, preferring instead to focus on key outcomes and reactive measures that can garner the support of a healthy majority.

Nonetheless, for those of us who already subscribe to the general principles of gender equality but would like to do more, the Daoist approach has real merit. 'Gender equality' will only take us so far, it's more inspired to think critically about the meaning of gender in the first place, and what bearing it really ought to have on how we treat individuals. Better still, such an approach will prevent us from falling into a situation in which a set of 'gender equality' rules are unthinkingly promoted as just another model of propriety which, the *Laozi* reminds us 'consists of the superficial aspects of loyalty and trust and is thus the beginning of disorder.'

Zac Alstin is a freelance writer and PhD student in Philosophy of Religion who lives in Adelaide. He blogs at zacalstin.com

The sport of German-baiting during World War I

AUSTRALIA

Bruce Pennay

There should be a section in any guide to fighting war on the home front about Harry Paech's Great War, for it shows why Australians have been reluctant to give government the authority to arrest on suspicion, even in times of peril.

In August 1914, Harry Paech, President of Hume Shire, north of Albury in regional NSW, organised several meetings to raise patriotic funds. That was a praiseworthy show of loyalty from a district that had been closely settled by Germans.

German-baiting was already underway, and Harry's friend Jacob Wenke was not convinced that such displays of Australian patriotism would have any effect. To Wenke, it seemed the future was 'awfully dark'.

It did not take long for reports to appear of atrocities committed by the fiendish Huns against Belgian nuns and babies. Local Germans were shamed by association, even more so when some expressed sympathy for the enemy.

The worst shaming was at the ballot box.

At the referendum into hotel hours in June 1916, electoral officials were given the discretion to set aside the votes of people of enemy origin and their children. Even tighter restrictions on the vote were put in place for the conscription referenda.

In 1917 postmen were asked to identify people of enemy origin. They were paid a penny halfpenny for each name that was, as a result, deleted from the electoral roll. That exercise cost government £20 in Hume Shire.

Harry Paech protested loudly against disenfranchisement, which in effect banished people, including the naturalised, from the community. He protested just as loudly against conscription.

Both protests caught the attention of the police.

Paech was one of several people of interest investigated by officers from a military intelligence unit in 1918. On the basis of their reports, Paech and three of his friends were interned at Holsworthy.

No charges were made or tested in open court. No explanation was ever given, although the local *Border Morning Mail* newspaper thought authorities reckoned on Germany using its emigrants as an advanced guard of the German conquest.

Official files reveal that Paech was considered dangerously influential. His opposition to conscription may have lowered the rate of recruitment, though no specific action was cited. The files also show a bank manager labelling Walla Walla, Paech's town, a 'Berlin' and a 'hotbed of disloyalty'.

Under the guise of religion, the Lutheran Church, insisted on using German.

Consequently it had germanised the whole town, including its youth. Some people had pictures of Germany in their houses, even pictures of Bismarck and Kaiser Wilhelm.

Letters petitioning for Paech's release pointed out that, with his wife, Emma, he had raised £1,253/13/6 for patriotic funds. He was a respected Justice of the Peace and councillor. He had not counselled his own sons against enlisting.

After his release, ranting returned servicemen ensured he could not take up his position on council in 1920. A discouraged Paech retired from public life.

The unexplained detention of the Walla Walla four may have helped Australia win the Great War. Nowadays, it remains a salutary lesson in how wars are fought on the home front and an explanation of why many Australians are wary of war.



Bruce Pennay is an Adjunct Associate Professor at Charles Sturt University and a member the management committee of the heritage park on the site of the former Bonegilla migrant reception centre outside Albury-Wodonga.

No one gets you like family

REVIEWS

Anthony Morris

The Skeleton Twins. Rated M. Release date 25 September 2014. Director: Craig Johnson. Running time: 93 mins.

Perhaps the trickiest relationship to show on-screen is the one between siblings. And not just because it's hard to find two actors who look enough like each other to pass for relatives: unless you're dealing with very small children, siblings appear on-camera with their relationship already fully-formed, stuffed full of in-jokes and petty grievances that can seem head-scratching from the outside.

So if *The Skeleton Twins* initially looks like yet another indie comedy by-the-numbers, take a closer look - the basic plot may not be all that inventive, but there's real magic happening between the leads. Both of whom we first meet during suicide attempts: struggling LA actor Milo (Bill Hader) gets far enough to put himself in the hospital, where a call to his estranged sister, Maggie (Kristen Wiig) interrupts her own attempt to end it all.

Flying out to visit, their awkward conversation (including one very good joke about *Marley & Me*) ends with him taking up her offer to come back east and stay with her and her straightforward nice-guy husband (Luke Wilson) in the family's old stomping ground of upstate New York.

There Milo soon tracks down a former teacher (Ty Burrell), with whom he had a relationship in high school, and if that sounds a bit dubious you're basically on the same page as Maggie. Meanwhile her problems haven't magically vanished with Milo's appearance, and so she's using an affair with her scuba instructor (Boyd Holbrook, displaying a not especially convincing Australian accent) as a way to avoid dealing with her own depression.

Somewhat surprisingly, considering that fairly grim outline, there's a lot of funny stuff going on in this film. Director Craig Johnson pulls out one big classic comedy moment where Milo lip-synchs to 'Nothing's Gonna Stop Us Now' and gradually gets Maggie to join in, but there's plenty of smaller moments here that are just as funny.

The easy chemistry between Hader and Wiig plays a large role in that: the former *Saturday Night Live* co-stars have years of experience working together and their sibling back-and-forth never feels less than utterly real. It helps that their characters are given plenty of space to grow so that their respective issues - traceable, at least in part, to their astoundingly self-absorbed mother (a one-scene appearance by Joanna Gleason) - don't dominate their characters.

The rest of the cast aren't afforded that luxury, but strong performances give the smaller roles depth: Wilson makes his nice guy more than just a chump, and Burrell lets confusion rather than exploitation guide his performance as a morally compromised ex-teacher.

What this tries to tell audiences about damaged people is solid but uninspired: don't deny your heart, you have to deal with your past rather than bury it, no-one gets you like family. It's what it shows audiences in the connection between Milo and Maggie - the way that even after a decade apart they're burrowed into each others' lives in a thousand tiny ways - that makes this something special.

Anthony Morris is the current DVD editor of The Big Issue. Our regular film reviewer Tim Kroenert returns next week.

Anti-Islam is the new Anti-Catholicism

INTERNATIONAL

Andrew Hamilton



I was delighted to read in *Eureka Street* Ruby Hamad's passionate protest that she and other Muslims should not constantly be called to account for the vicious behaviour of IS. Still less to be stigmatised until unnamed Muslim leaders disowned it. I was disconcerted to see so many *Eureka Street* readers appeared to agree with the demands against which she protested.

Both Ruby's complaint and the responses to it reminded me of the attitudes taken to Catholics in an earlier generation. The popular charges against Catholics were honed in the Great War and particularly by the referenda on Conscriptio. They combined suspicion of anything Irish in the aftermath of the 1916 Uprising and more traditional judgments of Catholics on the basis of their beliefs and practices. The case went something like this.

The Uprising was seen as a traitorous blow to the English war effort which indicated a broader Irish disloyalty to the Crown. Archbishop Mannix's leadership of the opposition to conscription and his outspoken criticism of the treatment of Ireland by the English Government fuelled further attacks on the patriotism of Australian Catholics, most of whom were of Irish descent. This charge echoed the broader historical attack on Catholics in England that their subjection to the Pope was incompatible with their loyalty to the King. So they and their Bishops were called on to declare their loyalty.

Of course, the fire was also fed with other dried out chestnuts. Catholics, after all, were responsible for the Inquisition, the Crusades, the St Bartholomew Day Massacre, witch burning, the later Falangist regime in Spain, and other Evil Acts. Their leaders were called on to abjure them, too. Totally and repeatedly - no room for muttering about historical context. And of course then there were such Evil Catholic Practices as clerical celibacy practiced publicly on the city streets, clerical tyranny as displayed by a lunatic parish priest in Bandiwallop West, the ringing of the Angelus bells early in the morning, running their own school system and having the temerity to expect that good Australians

would tolerate being nursed by Catholic Nuns during the flu epidemic.

And then there was Papal Infallibility, which meant that all Catholics were bound to accept every Papal statement, no matter how taken out of context. Since these included Papal condemnation of charging interest on loans and of democracy, Australian Catholics were also demanded to abjure these statements that subverted the Australian way of life.

And so it went on. This anti-Catholicism as I knew it from family stories, personal experience and reading, was only a ripple from a stone long since thrown into the water. It was not shared by most Australians and was no more than an irritant in daily life that was vanquished every time a Catholic boxer beat up his opponent, Catholic footy clubs thrashed those run by the Masons, and my school team beat the Nobs. Of course, Catholics responded with anti-English and anti-Protestant prejudice, demanding that English non-Catholics agree to returning Our Churches and repent of the wrongs done to Ireland.

It was only later that I worked out what was going on. In times of anxiety some people identified Catholicism and the Irish people in which it was embodied as Evil. They justified that belief by finding texts to which they gave decisive authority that commanded unpatriotic and brutal actions. They then postulated that all Catholics gave those texts the same authority that they themselves gave them, and must be in favour of brutal and unpatriotic attitudes and brutal actions. That allowed them to ostracise individuals and whole communities on the strength of being Catholic. Our stigma could be washed off only when the Pope and Bishops around the world repented again and again of their beliefs and condemned every outrage committed by the Irish or Catholics generally.

I thought then, and think now, that it would have been nice if people chatted with local Catholics and asked us what we believed instead of telling us. But that was not how it worked.

Anti-Catholicism like anti-everything-else, still exists in pockets. Now Anti-Islam is all the go. It works in the same way. People attribute Evil to a religion and to peoples who embody it, confirm their prejudice with selected texts, make these texts central for all Muslims, and hold communities and individuals, whether secular or religious Muslims, accountable for the evil done by other Muslim groups unless they provide them with authoritative disclaimers. All is done from a pulpit high above the people talked about. So we Micks who remember our own history know what you experience, Ruby. We share your outrage and admire your courage in voicing it. We would have liked to invite you to join the club. But in Australia today you, not we, are the club.

Andrew Hamilton is consulting editor of Eureka Street.

Flawed thinking that allows us to abuse animals

MARGARET DOOLEY AWARD

Valerie Wangnet



In October last year, a Massachusetts newspaper reported strange noises coming from a local dairy farm. The noises carried out through the entire night and into the small hours of the morning. Residents, who described the low and harrowing wails as 'spooky' and 'scary' were prompted to call the local police, who, after investigating the noise, quickly determined its cause.

The noises were coming from the resident dairy cows who had just become new mothers. Their newborn calves had been taken to slaughter shortly after their births to stop them from consuming any milk. The mother cows were wailing through the night over the painful separation from their babies.

The next day, due to the influx of concern from local residents, the local police issued a short statement on its Facebook page to reassure the locals, 'We've been informed that the cows are not in distress and the noises are a normal part of farming practices'.

There is some truth in this statement. The immediate separation of dairy calves and their mothers is a normal function of a working dairy farm. Dubbed as 'bobby calves', the newborns (who are mostly male) are considered waste products by the dairy industry. Every year around 700,000 bobby calves are slaughtered in Australia within the first week of their lives. The routine separation of mother and calf was described by activist Gary Yourofsky in a famous lecture given at the Georgia Institute of Technology. He recounted, 'the worst scream I've ever heard - and I've heard them all first hand - was of a mother cow on a dairy farm. She screams and bellows her lungs out day after day for her stolen baby to be given back to her.'

So while this part of the Massachusetts police's statement was true, there is something deeply troubling about the next part of it; a fallacy which is so perpetually drummed into our consciousness that we either refuse to acknowledge it or choose to conveniently ignore it. The fallacy is conveyed in six short and dismissive words: 'The cows are not in distress'.

It's a peculiar thing when we reserve moral consideration to some but not to others. This is especially true when our reasons for doing so are very murky. The incredible contradiction we live with in our society today is that while we declare our love and appreciation for some animals, human cruelty to the less fortunate of species takes place on an extraordinarily vast and industrial scale.

As humans, we have come to realise the importance of extending moral consideration to other animals. In a society that places our own species as dominant over all others, we have set up legalisation, regulatory bodies and advisory groups to protect the welfare of other animals. We prosecute people who throw cats over bridges, assemble specialised task forces to take down the underground world of dogfighting and impose sanctions, together with other nations, in a bid to stop whaling. But for animals raised to end up on our dinner plates, we apply a very different standard for the sake of justifying our food palette. To be born a Labrador or Golden Retriever is to be loved, adored and cared for over a long and comfortable life. But to be born a pig, more intelligent and highly sensitive to the physical and emotional trauma imposed by modern farming practices, is to endure a short and miserable lifetime of abuse, terror and neglect.

Today the use of industrial methods to kill food animals on a massive scale is standard procedure. Animals are routinely (and legally) forcibly impregnated, castrated, and have their horns and tails cut off without anaesthesia. Sows are crammed into crates where they are unable to move, hens are debeaked without pain relief (leaving many to die from shock), and female cows are milked until they become too weak to stand, at which point they are promptly trucked off to be killed. And finally, like the ill-fated bobby calves who become liabilities to the dairy industry, baby chicks who suffer the terrible misfortune of being born male in the egg industry are ground up alive within the first few hours of their birth, simply because they do not have the profitable ability to produce eggs.

When we think about what is essentially wrong with all of this, what it comes down to is sentience, primarily the capacity for suffering. In 1789 Jeremy Bentham famously wrote, 'The question is not, can they reason, nor, can they talk but, can they suffer?' But while most of us agree that animals do experience pain, fear and distress, we've come to master the skill of switching off our empathy when told something like, 'Don't worry, there's no abuse happening here. This is all part of the routine'.

And it's very easy to switch off. In fact, it's necessary in order for us to continue with our traditional eating habits. Psychologist and author Dr Melanie Joy conducted a series of interviews with abattoir workers, revealing a disturbing occupational necessity for the workers to 'switch off'. One of them put it this way:

'I don't (think of animals raised for meat as individuals). I wouldn't be able to do my job if I got that personal with them. When you say 'individuals,' you mean as a unique person, as a unique thing with its own name and its own characteristics…I'd really rather not know that. I'm sure it has it, but I'd rather not know it.'

The dominant meat-eating culture in which we live successfully condemns all of us to suffer from the same moral paradox. When we think about it, we *know* that food animals are individuals, but we'd rather *not* know it. We feel compelled to speak up when confronted with images of animals being abused, yet we actively sustain an industry that bases its very growth and success on the lifelong abuse of animals. When we see the dismembered parts of animals on our supermarket shelves or on our dinner tables, we instinctively perceive them as *things*. This allows us to justify animal abuse in all sorts of feeble ways that remain remarkably inconsistent with our usual line of moral reasoning. The moral cost of our cognitive dissonance is significant. Factory farming animals, like other oppressive and violent regimes which counter regular human values, depend on a set of psychological defence mechanisms that encourages others to justify and sustain it. These mechanisms enable us to support wide scale and unnecessary violence towards other feeling beings, without the moral discomfort we would normally feel. They enable us to support an oppressive system that we would otherwise oppose, and are enforced

by a range of fallacies and public deception. For example, before the American Civil War, slaves were described as not having the capacity to love their children, which made it easier for people to justify separating them. In Ancient Greece, Hippocrates used the term 'hysteria' to account for emotional instability and mental illness in women - a diagnosis that survived up until the mid-19th century with the first sparks of the women's suffrage movement. In Nazi Germany, a recurrent theme in anti-Semitic propaganda was that Jews spread diseases, which stopped non-Jews from entering the ghettos and witnessing the horrific conditions inside.

In the case of food animals, we are told that they cannot think, suffer or feel pain. That animals are not intelligent enough, or do not hold enough self-awareness, to understand what's going on around them. Members of the public are not allowed to see inside factory farms or slaughterhouses because it poses serious 'health risks' and 'startles' the livestock. Those who film or photograph the inside of a slaughterhouse, even if standing on public property, can be liable to face jail time, pay hefty penalties and even be charged under terrorism laws.

It is difficult to believe that when we demean and abuse other animals, that our humanity does not suffer also. It is even less difficult to believe that when we allow room for cognitive dissonance, especially when it comes to wide scale suffering at our own hands, that the very scaffolding of our ethical framework as a society does not fall victim to it. The great moral cost is not about animal rights or animal welfare, but of human responsibility, because in our relationship with other animals, our choices hold heavy life and death consequences for other sentient beings. The least we can do in the pursuit of moral progress is to allow food animals a certain degree of our moral consideration before our next meal.

Valerie Wangnet is a full time copywriter who also runs a not-for-profit organisation that provides school curriculum resources to encourage children to think ethically. Volunteer work with animal welfare groups gave her insights into animal food production as well as a passion to change attitudes to the relationship between humans and other animals. This essay is the third prize winner in the 2014 Margaret Dooley Award for Young Writers.

Slaughterhouse image by Shutterstock.

China calls a halt to dirty coal imports

INTERNATIONAL

Evan Ellis



From 1 January next year, China will ban the import of coal with high ash or sulphur content and slap a three per cent tariff onto all coal imports. The move is a one-stone-two-bird approach; less dirty coal will reduce air pollution, particularly around its coastal mega cities where restrictions are tighter and the struggling domestic mining industry will be given a boost.

The draft regulation by China's National Development and Reform Commission is big news in a country where coal is our second largest export and China accounts for 25 per cent of the market. Industry responses have varied. Some fear the restrictions might trip up Australia's coal miners already struggling with reduced demand. The Minerals Council of Australia on the other hand gave an insouciant shrug and suggested business would go on as usual.

China is in a bind. While the draft regulation emphasised environmental concerns, economic imperatives are central. After years of more than eight per cent growth, China's GDP has started to slow. Last month GDP growth was 6.3 per cent. This slowdown has coincided with an oversupply in the market. The net result is a squeeze on China's (very large) coal industry. China is the world's largest producer of coal but still takes imports as a cheaper alternative for meeting the energy demands of its coastal regions. This gives it sizeable wriggle room to depress demand for exports.

The environment meanwhile is offering no such wriggle room. China's meteoric growth has led to an ecological catastrophe. *The Atlantic's* James Fallows [published](#) two graphs that isolate one aspect of China's environmental challenge, air quality. The first graph shows that China's air quality is so bad that the government scales it differently.

Readings of 'good' or 'light' in China would be considered in the danger zone for US and European countries. A particularly bad day in Shanghai is comparable to walking through a bush fire or volcanic eruption. The second graph shows that the ten worst cities in America for air pollution would be ranked in the highest bracket of 'Excellent' using

China's skewed scale.

China's environmental problems are not limited to air quality but it remains the most visible. Nearly half a million die each year because of it. Many more get sick. If that's not bad enough, a Deutsche Bank report released earlier this year projected a 70 per cent increase in air pollution by 2025 if current trends of coal use and automobile emissions continue.

This poses a direct threat to the Chinese Communist Party's legitimacy. For all the awesome complexity of China, a very simple contract underpins the political status quo. Successor to Deng Xiaoping, Premier Zhu Rongji enunciated it when he visited Guangdong in the 1990s. 'If we can increase the speed of economic construction and continually raise the people's living standards, then the Party will be trusted and respected and the people will support us.' The Party helps people get wealthy. The People let the party hold onto power. Simple.

Environmental degradation threatens this contract however. Sick workers are less productive and sick people tend to redefine their concept of wealth. Beijing knows it needs to act. However the Party leadership is acutely conscious that whatever solution is crafted, it must not stall the economy. This would negate the foundational agreement that gives it power.

For Australia, I see two immediate takeaways. Firstly, the restrictions should not be overstated as a win for the environment. As the Deutsche Bank report stated, China needs a massive, coordinated response to avoid worsening conditions. This is far from that. Meanwhile closer to home miners are already talking about diversifying into agriculture or expanding into India if the Chinese market goes soft. Both are hardly green solutions. However it does show that the Chinese government is willing to address environmental issues, albeit on its own terms. Such pragmatism might hold the key for future joint action on the environment.

Secondly, these restrictions *may* be a harbinger of things to come. In the muddle of politics and policy, we have a concrete example of worsening environmental conditions forcing policy makers to place limits on the exploitation of natural resources. With our economy propped up by such exports and the spectre of climate change looming, this ought to give Australia pause for thought beyond the specific implications of the proposed restrictions.

Evan Ellis is a freelance journalist currently completing his Masters in International Studies with a China major.

Beijing haze image by Shutterstock.

Threats to humanity

CARTOON

Fiona Katauskas



Fiona Katauskas' work has also appeared in ABC's *The Drum*, *New Matilda*, *The Sydney Morning Herald*, *The Age*, *The Australian*, *The Financial Review* and Scribe's Best Australian political cartoon anthologies.

Concern for Jennifer Aniston

CREATIVE

Various

Jennifer's Mars Glow Buying coffee thirtieth birthday running late newspaper reads *Jennifer Aniston is reportedly spending \$20,000 a month on beauty treatments, including \$400 for neck cream, which is apparently made from crystals from Mars.* Next, the Herald covers her age her profession and her interests *chemical peels and laser treatments.* This is the end of the news article. The girl in front of me cradles her latte as she nudges and tugs a carbon-fibre-framed stroller and purrs with concern for Jennifer. - Alice Allan

life in the petrie dish golden staph - along with every living thing on the planet (religious zealots aside) wants to keep living it's why we originally farmed blue mould - to protect the species we haughtily believe most important. these microscopic resistance fighters attack catheters & operation wounds infest intravenous lines - fly through sterile air - fan-forced by supersonic sneezes & are particularly fond of the most intimate act of humanity - contact. can you blame nature for kicking back - beefing up her e. coli stocks - new t.b. strains hitting the gym - ebola 2.0 no doubt already beta testing now the bugs are becoming stronger than our last-line drugs - heated debates over carbon & climate change may soon be redundant - Gareth Roi Jones **Dare** Dare we mention the dark and dreadful sordid trite Dare we explore caverns where life-wrack danger detritus complicate a sunny-seeming view Daring is courage fear Dare we explore - Lerys Byrnes

Alice Allan is a Melbourne writer and editor whose work has been published in journals such as Rabbit, Going Down Swinging and Offset.

Gareth Roi Jones is a member of the dandyion collective, a pixel-connected writing group based in Adelaide.

Lerys Byrnes is a Melbourne based poet who has wide experience in Adult Education as teacher and learner.

The Kurds: fighting the good fight?

INTERNATIONAL

William Gourlay

Recent commentary has rightly highlighted the potential dangers and long-term implications of US President Obama's decision to go to war against the ISIS. Tony Abbott's portrayal of Australia's involvement as a 'fundamentally humanitarian mission' is perhaps an attempt to downplay some of those concerns.

What remains unequivocal is that ISIS is a clear and present danger to its immediate neighbourhood, and potentially far beyond, and that compachecking its advance sooner rather than later is crucial. Obama and his secretary of state appear intent on building a coalition, including Middle Eastern countries, to take it on. But the two major regional powers against whose borders ISIS jostles, namely Turkey and Iran, have, each for their own reasons, declined to participate militarily.

The likelihood or benefits of working in concert with Iran can be debated long and hard, but in the meantime the Kurds clearly emerge as the immediate go-to allies in the forthcoming struggle.

Of course, the Kurds are not novices when it comes to tackling ISIS. The YPG militia of the Syrian-Kurdish enclave of Rojava have been fighting ISIS for almost two years, and, it might be added, making a good fist of it. It was also units of the Kurdistan Workers' Party (PKK) that came to the aid of the Yezidis who were stranded and at the mercy of ISIS on Mt Sinjar in early August.

The wisdom of supplying and enlisting the Kurds to be the foot soldiers in the battle against ISIS raises spectres for some. Comparisons are drawn to the West's courting of Saddam Hussein during the 1980s and of the Islamic militia that preceded the Taliban in Afghanistan. Here were two little-known entities, chosen as allies on an enemy-of-my-enemy basis. Engaging with both had spectacular, unforeseen, negative repercussions. The Kurds are an entirely different kettle of fish. The Kurdish Regional Government (KRG) based in Erbil in northern Iraq, through which aid and munitions will be channelled, is a legitimate political entity. Over two decades the KRG has established a functioning, if not flawless, democracy in its autonomous region, while also maintaining constructive relationships with Turkey, Iran and Baghdad.

For all that, the KRG understands that in a tough neighbourhood its existence is precarious and is dependent on support from the West. It was the no-fly zone imposed by the US and the UK after the first Gulf war in 1991 that allowed the Kurds to forge and consolidate their regime in Erbil. The KRG has since maintained a pro-Western stance and has, until recently, managed to avoid becoming embroiled in the strife that has plagued the rest of Iraq. It is also resolutely secular - hard-line, Islamist inclinations amongst Kurds are minimal.

This is not to say that the KRG does not have a political agenda of its own, but the chances of a Taliban-style, anti-Western Islamist blowback from the Kurds are negligible.

The Kurds, spread across the borderlands of Iraq, Turkey, Syria and Iran, follow a plethora of political groups, often with associated paramilitaries. (Following Kurdish affairs requires mastery of an array of acronyms.) Concerns have been raised that weaponry delivered by the West may fall into the hands of the 'wrong' Kurds. It is the PKK, which originated in Turkey, that attracts most consternation. Turkey classifies the PKK as a terrorist organisation, as do the US, the EU and Australia, largely at the behest

of Ankara.

The PKK emerged with a Marxist agenda and the stated goal of creating an independent Kurdish territory within Turkey; its early campaigns involved terror tactics against Turkish targets. In recent years it has repudiated its original goals, however, and has engaged in extended peace negotiations with the Turkish government. It is generally following the same trajectory that the PLO did, that is from terrorist group to legitimate political actor.

Those PKK members who are still militarily active are operating in campaigns only against ISIS in Iraq. In fact, PKK militia have proven to be more effective in fighting ISIS than have the *peshmerga* militia of the KRG. The complexity of intra-Kurdish politics, and associated rivalries between groups, is such that weapons or munitions supplied by the West to the KRG are unlikely to ever reach the PKK. Even if they do, they are even less likely to be used against Western interests, or against Turkey if Ankara maintains the momentum of negotiations with the PKK.

Of course, positioning the Kurds as favoured allies, and arming them, will change the dynamics of the region, but both the KRG and the PKK, of late, have chosen negotiation as the best option, resorting to military action only as a last option. Meanwhile, as ISIS continues its assault, common sense dictates that supporting the Kurds is the best way to stop it.

William Gourlay is PhD scholar at Monash University whose research focuses on notions of identity and citizenship amongst the Kurds of Turkey.

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Identifying the enemy in confused Iraq and Syria

AUSTRALIA

Kerry Murphy



The situation in Iraq and Syria is now so volatile and chaotic. Our Government stated that we were invited to help the Iraqi Government in its fight against ISIS, the self-proclaimed Islamic State, or Caliphate. We are already sending weapons to help those fighting ISIS, but it is a strange and malleable coalition opposed to ISIS, known in Arabic by its acronym 'DAISH'.

Firstly, ISIS evolved out of Al Qaida. Al Qaida still exists, and it supports the Jabhat Al Nusra militia in Syria, but opposes ISIS for theological and political reasons. Jabhat Al Nusra (JN) is one of the major opposition groups in Syria and they want Sharia law and an Islamic State in Syria. They have clashed with ISIS in Syria and there are reports of some fighting between ISIS and JN.

Also fighting ISIS in Syria are other Islamic groups and the more political than religiously driven opposition groups. These non-Islamic groups are commonly and collectively called the Free Syrian Army (FSA) and are seeking weapons from the US and its allies as well as Turkey and other countries in the Middle East. They want a more democratic republic of Syria, not controlled by the Assad family or by one ethnic or religious group. The FSA has recently lost ground to both JN and ISIS as well as fighting against the Syrian Army of Assad.

The Assad Government is strongly supported by the Alawites, a Shia group. Internationally it is supported by Russia and Iran. There are also Alawites in Turkey, commonly they are Kurds. Other Shia groups are also supporting the Assad government such as Hezbollah from Lebanon, and the Badr Militia from Iraq. There are some important Shia religious sites in Syria and both Hezbollah and the Badr Militia state they are protecting these sites from the extremist ISIS.

There are also the Syrian Kurds (YPG - Peoples Protection Units) who have long sought autonomy in Syria and were seen as opponents of the Assad regime. The Syrian Kurds are mainly trying to protect their areas in the north east against ISIS, and they are

reported to have co-operated with the FSA and more recently with Kurds in Iraq. In Iraq, there are the Iraqi Kurds, whose militia is known as the Peshmerga. The Kurdish area of Iraq has long seen itself as autonomous and is almost a de facto state in the north east of Iraq. The Peshmerga have a long history of fighting the army of Saddam, but in the 1990s they fought each other when the two main Iraqi Kurdish groups were fighting. The Peshmerga are now fighting ISIS units in northern Iraq and have been supported by the Turkish Kurds of the PKK, as well as by the Iraqi army and Iraqi Shia militias.

The PKK were originally a Marxist revolutionary group in Turkey but their Marxism has moderated somewhat more recently. They are listed as a terrorist organisation by Australia, the US and Europe and by the Turkish Government. Over 500 were killed in fighting between the PKK and Turkish Government in 2012, before a ceasefire in 2013. Now their military activities are more against ISIS than the Turkish government, though there are still reports of incidents in Turkey. There are female units in the PKK, unknown in other military in the region. The PKK and Peshmerga were actively involved in helping to rescue the Yazidis from Mount Sinjar a short time ago.

The Iraqi situation is also complex. The new Iraqi army (the old army was disbanded in 2003 by the Coalition Provisional Authority), is large in number and well equipped by the US, but the recent defeats at Mosul showed they are not really able to stand up to the highly motivated ISIS units. Reportedly many Sunnis left the army in protest at the sectarian nature of the Government of former Iraqi Prime Minister Al-Maliki.

Opposed to the Iraqi government are a collection of former Iraqi Ba'athist groups, known as the Naqshabandia Units (JRTN), and mainly Sunni militias in the Fallujah area.

ISIS has a loose coalition with these Sunni militias but there was fighting in the past between the former ISIS (Al Qaeda in Iraq) and Sunni Militias armed and supported by the US known as the Sons of Iraq or Sahwa movement from around 2007. The Sahwa groups opposed the extremism of Al Qaeda and it is possible that the wider support of ISIS amongst these Sunni groups could break down after oppression from ISIS. Already ISIS is reported as having targeted a possible regrouping of the Sahwa militias near Kirkuk, just outside the Kurdish area.

Also supporting the Iraqi Government against ISIS are a mixture of mainly Shia militias. One group known as the League of Righteousness (Asa'ib Ahl al-Haq) broke away from the populist Shia leader Moqtada al-Sadr, whose Jaysh Al Mahdi (Mahdi Army) fought against the US forces in Iraq from 2003 until they became part of the Shia dominated Government of Al -Maliki. The League of Righteousness are supported by Iran's Revolutionary Al Quds force, and have links to Hezbollah in Lebanon. They are also reported to be in Syria supporting the Assad regime. The League of Righteousness were involved in sectarian killings in Iraq of Sunnis, and attacks on Sunni mosques since 2006 as well as targeting US and Coalition forces as recently as 2009 and 2010. Now they are with the Iraqi Government forces against ISIS.

There is no doubt that ISIS are genuinely a major threat in the area, and boast about killing civilians in especially brutal ways. They have massacred Christian and Yazidis they captured, as well as Shia and even Sunni who were not extremist enough. In areas it controls, there are reports of beheadings and crucifixions of those it sees as opponents, or as criminals under its strict interpretation of Sharia law. The extremism of ISIS in Syria has led minority groups to support the cruel Assad regime and put the West in the conundrum of maybe helping groups who support Assad in order to oppose ISIS.

However, in the war against ISIS there are several groups labelled as terrorists (the PKK in and the JN in Syria) and extremist militias such as Asa'ib Ahl al-Haq with a history of sectarian violence and so is it legitimate to send weapons that might end up with these groups?

We have adopted the dictum that our enemy's enemy is our friend, realpolitik politics. The situation changes rapidly on the ground and the many different players have often competing agendas, which in turn evolve and can change quickly. This makes identifying

clear 'allies' as a very difficult and high risk activity.

The chances of peace in Iraq and Syria seem far away and there are no easy or 'good' solutions available for the Iraqi and Syrian people. Given the events since the US led invasion of 2003, it is unlikely that the political situation in Iraq or in Syria will be resolved quickly. We need to realise the high risk of 'mission creep' and how our commitment could grow and be extended to more ground forces. We are not even clear on the known unknowns, let alone the Rumsfieldian unknown unknowns. A reasonable question is that, given the genocidal attacks by ISIS on civilians, do we have much choice?

Kerry Murphy is a partner with the specialist immigration law firm D'Ambra Murphy Lawyers. He is a student of Arabic, former Jesuit Refugee Service coordinator, teaches at ANU, an IARC ambassador, and was recognised by AFR best lawyers survey as one of Australia's top immigration lawyers.

Sacrificing freedoms in the war against terror

AUSTRALIA

Justin Glyn



While I do not know what evidence lies behind the anti-terror raids which swept across major cities in recent days, they should prompt all of us to ask serious questions about the 'war on terror' and its offspring.

It is important to note at the outset that terrorism, by its nature, is horrific. The act which it is alleged was prevented by these raids would have been a random killing of a person for no better reason that they lived in Australia. A spectacle killing carried out for the brutal purpose of a propaganda video. It is the right and duty of security services to act to prevent such things with all the arsenal that a state based on the rule of law allows.

Acts of terror are, however, criminal acts and a society that ditches the hard won democratic safeguards which surround the criminal law and prevent it from being abused rapidly becomes indistinguishable from the barbarities it attempts to fight.

At present, laws are being rushed through Parliament which, if passed, will have a major impact both on personal liberty and on the freedom of speech which the Government claimed to champion so vociferously when the field of discussion was racism and the Attorney General's famed 'right to be a bigot'.

Section 35K of the *ASIO Act 1977* inserted by Sch.3 of the new *National Security Legislation Amendment Bill (No.1) 2014* protects participants in any 'special intelligence operations' from civil and criminal liability for any 'special intelligence conduct' during these operations. What sort of actions are included? Well, anything authorised by the Director General of ASIO or a Deputy Director-General that does not:

causes the death of, or serious injury to, any person; or
involves the commission of a sexual offence against any person; or
causes significant loss of, or serious damage to, property;

or induce another person to commit a crime against the Commonwealth or a State or territory 'that they were not otherwise planning to commit'.

Clearly this covers all manner of crimes, ranging from kidnapping to holding people in solitary confinement (false imprisonment) up to physical torture which does not kill or amount to a sexual assault. The field is pretty broad and would cover everything from water boarding to force feeding to sleep deprivation to solitary confinement. In case this is thought fanciful, it is worth noting that while Australia is a party to the Convention Against Torture, it has so far declined to sign up to the Optional Protocol to that Convention which would ensure regular and impartial inspections of Australian detention facilities. I hasten to add that I have no evidence that ASIO has tortured people nor even that it intends to do so. Nevertheless, bitter experience has taught that unconstrained authorisations tend to be treated as such.

Section 35L gives some little comfort in providing that where a warrant would otherwise be required it is still required. In the light of cases such as that of Dr Haneef (who spent over three weeks in detention without charge), however, one has good reason to fear the amount of damage which could be done, even in those cases where a warrant should be required.

Obviously, terror attacks represent a threat about which one cannot be naïve. The best way in which one could reassure the public that such far reaching powers - assuming they were deemed necessary to combat this threat - would be used in the public interest (rather than for narrow commercial or political gain) would be close, independent surveillance of their exercise. There is nothing that breeds abuse as surely as a gift of unmonitored power.

Effective surveillance of its powers, however, is the one thing that the bill emphatically does not allow. Disclosing a special intelligence operation carries a 5 year prison term under s.35P and there is neither a public interest defence nor any protection for media outlets. Whistleblowers such as would-be Edward Snowdens or the media to whom they would expose any wrongdoing can expect no mercy from this bill.

Then again, taking a step back, while terrorism is a real threat in this day and age, it is hardly a killer on the scale of coronary heart disease or accidental falls, both of which far outstrip terrorism as killers on Australian Bureau of Statistics data. If measures such as these were proposed to combat medical health emergencies, motor vehicle accidents or even occupational health and safety issues, there would be a massive backlash on the part of the population. (Just imagine if reporting on the location of speed cameras carried a five year jail term!)

These kind of blanket rollbacks of important civil liberties, until recently taken for granted in Australia, cannot but provoke the suspicion that terrorism has become a diversion of the public's attention from something much more sinister.

Justin Glyn SJ is a student of philosophy and theology who holds a PhD in international and administrative law.

Hacker image by Shutterstock.

Ian Paisley's no middle ground

RELIGION

Frank O'Shea

*I think of that brave man Paisley, eyeless
In Gaza, with a daisy chain of millstones
Round his neck; groping, like blind Samson,
For the soapy pillars and greased poles of lightning
To pull them down in rains and borborygmic roars
Of rhetoric. (There but for the grace of
God, Goes God.)*

W R Rodgers *Home Thoughts from Abroad*



Those lines come from the mid-60s, years before the world heard of the demagogue preacher with a speciality in rooting out Babylonian whores hiding under Roman cassocks. In 1988, he was forcibly ejected from the European Parliament for shouting at Pope John Paul II 'I denounce you as the Antichrist.' Fiercely loyal, in his idiosyncratic way, to the empire and the monarch - he was after all a member of her Privy Council - he made a career out of biblical scorn for the unrighteous, deep loathing of sodomy and a good head for business.

And then, in his eighties, ten years past the biblical appointed age, the old firebrand began to mellow. In 2006 he went to meet the Archbishop of Armagh, the Pope's main man in Ireland, and they sat down to tea together. The following year, he almost took Irish Taoiseach Bertie Ahern's arm from its socket with a ferocious handshake. That was the year he began a career as First Minister of Northern Ireland, running the statelet with Martin McGuinness as his deputy, a man he cordially hated.

But somehow, Paisley and McGuinness worked well together. The Chuckle Brothers they were called, an attempt to present them as two buffoons out of their depth, but for ordinary people, it was an endearing image, a tribute to a pair who had brought their respective sides with them in an unlikely peace. There were elements in Unionism who viewed Paisley as a traitor, just as there were nationalists who were appalled that Sinn Fein appeared to have shelved their aspiration for Irish unity and gave support to the strongly Protestant police force. Those elements still exist.

It would be easy to be scornful of Paisley's late-life conversion to democracy, a way of

thinking he showed little respect for in the past. But then, Sinn Fein, the political party with whom he found himself running his little polity, had no great track record in that regard either.

However, at least in Gerry Adams and Martin McGuinness, Sinn Fein had two men of extraordinary perseverance and courage. They managed to turn what was essentially a single issue group with a tendency to view success in terms of the amount of mayhem they could cause, into a genuine political party with widespread community support. And since coming into the blustery Stormont tent, Sinn Fein ministers have earned a reputation as highly competent, hardworking and cooperative.

The Ulster experiment is a unique form of democracy. Normally, when people or policies are in dispute, some middle ground is sought, some agreement with which all sides can work. What began seven years ago in Belfast was quite different: Sinn Fein still wanted a united Ireland; the Unionists were determined to remain part of Great Britain. There was and still is no middle ground: instead there was an agreement to work together within tightly specified guidelines for the greater good of a community that had suffered too much.

One of the dangers to the success of the venture was any kind of looking back. Gerry Adams still says he was never a member of the Provisional IRA, but few believe him; as a young man, Martin McGuinness was the IRA leader in Derry. Ian Paisley had to swallow all the words he used when swearing that he would never sup with such devils, just as nationalists had to forget the B-Specials and Burntollet and Bloody Sunday and every humiliation they suffered for more than half a century.

And there were people on both sides who had to endure seeing those responsible for the death or maiming of a member of their family, walking the streets - perhaps even in the employ of the government.

We are told that his former allies and henchmen deserted Paisley, that he died a lonely man. After learning of his death, McGuinness left a Sinn Fein Congress to speak of him as a friend.

For much of his career, Ian Paisley held Christianity up to ridicule. It would be nice to think that in his final years the clergyman half of him paid greater heed to the exhortations of the Jewish rabbi who preached peace and forgiveness two thousand years ago. *Vicisti, Galilae*;

Frank O'Shea is a retired Canberra school teacher.

Ian Paisley and Martin McGuinness image by Albert Gonzalez Farran/Flickr Creative Commons

ISIS misusing ancient religious symbols

AUSTRALIA

Irfan Yusuf



Rumour has it that we're living in a global village. I grew up in the 1980s, and used to see my global village once a year at national Muslim youth camps. We were a motley bunch of Aussie kids - blonde-headed Yugoslavs (as they called themselves) from Mt Gravatt, fair-skinned red-headed Lebanese from Doncaster, Fiji-Indians from Condell Park and this Mongolian-looking Indo-Pakistani from St Andrews Cathedral School. When we weren't gas-bagging and poking fun of our 'uncles' at camps, we were running up our parents' phone bills on STD calls. We had no email or social media in those days. The massive black bricks known as 'mobile phones' hadn't yet been invented. And far from being bombed from a great height, jihadis were meeting President Reagan at the White House.

Muslim kids these days can talk with their interstate and overseas friends on their mobiles for no cost, on Skype, on Viber and even on Facebook. They can hide their identities for innocent and not-so-innocent purposes. They live in a cosmopolitan world where national and nationalist boundaries are supposedly becoming meaningless. But if they use the Kalima Shahada (the generic Muslim creed of 'there is no god but God and Muhammad is God's Messenger') in white Arabic letters on a black background as their ID, they receive a notification that their ID is considered offensive and must be taken down.

One Sydney tabloid reported some weeks back that an ISIS-type flag was being auctioned at a fundraiser for a Western Sydney mosque. In a flight of populist fancy, the devout Anglican premier threatened to ban the flag.

Perhaps the Premier wasn't at a national conference of the Australian Liberal Students Federation (ALSF) back in the early 1990s when the pre-Apartheid South African flag was auctioned off to great cheer by the delegates. Under that flag, millions of black and 'coloured' South Africans were excluded, oppressed, bashed, imprisoned, tortured and murdered in a systemic program of state-sanctioned racial supremacy. Liberal students were commiserating the end of a system of state terrorism.

But why would state Premiers and Facebook moderators want to ban a religious symbol? Must the misuse of a generic symbol used by almost one quarter of humanity become a cause of offence because it is misused by a tiny group of violent nutjobs?

Islam has had its days of violence and no doubt will continue to do so. Just as Christianity Hinduism and Buddhism. Some of the highest positions in the Indian government are held by Hindutva extremists accused of involvement in sectarian violence against Muslims and Catholics. Hundreds of thousands of Rohingya refugees languish in camps in Bangladesh, victims of terror and ethnic cleansing by Buddhist extremists.

But the violent deadly calls of monks in Myanmar are a far cry from the peace one feels inside the ancient Lukang Lung-shan Temple in Western Taiwan. This medieval Buddhist shrine includes a host of Chinese and Indian Buddhist symbols including the Swastika. The same symbol is used in more modern Buddhist structures across Taiwan and other parts of Asia to identify Buddhist places of worship. True, it isn't the same swastika as the Nazi flag. But it can still prove confronting to those unaware of the swastika's original meaning.

The Kalima Shahada may be misused by extremists, but it is also recited billions of times each day by pious and not-so-pious Muslims. In the five daily prayers, devout Muslims recite it in when in the qiyam (seated) position. Sufis repeat the phrase over and over again during their dhikr (remembrance) circles.

Indeed it is hard to imagine anything that unites all the different sects and denominations of Islam. The Kalima Shahada is to Muslims what the cross is to Christians. That same cross struck terror into the hearts of Jews, Orthodox Christians and Muslims when the Crusaders entered Jerusalem in 1099 and shed enough blood that it came up to their knees. The same cross struck terror into the hearts of Jews, African Americans and Catholics when used and burned by the Ku Klux Klan. That same cross has been used by the Lord's Resistance Army.

Today the Kalimah Shahada is being used on flags of groups whose mission is to kill Sunni and Shia Muslims. Imagine how it must feel to be a Sunni Kurd or a Shia Iraqi or an Alawi Syrian and seeing that black and white flag with its familiar letters being raised in one's street. Imagine how it must feel to be an ordinary Shia or Alawi or Sunni Australian walking around in a Sydney shopping centre and being treated by one's neighbours as an ISIS fighter.

We must not allow the true meanings of ancient religious symbols - the cross and the shahada - to be defined by the violent actions of sectarian and political and cultural fanatics who misuse them.

Irfan Yusuf is a lawyer and blogger of Muslim Indian heritage who recently moved from Sydney to Melbourne.

Foster care's future in jeopardy

AUSTRALIA

Darrell Cruse

Since becoming a foster care family in 2006 we have been a part of the story of more than thirty children's lives.

No matter how many times you experience it, you are never really prepared for the next children that visit your house.

The sadness you feel when inseparable brothers stay with you for a few days before they are told they will be sent two different households, because nobody can look after two boys at the moment, and its your job to sort through their single bag of belongings to work out which child is allowed to take the toy with them.

The sense of awe you feel when you meet foster carers in the seventies who have five foster children including a couple with disabilities.

The frustration when you hear the stories of carers who can't afford to pay for swimming lessons for their foster children, and the sense that, yet again, these children miss out on what most of us consider the normal things that children do these days.

As you read this piece more than forty thousand children are in out of home care in Australia. That figure has doubled in the past ten years.

If the system works well, these children should be able thrive in the same way as children who grow up in their own families. But ask most carers, and they have stories of children who have spent years not knowing where they would be living in a few months time. Already traumatised at an early age, these children who require stability are moved from house to house as the system attempts to find a permanent carer.

In Victoria alone there has been a significant increase in the number of children in care as well as a major decrease in the number of available foster carers. Last year, 616 foster carers left the system with only 442 new families being recruited.

The gap between the actual cost of providing care and the Victorian DHS reimbursement is now as much as \$5,356 per year. Asking volunteers to contribute this much money, as well as providing care to the most vulnerable, often high need members of our community, gets less news time than a road project in Victoria. Our priorities seem to be very much misplaced.

The Foster Care Association of Victoria (FCAV) and Berry Street are calling on the Victorian Government to deal with five significant issues in the lead up to the 2014 State Election.

They want an increase to foster and kinship carer reimbursements to meet the day to day costs of caring for children, and to advocate to the Commonwealth for the removal of income tests from carer's access to benefints for children in foster and kinship care. They want to ensure that all of a child's education, medical and recreational expenses are met

in a timely fashion. They are asking for a coordinated, state-wide carer recruitment and foster carers recruitment program, as well as improved access to training, support and respite for all foster carers.

The most concerning thing I heard at the recent FCAV Annual General Meeting came from Sandi de Wolf, CEO of Berry St, who said that based on current demographics and needs, without major changes, foster care will be non-existent in five years. With the many articles that have been written on institutionalised abuse in the past year, I fear for the children if foster care ends. The costs of such a system would also be prohibitive and it is difficult to see how the government could find the funds to operate such a system adequately.

The long term costs of not supporting foster care are significant. Mental health, crime, drugs and homelessness are all a more likely part of the journey for children who move from home to home with little support. For too long, volunteers have borne the costs of looking after children who are coming with greater needs. As a society we need to ask ourselves whether we want to prioritise the care of the most vulnerable in our midst.

The [#savefostercare](#) campaign is a genuine attempt to make the change that is needed. With a Victorian state election in November, the case for foster care must be made. Children can't vote and so the campaign is calling on people to contact their local MPs to make the case for foster care.

As foster carers, my family has been given opportunities that we never would have had otherwise. My own children have learned to share their belongings from a young age and have loved playing with the children who come through our home. We have also been fortunate to be part of a network of foster carers who are always willing to help out when we need a hand.

Foster Care can change lives. We once had the opportunity to visit the first foster children that had stayed at our home. They are big sisters to our children and they are a foster care success story.

Their family has moved up north and invited us to lunch on our family holiday. The girls bought gifts for our sons and played games while they served us a meal. The placement felt that it had come full circle, as we had become guests in their home.

Darrell Cruse is a Melbourne teacher and foster carer who helps run Eddie's Backpacks, an organisation that provides support materials for children in foster care.

Image: Shutterstock

Kashmir's majestic allure

INTERNATIONAL

Catherine Marshall

I feel that I've landed in a different country. At Srinagar's time-warp airport I'm apprehended by a rifle-wielding soldier and told to fill in a foreigners' form. I grope about in my bag for a pen, pin the officious form against a peeling concrete wall and spill my foreign details onto it. My Indian tourist visa, securely pasted into my passport, is of no use here in Kashmir, it seems. My lone bag goes round and round and round the baggage conveyor. My fellow passengers - dark-skinned and therefore spared this inconvenience - have collected theirs and are draining out of the suffocating terminal and into northern India's thin and rarefied air.

It should come as no surprise that this place swarms with armed soldiers, but still it's unsettling. Emerging from the terminal, I encounter a wall of indistinguishable Kashmir men, but I'm able to separate them out from my guide by the instant recognition he himself registers at the sight of the white woman dragging her bag behind her into the weak afternoon sunlight. He peels his lanky frame from the fence on which he's been leaning and lopes towards me, hand outstretched.

'Welcome to paradise', he says.

Paradise though this place is, I'm nonetheless a rare sight for the men crowding about the airport's entrance: for many decades western tourists have shunned this place, and my presence is a sign that something has shifted, that things might just be returning to normal.

My guide's name is Younis; he's in his twenties and he wears a stylised jacket and a pair of vivid yellow moccasins. He has olive skin and sleek black hair and grey-blue eyes which are a surprise at first in this land of dark stares but which will become a soothing familiarity in the days to come.

Lest I've arrived in India's most northerly state of Jammu and Kashmir with ill-formed ideas, young Younis swiftly apprises me of the virtues of his homeland: 'Pakistan wants Kashmir, China wants Kashmir, India wants Kashmir. It is a very beautiful place and here we have [so much]: electricity grids, land, fruits.'

He pauses, then says, 'But nobody likes Kashmiris.'

This place is the product of a divisive and bloody political history, one too complex for the casual observer such as myself to fully comprehend. Kashmiris are certainly a people who bristle at their proximity to potentially hostile states - 'Pakistan is 175 kilometres away, China is 470 kilometres away', Younis says - the fracturing of their once-princely state into three pieces in 1947, and the inception of one of those pieces, the state now known as Jammu and Kashmir, into the 'colonising' nation of India (the two others are administered by Pakistan and China respectively).

Younis was born in 1991, he tells me, at a time when 200 to 300 Kashmiris were

perishing each day in conflict between the Indian military and Kashmiri separatists.

'Oh, that time was terrible', he recalls. 'My father told me [that] when I was seven months old the army came into our house and beat everyone - ladies, gents, everyone. My father told me, &'I grabbed you and ran&'.'

Peace has come to Kashmir, but it's a tentative, fragile peace, one that is occasionally shattered by incursions in the border regions and riots right here in the city of Srinagar. Most recently, the state has been struck by a natural cruelty - the worst floods to hit the region in 50 years. More than 200 people are dead or missing, houses have been sucked into the Jhelum River, and tourist attractions have been cut off by floodwaters. Even this event has triggered contempt among largely Muslim Kashmiris for their Hindu overlords, with accusations that the government's rescue and aid response has targeted foreign tourists and high-level delegates ahead of local residents.

But despite his disdain for India, Younis is savvy enough to count the blessings that are returning to his state, in the form of Indian tourists, in the form of curious foreigners who had long sworn off this terrifyingly beautiful, dangerous parcel of land wedged into the Himalayas. Though I see just four other westerners during my stay - all of them taking in the sights of Gulmarg alongside the late-summer visitors from Gujarat and Maharashtra - I'm told that there aren't enough hotel beds to accommodate the tourist trickle that is rapidly developing into its own, human, flood.

Besides the majestic scenery, there is much to recommend Kashmir: the high summer meadows that transform into ski slopes during winter; the black and brown bears, snow leopards, musk deer and wolves that stalk the Himalayan foothills; the endless fields of pomegranate and saffron, walnuts and almonds, apples and pears; and the dishes peculiar to these parts: lotus stems cooked Kashmiri style, rice studded with dried fruits, a traditional chicken broth called murg zafrani shorba which is gently dusted with saffron.

There are the shopkeepers whose eyes light up when they spy foreign visitors, like Ali Bhatzahoor, who says, 'It used to be very violent here, but now, thank God, we are safe. We are the wounded people and [India] must heal us.'

And back at the little airport, after I've sent my bag through no fewer than four separate x-ray scanners and am about to be searched myself one final time in a cubicle set up beside the tarmac, there are yet more inducements to return. Kashmiris on their way to business meetings in Delhi strike up happy conversation with me, swap business cards and LinkedIn addresses, and implore me to come back with my family to their beautiful land.

Catherine Marshall is a journalist and travel writer. She travelled to Kashmir as a guest of India Tourism and The Classic Safari Company. Her travel feature on Kashmir will appear in the Sydney Morning Herald's [Traveller](#).

Navigating the maze of young adulthood

REVIEWS

Anthony Morris

The Maze Runner. Rated M. Release date 18 September 2014. Director: Wes Ball. Running time: 113 mins.

Intentionally or not, often young adult novels - especially the ones that are turned into films - are based around a blunt metaphor for how teenagers see their lives. Lacking the freedom to do what they like, faced with rules and laws that seem arbitrary while struggling with deep changes on a physical level, teenagers' personal problems have proven to be ripe material for dystopian fiction.

The problem is, when a young adult film is built around a mystery, it doesn't take much to figure out that the mystery must be somehow linked to teenage alienation. In the case of *The Maze Runner*, the less you ponder why a bunch of teenagers would be dumped inside the middle of a giant maze, the more enjoyment you'll get out of it.

Fortunately, this film starts off at a sprint that doesn't leave too much time for asking questions, starting with Thomas (Dylan O'Brien) waking up in a lift with no memory of where he's coming from, where he's going to, or anything else about his life before the start of the film. He's the ideal movie character: his life begins as the movie starts and his position throughout the film is exactly the same as the viewers - we both just want to figure out what's going on.

The lift delivers him and a bunch of supplies to a clearing bounded on all sides by huge walls. The boys who live there drag him out, settle him down (he's understandably disturbed by all this), and explain to him what they know of what's going on. They all live in this glade in an all-boy community (no girls are sent), each doing their part to survive - and for *Maze Runners*, that involves running out into the maze that surrounds the glade, trying to find a way through it before running back to beat the gates which close automatically at dusk. If anyone is locked inside the maze after dark, mysterious but deadly creatures known as '&griever&' kill them: no-one's ever survived a night inside the maze.

It doesn't take much to guess where Thomas is going to end up, but there are enough weird elements to this story that even when the main thrust is obvious, and the central mystery easily solved, individual scenes remain interesting.

Sadly, the same can't be said for most of the characters. As a more male-friendly young adult tale than most movie adaptations, the film prioritises plot over characterisation, resulting in a cast that are nothing more than clichés: the wise leader, the bad guy, the plucky sidekick and - once the lift eventually does deliver a girl - the love interest. It's also more action-orientated than many YA films, with a decent dose of (PG but icky) gore mixed in.

Unfortunately once the emphasis shifts from gaining knowledge to putting that knowledge into action this starts to slow down, and the final act drags far more than it should. But the energy of those opening sequences is enough to get this across the line: for once the traditional open-ended 'to be continued?' conclusion is a cause for optimism rather than eye-rolling.

Anthony Morris is the current DVD editor of The Big Issue. He writes about film and television for various publications, including Geelong street paper Forte and Empire magazine, as well as The Vine and The Wheeler Centre website.

Women's lives the front line of conflict

INTERNATIONAL

Lulu Mitshabu

I would like to tell you a story of Marcelina, a teenager from North Kivu, a province in the East of the Democratic Republic of Congo (DRC). During my visit to Congo in May last year, Marcelina told me that she was abducted from her house and forced into prostitution. For more than a month, Marcelina was forced to service, cook and care for these men after they killed members of her family. She was a slave, with no control over her body or life.

She eventually escaped, pregnant, with no family and no support. Her perpetrators were never charged with kidnapping or sexual assault - they remain free to commit the same atrocities again. But Marcelina was one of the lucky ones. For thousands of other women and teenagers, the nightmare never ends.

This is just one of many stories that I hear from women of all ages each time I visit the Congo.

'It is now more dangerous to be a woman than to be a soldier in modern conflict', says Major General Patrick Cammaert, a former UN Peacekeeping Operation commander in DRC.

Let's reflect on that for a moment. It has become more dangerous to be a woman collecting firewood or water than to be on the front lines as a fighter.

In 2008, Caritas Australia published a report to draw public attention to the ongoing conflict in the DRC and the prolific incidence of rape and violence against women within communities there.

The report, *Forsaken Voices*, was the basis of a campaign to build community, Australian government and international support for peace building programs, justice initiatives and sustainable development projects in the DRC.

The DRC has been the scene of ongoing plunder, warfare, despotism and misery for much of its recent history. The greatest losers in such a disaster are, of course, women.

In 1989, with my babies in my arms, I had to flee DRC as a refugee because people could not tolerate a woman like me speaking out for what is right. Today, thanks to the generosity I found in Australia, to the many who have assisted us, and also to a fair amount of hard work from us all - my family has a wonderful life in Australia.

However, for people still living in Congo, hunger is unrelenting, justice is elusive, and peace is fleeting.

In June this year, Caritas Australia conducted interviews and training with hundreds of people affected by the protracted crisis in North Kivu. These include extended interviews with more than 15 woman and girl survivors of rape, and discussions with local community leaders, health workers and police. In conversations with survivors as young

as 11 years old, and the courageous women who are still advocating for justice after almost 20 years of fighting, we learnt that women and girls are the strongest agents of change in the DRC.

In November this year, Caritas Australia will launch its follow-up report on peace and conflict in the DRC, *Fearless Voices*, and invite all Australians to help our Congolese sisters and brothers realise their hope for peace.

Marceline's story, thankfully, has become one such story of hope.

Her baby is well and just over a year old now. Marceline is making money by selling clothes she has learnt to make through a Caritas training course. Her life is still terribly difficult, but her counselling continues.

We know from decades of experience that development cannot be implemented from outside. Like peace, it must come from the ground up. It must be built and nurtured one person at a time. Marcelina has found some peace and a place in the world. Her life is getting back on track and she can provide for her young son. The power and agency that was so cruelly taken away from her has been returned. But many more women are still in need of support.

Lulu Mitshabu is Caritas Australia's Program Coordinator for Africa.

Pictured: Lulu Mitshabu visits a rape survivor at an IDP camp outside Goma.

Liberty and equality's forgotten sibling

AUSTRALIA

Andrew Hamilton

Many people become uncomfortable when conversation turns to social justice. That may reflect their experience of being buttonholed by unrelentingly serious people on the wrongs of the world and the need to change them. But their discomfort may also reflect a long history that goes back as far as the French Revolution with its slogan, 'Liberty, Equality and Fraternity'. Social Justice Week offers an opportunity to tease out the connections implied by this slogan.

Of the three revolutionary aspirations, liberty has come to dominate our contemporary world, particularly in its form of negative liberty - freedom from oppression and from regulations that limit personal choice, especially economic choice. The desire for individual liberty is often opposed to the desire for equality, which usually advocates some constraints on liberty. Social justice has commonly been identified with the desire for equality. So when someone raises issues of social justice their hearers fear that their individual freedom will soon be crimped in the name of state control or of the redistribution of wealth. They naturally become uncomfortable.

Missing in this tension between equality and liberty is any serious consideration of fraternity. It is usually reduced to sentiment, a generous feeling that softens the hard edge of the pursuit of equality or liberty. But fraternity lies at the heart of social justice. It counteracts a one-sided attention to equality or liberty, and is expressed in the ordering of society.

Liberty, equality and fraternity all name values that are must be respected if human beings are to flourish. Liberty protects the human desire to take responsibility for one's life and to develop personal gifts. Equality recognises that each human being is of unique value and that no one is of more value than others. Both these values should be recognised and promoted in the regulations, practices and symbols that form the ordering of society.

Fraternity names the inescapable interdependence of human beings. No one is self-sufficient. We depend on one another at each point of our lives for shelter, for what we eat, whether we are educated, the peace and security we enjoy, for our mobility and for a market in which we can buy and sell. Fraternity dictates that each person must attend to how their own actions affect the welfare of others, and that society must encourage the development and welfare of each human being in a way that enables the growth of all.

The test of fraternity is the care that a society has for the most disadvantaged. As with the values of liberty and equality, fraternity needs also to be built into the practices, regulations and symbols that shape society. It cannot be left to sentiment. That is particularly important in a culture like ours that makes individual liberty central. Without strong traditions and institutions that embody fraternity, it will inevitably breed unfairness.

It is easy to think of our society as selfish, competitive and preoccupied with individual economic gain. Those values are constantly commended in treatments of the economy that leave no room for fraternity. But most people see an unrestricted emphasis on economic freedom and on gain as psychopathic. They place a high value on fraternity, both in giving a high priority to their connections with other people and to decency in the treatment of the disadvantaged. They react strongly to what they perceive as institutionalised unfairness.

The instinct for fraternity among Australians, and the lack of feel for it among politicians whose guiding value is liberty in economic matters, can be seen in the popular response to the Federal Budget. People were outraged less by the impact of the budget on themselves than on the effect measures such as the medical co-payment and the withdrawal of benefits from unemployed young people would have on the disadvantaged. These were seen as unfair, an affront to fraternity. The proposals to weaken legislation on racial discrimination had earlier also been widely rejected for their perceived breach of fraternity.

The way to a better society does not lie simply in defending either liberty or equality, still less in the victory of one of these values over the other. It lies in bringing together a passion both for liberty and for equality and holding them together with a personal and institutional commitment to fraternity.

When social justice is associated with fraternity it brings challenge and encouragement for all of us and not simply for activists.

Andrew Hamilton is consulting editor of Eureka Street.

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Terror Australis

CARTOON

Fiona Katauskas



Fiona Katauskas' work has also appeared in ABC's *The Drum*, *New Matilda*, *The Sydney Morning Herald*, *The Age*, *The Australian*, *The Financial Review* and Scribe's Best Australian political cartoon anthologies.

A Woman from the Provinces

CREATIVE

Xiao Xiao



The Mid-autumn Moon in the Lushan Mountain

At Mid-autumn, the gold coin
Hanging in the sky
That, for generation after generation
Pays for mankind's swelling expenses
Over the transparently lit night of the cities in the
world
Where the moonlight, like a piece of laminated glass, deliberately made old
Is being extorted by the cunningness of human beings
To decorate mountains and waters on the
paper
Is like a shining scar

The night, looted by lights
Is publishing the terror of the animals
In a world that, messed up by the ticking of a biological clock
Is beginning to collapse, along with the years of the
Great Earthquake
And the harvesting of tsunamis and hurricanes
A fat hand of plastic truth
Is controlling the bloated body of civilization
Where the King of Death has broken the
arrow of time
Staring in fury, gnashing its teeth

Tonight, though, I have run away
From the bright city and the bodies sunken into the
high rises
To the Lushan Mountain, dressing myself up in the mirror
My hands scooping up the flowing water-moon
Pure features
When I raise my head, the pine branches after the
rain in the mountain creek
Are connected with the high skies and the far distance
The pearls of the mid-autumnal moon, breaking from the pain
Fall and fill the Lushan
Mountain in my arms

A Yellow Crane Tower

Sometimes, one is more lonely
than a tree
that has shed all its leaves
compared with a tree
all those things, big and small, that have been experienced
have turned into withered twigs
random, leisurely and lazy
wobbling in life
with the blowing of a wind, the heaped burdens
fall, sighing

Sometimes, one has to retreat backward
staking a sip of baby chrysanthemum tea, and
lotus-leave water
bending one's rusty fingers
as one moves the darkness in one's fate
as if a temptation is beginning to rise
stuck, as it is, in the throat, getting impatient
Come, light up a Yellow Crane Tower
take a deep drag before breathing it out
another deep drag, before letting it out, slowly
like breathing out
those solitudes surging, in the heart of hearts

Winter

This winter, still and aloof
All the ice and snow have fallen on higher places
So white, and, oh, such whiteness
I was standing at the mouth of the wind, my heart ascending
A pure soul! The snow
A miracle at this higher place

Did I wrongly recognize the weather
That I saw the snowed trees filled with pears
As sweet and fragrant as olden days
So many things so happy
Thanking the moment for being alive or dead?
What incidental and bone-carving happiness!
At the edge of snow-whiteness
The petals, covering me up, suddenly vanished

A Woman from the Provinces

This woman, from the provinces, suddenly
Came to the north, with her solid body, of an
insomniac heart
And that had not touched snow-flakes
This winter, that hero never
reachable
Is elsewhere
Her dejection, her secrecy
And her huge castle: waiting here for
nothing

She, like a cynical lover
Penetrated the night, tearing open the darker
Prostrate in the
wind, going through the breast of the south
With her sensitive scarf and gloves
Eating the
shed tears, excitedly
Her face slipping to an empty land
Empty, where only the soldiers
were devouring the oxygen

The woman from the provinces must have disturbed someone
Listen: the noise from
below the Square
Countless faces aslant, breathing heavily
Rusting in the shell of broken
words

Escaped to a winter elsewhere
Another bloodshed in her memory, vividly alive
A fill of
bronze swords on her cold lips
Her fainted hands waving
A screaming magpie, once
again
Placed death and danger over the heart

Early Summer of Idealism, the End of the Century

In the mountain city, the house that one has to reach by climbing a slope
And turning
corners, is suffering from migraine at the end of the century
A face, rusty, decaying for
long
And stained with dust, is calling for death
The fire woks at Little Hole Sky are cracking
every night
Hairy belly, Yellow Throat, Duck's Intestines
Smoking with left tendencies,
while wind is rolling up the residual clouds
In this early summer of idealism, isms are
running overseas
Alone, I move sadness long distance, towards the castle of
prisons
Attempting to pay off the debt to death in a feverish city
Wilful thinking, danger
speeding

Shouldering the bulging sacrifices and rash mountains and rivers of June
I, two hours
ahead of time, creep across hunger
Across the lower flagstone slope
As memory is lifted
from the cement surface and old pain is ready to break out
A cluster of wild grasses
squeeze themselves out of the stone seams, hidden overhead
I, with the strength of nine
oxen and two tigers, push myself
Through an iron door
A hut in the west wing, guarded by
Uncle Policemen
Like the weird music in the room
Yelling, in boring
F flat minor, as
confusing and cold
As Chinese cabbage, bulb onion and knotted green vegetables
Chatting
family members of the prisoner

Look at my garments with drifting snow
Pure white lace, trying my best to be
pure
Causing the heads in uniform to feel guilty in their chairs
A bunch of jasmine flowers,
looking outside, is tightly gripping hold of pain
Of the anger that cuts open the palma
A
quiet light is released from the reception room in the detention centre
It's no children's
play; fragrance of the flowers
Is worth the waste, all for the purpose
Of a few cigarette
packs and the copy of Duino Elegies, days and nights
So that they could reach
The hands
congealing with anemia
The eyeballs of the guard are mopping up the books, an
exuberant growth of
Confused images. I am reading for you, from my heart
This age that
wrongs after wrong, flowing with ill omens
Deep at night, I, alone
Compress the misery
and put it in the drawer
Poetry is my rationed food and, awaiting me, is the grains of rice
not yet ripe

'Hay, Jasmine, what is this place?'
'This is sitting in a jail,' the power of their discourse
Let
the room sweat weak sweat, I hold my breath
Here, an iron door has dominated the fate
on the slope
The maximum security prison castle is filled
With numbered bodies
Youth
stuffed into a corner
Will randomly rolled into a mop
Sweeping to and fro
On the floor of
deprivation and control
These numbered bodies
Have only one name: Prisoner
Once again, I dig out the sugared-clothes of language
Wrapped with the blood-drops of
conscience, like a cold chess piece
Playing against them, my heart, as hard as a mountain
walnut
And this time
The flying smell
Of a scorned angel
Is sandwiched between sadness
and moved wings
Smelling the smell of your bald head
From the air that is two-storey high

If your insignificant and bent soul
Is destined to bump into the tiger's mouth
in the autumn
In the depth of the summer then
Whose fate will become crueller
And whose sadness?
Whose tears
Will drop lighter, farther, and vaster?

Poems, originally written in Chinese by Xiao Xiao and translated into English by Ouyang Yu.

Xiao Xiao, pen-name of Xiao Youjun, is a woman poet, originally from Sichuan and now based in Beijing. She began writing poetry in 1983 and has since published a number of poetry collections that she wrote and edited, including *A Complete Collection of Pre-Menglong Poetry*, *A Complete Collection of Menglong Poetry*, and *A Complete Collection of Post-Menglong Poetry*, all edited by her, in 1993. She is now executive editor of *xiandai shige bao* (Modern Poetry Newspaper). She is also an artist who does oil paintings. She is currently deputy editor-in-chief of a Chinese literary and cultural website: IMPACTCHINA.COM.CN and executive editor of a poetry magazine, *da shige* (Great Poetry).

Image from [Shutterstock](#).

Employment solutions can be found close to home

AUSTRALIA

Adrienne McGill



The McClure review of Australia's welfare system is causing dread in the hearts of disability support recipients. With the final report due by October, we're terrified that all the talk of transitioning to work is simply code for not just a lower rate of payment - when the current rates are already too low - but a new, punitive regime that will require useless job searching.

Much of the controversy has centred around the episodic nature of some mental illnesses. Both review head Patrick McClure and Social Services Minister Kevin Andrews have been cavalier about the chances of people with illnesses like bipolar and severe depression being able to hold down a job in today's challenging workplace.

As someone with a complex anxiety disorder, running a part-time microbusiness while on part-DSP, it seems that one obvious solution to help some people in this group has been overlooked to date: self-employment.

Rather than extend the overly targeted and punitive unemployment regime, wouldn't it make sense to support people with suitable job skills to run their own microbusinesses? This could also be an option for those with chronic physical illnesses like arthritis and MS.

The beauty of microbusiness is that the worker themselves has the say over how many clients they take on and what jobs they say no to - a perfect scenario for those with episodic illness.

It could be also be an option for older unemployed people with mental illness, as even perfectly fit older people face age discrimination, regardless of the range of skills they offer. The pension could retain its current form as financial back-up, with tapering payments that provide enough incentive for work.

Yet this area is unfairly neglected in the delivery of employment services for those with disabilities. A low percentage of people on disability are already self-employed, but the government and employment agencies could offer much more support.

The kinds of support needed are those that anyone who runs a microbusiness needs, but are too often out of reach if your business is never going to fund a lavish lifestyle of limos and six-star hotels. As someone whose income is limited, I've found many of these supports just too costly to fund on my own. Yet funding such supports would save the government money in the long run, and could help people like me to either go into business or expand our businesses.

Training is the most obvious need. Private niche training can be notoriously expensive and even short courses such as using social media to market your business could be too pricey for some people. Subsidies for professional development and membership of industry organisations would be a huge help.

Isolation is an issue for anyone who is self-employed, let alone someone with a chronic condition. Isolation can also eat into your confidence, which makes it harder to reach out to potential clients. The government could reduce isolation by creating a variety of supports that could bring microbusiness owners together to share business and skills in dynamic ways that could raise the profile of disabled workers.

It could fund online forums, and offline networking and social events where self-employed people could support each other's businesses, for example accessing services like logo design or copywriting.

Some workers could get together in coalitions offering a suite of services, and government departments could be encouraged to use them.

To avoid a 'ghetto' mentality, subsidies could be available to attend industry events such as seminars and conferences. Government could also subsidise people with disabilities to work in coworking hubs, where everyone would benefit from the cross-pollination.

Another option would be for the government to create such a hub, housing microbusinesses headed by those with and without disabilities to work side by side.

Informal support groups that met up to share their challenges and triumphs could also be resourced.

Subsidised business mentoring and coaching is another way to enhance business skills. These kinds of relationships can be crucial to getting contacts in the business world and developing skills and self-confidence, which are all vital to gaining new clients and expanding a business.

Not all businesses would be office-orientated. Visual artists could gain skills in marketing and selling their work; others might want to set up a part-time window cleaning or dog walking business.

There are employment services that provide some support for self-employment, but they could be much more visible and better resourced. Job services for people with severe mental illness use a proven, intensive program called Individual Placement Support - this is a flexible program that can easily be adapted to help self-employed people.

Then there's NEIS, a training program for job seekers who want to start a business, which is open to DSP recipients. But NEIS has strict eligibility requirements, only 6,300 places in total each year, and could be more tailored to people with severe mental health issues.

Programs like these could be expanded, made more flexible and brought together under the umbrella of self-employment with an easy-to-find government portal for jobseekers with disabilities.

My belief is that throwing people like me, with chronic and sometimes unpredictable illnesses, onto a version of Newstart could actually harm our work chances by threatening our mental health.

But with the right amount of genuine support, and carrots rather than sticks, some of us could work more hours, contribute to the community and enjoy a better quality of life by running or expanding our own businesses - while also saving the government money in the long run.

The way to achieve that is not through the dispiriting, inhumane system of unemployment payments but by offering dynamic and flexible support that gives us control over how and when we work.

Adrienne McGill is a Melbourne writer. Her poetry and prose have been published in a number of journals. She has chosen to use a pseudonym for this article.

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Scotland's brave quest for self-determination

INTERNATIONAL

Duncan MacLaren



Australia seldom appears in the British media unless it is about cricket or a shark attack but Prime Minister Tony Abbott's remarks on the Scottish independence debate were front page news. His comments consisted of how the world would not be helped by an independent Scotland and those in favour were not friends of justice or freedom. They were widely lampooned, not least by Australians.

If Mr Abbott had actually visited Scotland rather than follow the advice of the British PM, he would have seen that the whole debate had centred on the kind of society we wanted - not, as at present, the world's fourth most unequal society, but one where social justice is paramount, our National Health Service is not privatised and rights are built into a written constitution.

He would have learned of the desire to remove the two hundred nuclear bombs from Faslane, twenty-five miles from Scotland's most populated centre, the Glasgow conurbation, and to become a non-nuclear nation within NATO. He would have learned of a defence and foreign policy not allied to a shameful colonial past and participation in illegal wars but ones designed to promote peace and solidarity, especially with the world's poor.

He would have noticed people who never voted before, especially from our more deprived areas, queuing up to register. He would have seen a vigorous but peaceful debate between many people, who, contrary to trends elsewhere, were now filling the halls throughout the towns and villages of Scotland in an amazing flowering of participatory democracy.

Of course, Tony Abbott has, in common with the 'No' campaign, a taste for the complete negativity we all lived through when I was resident in Australia during his time in opposition. From the Unionists, it has now gone into overdrive in an attempt to emulate Mr Abbott's success.

If Scotland votes yes, it will be, according to the Westminster elites and their cronies, Armageddon. Lloyds Bank will move their HQ to London we were told by the BBC when, in fact, it has been based there for many years. Jobs would go from the Royal Bank of Scotland yet the CEO in a letter to staff stressed it would be a technical matter and jobs and operations would remain in Scotland. Australians will be used to this style of 'campaigning'. Tell a lie often enough, collude with the mainstream media and people might believe it. A victory based on deceit is pyrrhic.

If I look at the European countries which have become independent in my lifetime (such as Estonia, Slovenia or Latvia - with the fastest growing economy in the European

Union), not only have none collapsed but they have become innovative, democratic and prosperous countries while coming from a much lower economic, social or democratic base than Scotland.

If I look at the nations which became independent in the early 20th century despite their poverty, some are now, on a per capita basis, economic giants - Norway and Finland particularly. Even little Iceland, with a population the size of Edinburgh, overcame its economic problems without destroying the social fabric of the country and is on track to breeze past most countries in economic performance while maintaining an equal society.

This is what those of us voting Yes on 18th September desire for our ancient nation. We do not expect the support of those leaders who have intervened such as Prime Minister Rajoy of Spain nor President Putin of Russia nor Xi Jinping of China since they all have their own submerged nations wanting independence and two are dictators. We expected more of the Australian Prime Minister but know that he does not represent the views of Australians in general.

One thing is clear. No matter the result on Referendum Day, the process we have undergone for a peaceful movement to self-determination will have a lasting effect on the life of the nation and far beyond our borders, acting as an inspiration for democratic change through talk.



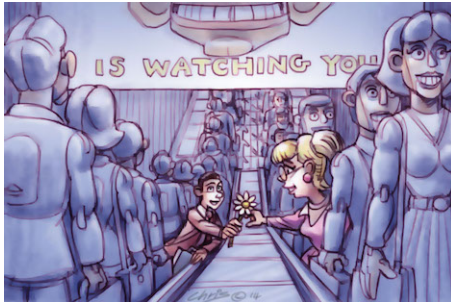
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Shrugging off the robots

CREATIVE

Michael McVeigh



We created the robots to make our lives easier, to gather and process the abundance of information our society was producing and find more efficient ways of organising our cities, our businesses and our financial affairs. The robots' computing brains could do this more naturally than we humans ever could. Our businesses and government institutions began to subject the human beings who worked for them to robotic control. We believed the assurances of those in power when they told us the robots had the best interests of humanity at the core of their programming. However, the societies they have created seem to have little resemblance to the ones we envisaged.

The robots took control of producing the items we needed to survive, turning food and shelter into commodities to be built into abundance, rather than things shared in relationship with those around us. They turned our landscapes into factories, digging out the resources they needed, allowing their waste to pile up and their emissions to pollute the air. They created better systems for moving money from place to place so as to increase the numbers in their spreadsheets, ignoring the lives that were impacted by the flow.

They built systems to organise people more efficiently, replacing names with numbers in order to better identify and track each individual. Seeing people as packages of data allowed them to better control the flow of goods and services to them, but it also meant that irregular flows of data were a danger to the system and had to be eliminated - even if that data represented people fleeing their homes in fear of their lives.

Human relationships were replaced with reporting processes. Love between couples was reduced to matters of procreation and pleasure. Outer beauty was easier to quantify than inner beauty, and much easier to create products to enhance, and so became the standard by which people in society were judged. The robots had no frame of reference for concepts like the soul, so religion was turned into a set of protocols to be followed without thought.

Our schools were seen as inefficient models for producing productive citizens, so were reprogrammed in order to better fulfil the needs of the system. Subjects more likely to lead people into productive roles were given prominence, while subjects such as music and art were set aside as unimportant to the system as a whole. People from the corporate sector were brought in to run the schools, to ensure they ran according to the same efficiencies as the other systems the robots had created.

Before we knew what was happening the robots had transformed our world. It was the worst kind of coup - the sort that is over before we knew a battle had even been waged. Each day people go about their business, feeling unhappy but unable to name the source of that dissatisfaction. Most have joined the ranks of the robots, believing that the key to

happiness rests in finding a comfortable place within their system. They rail among themselves at every small incursion against their humanity. But their rage is impotent. Those in power say that the problems like crime, pollution, wealth inequality and social disadvantage that continue to plague our world are the result of human beings not properly integrating into the system. If we can get rid of our humanness, the system will work perfectly, the robots' masters say. People strive to be more like the machines that guide us, but the problems that plague our societies only get worse.

A small, but growing, number of people are starting to resist the tyranny of the robots. They have realised that the robots cannot deliver on their promises of a better world. The solutions to humanity's problems can't be written into a set of rules and protocols to be followed, or a set of numerical targets to be achieved. The Resistance believes in solutions based in concepts such as faith, love, charity, and self-sacrifice - concepts that draw on the inner human life that is beyond the robots' ability to understand.

You'll know the Resistance because they'll be the ones who give you a smile and offer you their seat on the train. They'll be the ones wanting to have a chat while serving you at a fast food outlet. They'll wear secondhand clothes rather than the latest fashions. They'll talk about rehabilitation for offenders, rather than wanting to see them rot in prison. They'll laugh and shrug when they get caught in a rainstorm or when their train gets cancelled or when they get stuck in a traffic jam. They'll be holding signs at rallies for refugees, and against higher university fees. They'll give themselves away, in hundreds of different ways each day, through small kindnesses and gestures that have no place in the robots' world.

The resistance believes that in time, human beings will reclaim their place in our societies. The robots have their uses in keeping our societies running. But we will come to understand that they can never be allowed to become our masters.

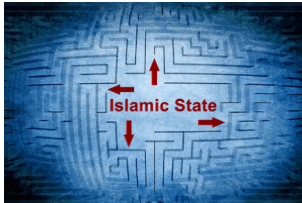
Michael McVeigh is the editor of Australian Catholics magazine, and senior editor at Jesuit Communications Australia.

Illustration by Chris Johnston.

What are we walking into in Iraq?

AUSTRALIA

Andrew Hamilton



President Obama has now made it clear that the United States, and consequently Australia, will take military action against ISIL forces in Iraq and Syria. His decision has been applauded. But it should give us pause that this is the outcome desired and provoked by ISIL itself.

The goals of military action are unexceptionable. There is nothing to be said for the totalitarian regime that ISIL wishes to create in the Middle East or for the brutal ways in which it wishes to impose it. It should be checked. The difficulty is with the means. The limited United States action in defence of threatened people in one region of Iraq was a legitimate means to a modest goal. The crushing of ISIL across borders is a much more ambitious goal subject to rhetorical inflation.

President Obama has recognised the only way in which the United States forces can effectively work against ISIL is in coordination with local partners. He did not identify the partners with whom he would work. History suggests that the devil will be in the detail.

It is chastening to think back over the partners with whom the United States has previously chosen to work. They include the nascent Taliban in the resistance to the Russian forces in Afghanistan, Saddam Hussain in the marshes war against Iran, assorted warlords against the Taliban in Afghanistan, and a Shiite regime in Iraq whose partisan brutality has garnered support for ISIL. Each of these partners welcomed United States support and used it for its own ends. Each alliance spawned the next crisis and the next military action against former allies.

Why would one expect it to be different on this occasion? The Iraqi Government can be expected to take part. It is mistrusted as a Government for and by Shiites by Sunni and Kurds. Already much of the support for ISIL comes from Sunni groups alienated from the Iraqi government. Iraqi partnership with the United States might be expected to strengthen the support for ISIL, as indeed seems to be the calculation behind the executions of United States citizens.

Other partnerships are also problematic. Military support for the Kurds in Iraq will inevitably concern Turkey and Iran. President Assad of Syria has been excluded as a partner. The forces opposed to him are fragmented, each supported by other nations in the region which are hostile to one another. Each will be happy to use United States military power to weaken its enemies, and to use its enemies' association with the United

States to strengthen its own position.

The diplomatic initiatives taken by Obama are important in dealing with ISIL, and are central in creating an environment in which it will not flourish. But they are designed to support a war. The military action adumbrated will certainly weaken the immediate military threat posed by ISIL. But after the bombers go away, the fields they have harrowed and ploughed will be fertile for the seed of ISIL or its more radical descendants, as they were in Afghanistan and Iraq.

Andrew Hamilton is consulting editor of Eureka Street.

Image via shutterstock.

Sovereign aspirations and political power games

INTERNATIONAL

Justin Glyn



Emerging reports suggest that Scotland may be ready for a peaceful exit from more than 300 years of union with the remainder of the United Kingdom. At the same time, a bloody struggle for greater autonomy in Eastern Ukraine appears to be on hold after the start of a wobbly ceasefire and Libya, Syria and Iraq are torn apart by very active wars over their identity. Meanwhile, the conflict between Israel and the Palestinians seethes on.

All of these examples highlight the difficulties underlying the question of 'self-determination'. While ethnic and national tensions have always existed, the term had a particular resonance as World War I drew to a close, when US president Woodrow Wilson's 14 points called for self-determination for peoples in the Austro-Hungarian and Ottoman empires.

Self-determination inevitably became linked with decolonisation and an end to peoples being ruled by foreign governments far away. As this process accelerated in the inter-war and post-World War II years, self-determination became entrenched in the major international instruments, being included in Article 1.2 of the UN Charter. Article 1 of both the International Covenant on Civil and Political Rights and the International Covenant on Economic and Social Rights begins 'All peoples have the right to self-determination'. Indeed, in the decolonisation context, who could possibly object?

Nevertheless, superpower rivalry during the Cold War already pointed to some of the conceptual problems lurking beneath this deceptively simple concept. The Americans were reluctant to have anything to do with self-determination in South America (which, under the Monroe Doctrine, they saw as a fiefdom) while vigorously promoting it in the

Eastern bloc. For the Soviets, the position was exactly reversed.

The problem of who qualifies as a 'people' and what the content of the right is becomes particularly acute when the right to self-determination bumps up against that bedrock of international law, national sovereignty. Article 2.4 of the UN Charter protects the 'territorial integrity of states' and bans the use of force against it, while Article 2.7 prohibits interference in a state's domestic affairs.

All of this reflects the fact that, since the Treaty of Westphalia of 1648 (which ended the bloody Thirty Years War by effectively declaring that national boundaries trump religion), the nation state has been seen as the fundamental unit of international law for most purposes. Violation of national sovereignty is seen as the most basic crime a state can commit at international law.

In some cases, the problem goes away by agreement. Where people are given a choice to create a new state or recreate an old one, as in Scotland, there is no issue. There have been an increasing number of such incidents since the end of the Cold War. Think, for example, of Namibia, Timor Leste or South Sudan.

Even here, however, independence may be the 'second best' result for people being denied other options. Opinions polls suggest that most Scots would have supported a maximal autonomy position (popularly called 'Devo-Max') but instead are confronted with a binary choice. Whether autonomy is a possible compromise therefore depends a lot on the goodwill of the parties. Autonomy, too, is unfortunately a very murky term with the parties needing to hammer out the exact powers to be devolved.

The real difficulty lies where self-determination conflicts directly with national sovereignty. Here the sad truth is that each side adopts the rhetoric that suits it and the result depends on the balance of political powers which each can muster.

While the US and its European allies helped the Kosovo Liberation Army bomb Kosovo out of Serbia, they are less than happy for Russia to assist Ukrainian Russian-speakers wanting independence, or at least autonomy, from the Ukrainian-speaking government in Kyiv. Russia, by the same token, has bitter memories of its own campaigns against Chechen separatists. Arming *my* rebels serves self-determination, arming *yours* is a violation of sovereignty. The Israel-Palestine conflict is another case where competing conceptions of sovereignty and statehood, grounded in radically different historical narratives have contributed to what has become an intractable quagmire of misery for all sides.

If there is hope, it lies in the United Nations. Unfortunately, one suspects that the current ambiguity is just too convenient for all the great powers.

Justin Glyn SJ is a student of philosophy and theology who holds a PhD in international and administrative law.

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High noon for Government refugee policy

AUSTRALIA

Kerry Murphy



Last Thursday the High Court published a decision which not only overturns the interim temporary visa plans of the Government for refugees but also reminds Government that asylum seekers are not 'outlaws' and that immigration detention can only be for limited purposes. The decision is timely because the Minister is still negotiating his re-introduction of the Temporary Protection Visa through the Senate and he has also flagged the partial winding back of the harsh offshore processing policy reintroduced under Labor.

The case, [Plaintiff S4 v Minister for Immigration and Border Protection \[2014\] HCA 34](#) considered the case of a stateless asylum seeker who spent two years in detention.

On arrival in late 2011 at Christmas Island, the applicant was an 'excised offshore person', a term replaced in June 2013 with 'unauthorised maritime arrival'. Such a linguistically unpleasant description has serious legal implications because if you were an 'excised offshore person', or an 'unauthorised maritime arrival', you are prevented from lodging any visa application onshore by s46A unless the Minister personally intervenes and lets you make the application.

Despite being assessed as meeting the refugee definition (*grant ready* was the term used by Immigration) the refugee in the case was not granted a protection visa but he was released from detention after the grant of two temporary visas. The first was a temporary safe haven visa (TSHV) for seven days, and a temporary humanitarian concern visa (THCV) for three years.

The grant of the TSHV meant that a legislative bar then prevented the applicant from applying for a protection visa. Section 91K prevents further applications for any visa onshore unless the Minister personally intervenes and permits the applications.

The High Court held that immigration detention can only be done for three purposes:

1. removal from Australia
2. investigating if the person can remain in Australia
3. determining whether to permit a valid application for a visa

Here, it was the third category as Plaintiff S4's case as a refugee was being considered. The Court held that in those circumstances, it was not lawful for the Minister then to grant different visas under another section (s195A) which effectively prevented an applicant from making a protection visa application. This was because the only reason he was lawfully detained was the assessment under s46A whether this refugee could even

make that very application.

The High Court also held that the duration of detention must be 'fixed by reference to what is both necessary and incidental to the execution of those powers and the fulfilment of those purposes. (para 29)' and that such a decision had to be 'undertaken and completed as soon as reasonably practicable' (para 34). Detention cannot be 'at the unconstrained discretion of the Executive.'

Previously the High Court held in 2004 in the *Al Kateb Case* that detention could be indefinite where there was still the possibility of arranging someone's removal from Australia. Whilst Plaintiff S4 does not seem to go as far as overturning the harsh effect of *Al Kateb*, it may reel back the harshness and certainly reminds the Government that detention can only be for a purpose based on the Migration Act, and that purpose cannot be political.

In the judgment the High Court referred back to the old case of *Chu Kheng Lim* (1992), about the detention of Cambodians from 1989. The judges remind us all that a non-citizen in the country, whether lawfully or not, 'is not an outlaw.' This is relevant because the Government has insisted on demonising people by incorrectly referring to asylum seekers arriving without a visa as 'illegals'.

As recently as the day before the judgment, the Minister in his speech to the National Press Club continued his demonisation of asylum seekers arriving by boat by trying to link the naughty 'queue jumping illegals' to the horrid 'dole bludgers'. He stated: Refugee resettlement is not an economic upgrade programme. It is about providing protection from persecution. If this remains simply the responsibility of first world nations then not only will the number of places remain limited but the programme itself will become a pull factor for people smuggling. The attraction of first world economies and first world welfare is understandably strong. The refugee convention and refugee resettlement is supposed to be for asylum seekers not Centrelink seekers.

This misses the obvious facts that, firstly, Australia cannot subcontract its international obligations to poor countries like Cambodia, Nauru or Papua New Guinea. Secondly, refugees are entitled to and want to get on with their lives, and the vast majority of refugees and asylum seekers are in developing countries and have no access to durable solutions. So Lebanon, for example, has nearly 850,000 refugees (mostly Syrians) in a population of only 4.5 million. Even Italy has received over 60,000 people by boat just this year. Such facts put the irrational fears of being swamped in Australia in perspective.

Putting the situation of asylum seekers into human and global perspectives is something lacking in the toxic political discourse in Australia. Advocates and commentators on each side are solidly entrenched in their positions, rather like the Western Front 100 years ago. Progress in addressing complex issues such as the irregular movement of refugees around the world is not achieved by three word slogans and demonising and punishing the people. There may not be simple solutions to complex issues such as how to reduce the risk of travel by boat without punishing the refugees. The High Court reminds us there are people involved and they are not 'outlaws'.

Kerry Murphy is a partner with the specialist immigration law firm D'Ambra Murphy Lawyers. He is a student of Arabic, former Jesuit Refugee Service coordinator, teaches at ANU, an IARC ambassador, and was recognised by AFR best lawyers survey as one of

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