

# EUREKA STREET

A MAGAZINE OF PUBLIC AFFAIRS,  
THE ARTS AND THEOLOGY  
Vol 15 no 2 March 2005 \$7.50 (inc. GST)



A boy in Damascus

The arc of European reconciliation

Frank Brennan:

Australia's judicial isolation



# Summer quiz

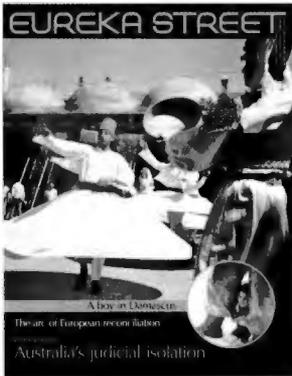
by Lucille Hughes

# answers

- 1) The Kakapo parrot is found in New Zealand.
- 2) *Lichenostomus melanops*, or Yellow tufted honeyeater.  
NB: Victoria's official bird emblem is the helmeted honeyeater, *Lichenostomus melanops cassidix*.
- 3) Dog Monday.
- 4) Marianne Faithfull.
- 5) Bridge (the World Team Olympiad).
- 6) (i) Michael and Patrick Canny.  
(ii) Michael Canny.  
(iii) 19 (Michael) and 22 (Patrick).  
(iv) John Hines was shot and killed.
- 7) Lazzaro Spallanzani, in Italy 1765.
- 8) 250 miles or around 402.33600 kilometres.
- 9) (i) Monaco—population per sq km—16,350.  
(ii) Mongolia—population per sq km—1.8.  
(iii) Botswana with 33.6 deaths per thousand.  
(iv) Andorra with average life expectancy of 83.5 years.
- 10) (i) Narsil.  
(ii) The Prancing Pony, Bree in *The Fellowship of the Ring*.  
(iii) Andúril, the Flame of the West.  
(iv) A prophetic dream of his brother Faramir, in which he was told to 'Seek for the Sword that was broken'.
- 11) Pemulwuy was the leader of a band of about 100 warriors who waged a guerrilla war on the European colony of New South Wales between 1790 and 1802.
- 12) Wreck Bay. On the south coast of New South Wales, Wreck Bay lands were returned in 1987.
- 13) Jan Carstenz, a Dutch seafarer, described armed conflict with Aborigines on the northern coast of Australia in 1623.
- 14) Noboru Wataya. The name is given both to the hero's cat and his brother-in-law, in a crucial plot twist.
- 15) Art's screen name is 'trepan' and his lawyer's name is 'junta'.
- 16) Aunt Baba refuses to consider a divorce because of the inevitable drop in her social status that it would cause.
- 17) (i) Gustave Flaubert.  
(ii) The Bach Cantata is *Ich hatte viel Bekümmernis*.
- 18) The key's name is 'promise'.
- 19) The Wiener Kunst im Hause (Viennese Art at Home) group. She first exhibited her ceramic art at the 1900 Paris Exhibition.
- 20) Bruce Armstrong is better known for his huge 'chainsaw' sculptures of animals, such as his huge eaglehawk *Bunjil* which overlooks the Docklands, Melbourne.
- 21) The Golden Section.
- 22) (i) The remains are those of Lord Nelson (1758–1805);  
(ii) the cardinal was Cardinal Wolsey (1473–1530); and  
(iii) the artist was Giovanni da Maiano.
- 23) Édouard Manet (1832–83) and the offending painting was his reclining nude figure *Olympia* (1863).
- 24) If  $1+2+ \dots +2n$  is prime, then  $2n(1+2+ \dots +2n)$  is perfect. The quote is from Euclid's *Elements*, IX.36, 300BC (extra point).
- 25) Robert Recorde (c. 1510–1558) in his treatise *The whetstone of witte* (London, 1557).
- 26) A Balmer edge is a kind of feature in the spectra of a celestial object which occurs at a specific wavelength or range of wavelengths. This feature is commonly used to diagnose the nature of the surface of the Sun and other stars, but has never before been seen in visible light from black holes.
- 27) The Australian Security Intelligence Organisation.
- 28) (i) Easily recognisable or distinguishable; conspicuous. This word sounds very interesting, and is all the more remarkable because it is etymologically unrelated to the similar-sounding and synonymous conspicuous (Latin *con*, an intensive, and *specere*, to look). Kenseckle is mostly used in Scotland and northern England.  
(ii) Study or composition lasting late into the night.  
(iii) To despise; to make light of; to disparage mockingly. Related to vile and vilification, vilipend is a word that disparagement, slander or criticism, but with a fairly light tone.
- 29) In *The Hitchhiker's Guide to the Galaxy*, by the late lamented Douglas Adams, the meaning of life is 42, while in the 'real life' of theoretical physics, string theory was validated when all the potentially anomalous equations were shown to be capable of resolution to the number 496.
- 30) They all won the 2004 Walkley awards in their various fields of journalism.

The winners are:

Rhonda Lewis, Mt Eliza, VIC; Tyler Saxton, Mill Park, VIC; Pat Pilgrim & Co, Randwick, NSW.



# EUREKA STREET

A MAGAZINE OF PUBLIC AFFAIRS, THE ARTS AND THEOLOGY  
VOL 15 NUMBER 2 MARCH 2005

## COMMENT

- 4 *Andrew Hamilton* Out of our depth

## LETTERS

- 5 *Gavan Breen, Christopher Fogarty and Noelleen Ward*

## COLUMNS

- 7 *Capital letter*  
*Jack Waterford* The Right stuff
- 9 *Archimedes*  
*Tim Thwaites* Spicks and specks
- 10 *By the way*  
*Brian Matthews* Plus ça change
- 11 *Summa theologiae*  
*James McEvoy* Violence transformed
- 50 *Watching Brief*  
*Juliette Hughes* Must grumble

## THE MONTH'S TRAFFIC

- 8 *Mick Sexton* Joy and sorrow in Sri Lanka, *Ben Fraser* Back up to par

## FEATURES

- 12 *The arc of European reconciliation*  
*Hugh Dillon* examines the Dresden legacy.
- 14 *The case for reconciliation*  
*Kirsty Ruddock* looks at the place of customary law in the Solomons.
- 18 *Australia's judicial isolation*  
Australia has moved far from its jurisprudential roots, argues *Frank Brennan*.
- 24 *The comforting word*  
*Gillian Bouras* looks at loss and familiar things.
- 26 *A farewell to arms?*  
*Anthony Ham* considers the diminishing influence of ETA.
- 28 *Beginning of the end*  
*Troy Bramston* reviews the Whitlam cabinet papers.
- 31 *March for Brosnan*  
*Louise Clarke* reflects on the anniversary of John Brosnan.
- 32 *What lies beneath*  
*Peter Davis* looks at the efforts of Sri Lanka to eradicate landmines.
- 34 *A boy in Damascus*  
*Susan Dirgham* is entranced by a local Damascene.

## POETRY

- 17 *Yang Weizhen* Random thoughts, *Yang Ji* Mountains deep and shallow, *Zhang Zhihe* Fishing song, *Li Yu* Moon like a hook, translated by *Ouyang Yu*

- 47 *Meng Haoran* Missing my friend, *Jie Xisi* Cold night, *Li Bai* Drinking alone with the moon, translated by *Ouyang Yu*

## FICTION

- 36 *Mary Manning* The third Great Bang

## IN PRINT

- 39 *An ecumenical spirit*  
*Philip Harvey* reviews *Fresh Words and Deeds: The McCaughey Papers*, edited by Peter Matheson and Christiaan Mostert.
- 40 *Tracking a reign of terror*  
*Ben Fraser* follows Sally Neighbour through *In the Shadow of Swords: On the trail of terrorism from Afghanistan to Australia*.
- 42 *Lost in the detail*  
*Peter Stanley* reviews John Hamilton's *Goodbye Cobber, God Bless You*.
- 43 *The shores of the past*  
*Jane Carolan* enjoys an encounter with Barry Hill in *The Enduring Rip: A History of Queenscliffe*.
- 44 *Forgiving and forgetting*  
*Gavan Daws's Prisoners of the Japanese: POWs of World War II in the Pacific* prompts some reflection from *Denis Tracey*.
- 45 *The shortlist*  
Reviews of the books *After the Fireworks: A life of David Ballantyne*; *When faiths collide*; *Classical literature: A concise history* and *In the shadow of 'Just Wars': Violence, politics and humanitarian action*.

## THEATRE

- 46 *Rare fruit*  
*John Carmody* savours Prokofiev's *The Love for Three Oranges*.

## FLASH IN THE PAN

- 48 *Reviews of the films Alexander, Closer, Sideways and Million Dollar Baby*

## PUZZLED

- 51 *Joan Nowotny* Cryptic crossword

**Editor** Marcelle Mogg  
**Assistant editor** Robert Hefner  
**Graphic designers** Maggie Power and Janneke Storteboom  
**Director** Christopher Gleeson SJ  
**Business manager** Mark Dowell  
**Marketing/advertising manager** Camille Collins  
**Subscriptions** Denise Campbell  
**Editorial, production and administration assistants** Geraldine Battersby and Lee Beasley  
**Film editor** Siobhan Jackson  
**Poetry editor** Philip Harvey  
**Jesuit editorial board** Andrew Hamilton SJ, Greg Baum, Virginia Bourke, Jane Mayo Carolan, Christopher Gleeson SJ, Marcelle Mogg, Jack Waterford.  
**Patrons** *Eureka Street* gratefully acknowledges the support of C. and A. Carter; the trustees of the estate of Miss M. Condon; W.P. & M.W. Gurry

*Eureka Street* magazine, ISSN 1036-1758, Australia Post Print Post approved pp349181/00314, is published ten times a year by *Eureka Street Magazine Pty Ltd*, 300 Victoria Street, Richmond VIC 3121 PO Box 553, Richmond VIC 3121 Tel: 03 9427 7311 Fax: 03 9428 4450 email: eureka@jespub.jesuit.org.au <http://www.eurekastreet.com.au/>  
 Responsibility for editorial content is accepted by Andrew Hamilton SJ, 300 Victoria Street, Richmond  
**Printed by** Doran Printing  
 46 Industrial Drive, Braeside VIC 3195.  
 © **Jesuit Publications 2005**  
 Unsolicited manuscripts will not be returned. Please do not send original photographs or art work unless requested. Requests for permission to reprint material from the magazine should be addressed in writing to the editor.

This month  
**Cover:** Whirling dervish by Susan Dirgham, story p34.  
**Cover design:** Maggie Power  
**Cartoons:** Dean Moore p38 and p41.

# Out of our depth

**I**N OUR JANUARY ISSUE, we wrote facetiously about tsunamis. When we went to press before Christmas the comment was mildly funny. By the time you received *Eureka Street* in late December, it was in deplorable taste. A small but emblematic instance of the difference made by one wave that turned life into death, struggle into defeat, and ordinary states of mind into unimaginable grief.

To speak decently of the tsunami continues to be difficult. Not merely because it is hard to find words that fit, but because when we speak of it, we say more about ourselves than of the event. The tsunami measures our words and our hearts.

Sometimes they are found wanting. Calculations of how the tsunami and reconstruction might affect the stock market, for example, of its effect on various Islamic groups, and of how aid might be tailored to Australia's strategic interests say more of what has been washed away in the writer's heart than on the shore. Exclusive grief for Australian victims and exclusive adulation of Australians who did what common humanity required of them also disclose smallness of soul and not the greatness of the disaster.

Sometimes, though, proper things are said—more often in human lives and gestures than through words. Images of people who have lost everything, themselves lost in grief, caring for others, clawing their way back to life, speak deeply to us.

Among Australians, as elsewhere in the world, generosity and compassion have also found silent words. At the most basic level many have simply allowed the tsunami to enter their imagination, perhaps enjoying the beach with their families while grieving compassionately with those for whom the sea became an enemy. Some have put their gifts and their wealth unnoticed at the service of those affected by the tsunami. Helpful words have been modest: they tell stories, like that of the medical student who, spared by the waves, offered her skills to help identify those taken.

In Australia, too, the Government has spoken powerfully through large gestures. Mr Howard and Mr Downer, in particular, have responded with exemplary leadership, generosity and sensitivity. If



Images of Melbourne mourners by Mathias Heng

the less-publicised needs of others who make a claim on us were handled in this way, we would indeed be a fortunate society.

Among the questionable words spoken about the tsunami were comments about God's part in it. When we mention God and the tsunami in the one breath, either to assert or to deny God's providence, we are touching the most profound meaning of the event. In doing so, we may say something illuminating about God; we shall certainly reveal ourselves and our capacity to touch depths. To throw God into conversation in order to stir controversy, to use massive human suffering as a pawn in theoretical debate to entrench or remove God from the board, or to use the tsunami as an improving story to encourage virtuous living, would convict us of shallowness and frivolity.

That is why the most prudent religious leaders recommended that we first focus on those whose lives were destroyed by the tsunami, and only later muse about God's stake in it. Their advice was sensible because, when we respond to human suffering, practical generosity has precedence over theoretical reflection. It intimated also that we can speak of the deep meaning of the tsunami only after we have allowed its uncontrollable destruction into our mind and heart, and embraced its victims in compassion and in solidarity. In the meantime, we may find stumbling and forgettable words to console one another. But deep words can come only from hearts and minds exposed to the depths. ■

**Andrew Hamilton** *sj* is *Eureka Street's* publisher.

## Misnamed test

I have just read the review in the January–February 2005 edition of the book *Kisch in Australia*.

I was somewhat surprised to read two references in that article to the ‘diction’ test, formerly administered by Australia’s immigration authorities. It should, of course, be the dictation test. It’s not clear whether the test has been incorrectly named in the book, misdescribed by the reviewer or is simply a typographical error. In any event, it’s unfortunate that this notorious and arbitrary means of excluding potential immigrants from landing in Australia has been erroneously named in this way.

I’m not sure whether there is any corrective action you can take at this point; but I thought it was worth drawing to your attention as an unhappy slip of the pen in such a fine journal.

**Christopher Fogarty**  
via email

*Thanks for picking this up, Chris. You are quite right. We apologise for the error. —Ed*

## A mean mandate

Perhaps the Howard Government feels in addition to everything else that it now has a mandate for an increasing lack of compassion towards asylum seekers.

Not only are asylum seekers being deported to countries with repressive regimes and a record of human rights violations on political, religious and gender grounds, but the governments are being given personal information about those being returned.

Most of us do not need too much imagination to realise what is likely to be their fate.

**Noelleen Ward**  
Albert Park, VIC

## Unborn victims

Firstly, I assure Kerry Bergin (*Eureka Street*, November 2004) that, as a Catholic, I do not believe that the world was created in six days about 5700 years ago.

Or in many of the other things that the correct use of the term ‘fundamentalist’ implies. Nor do most other Catholics.

Secondly, I assure her that nowadays I justify my belief that induced abortion is wrong without reference to my church’s teachings.

I believe that abortion is wrong for the same reason that the average non-religious believer believes that murder is wrong. We belong to a society of human beings, and we believe that one human being does not have the right to kill another except in self-defence. (Different people will have different ideas of what self-defence means.) Certainly no human being has the right to kill an innocent fellow human. This belief came from a religious source but is accepted now as a fundamental value by most human societies.

Bergin mentions rape and other abominations, but if we deplore the practice in some societies of punishing the innocent victim, the woman who has been raped, how can we condone the punishing of the innocent product of a rape?

The suggestion that abortions do not involve victims and perpetrators seems to require a belief that the foetus or embryo is not a human being. Which seems then to require a belief that there is a change of species at some stage, from non-human being to human being (or perhaps from human non-being to human being).

The belief that the human foetus or embryo is a human being is not a religious belief (although some may hold it for religious reasons). It is based on the scientifically proven fact that from the earliest stage there is present a human life, genetically distinct from the parents, and capable, in the absence of fatal defects and gross interference, of growing and developing just as have Kerry Bergin and I and all your readers.

The idea, expressed by some politicians lately, that introducing abortion as a topic of political debate is to be deplored as introducing religion into politics should be ridiculed, because opposition to abortion need have nothing at all to do with religion. Opposition to abortion is a perfectly rational scientific attitude, given the principle that human beings shouldn’t kill other human beings.

**Gavan Breen**  
Alice Springs, NT



*Eureka Street* welcomes letters from our readers. Short letters are more likely to be published, and all letters may be edited. Letters must be signed, and should include a contact phone number and the writer’s name and address.

Send to: [eureka@jespub.jesuit.org.au](mailto:eureka@jespub.jesuit.org.au) or  
PO Box 553, Richmond VIC 3121

**I**T’S ASTOUNDING how distracted one becomes when surfing the web. Recently in search of a traditional hot cross bun recipe, a new tangent led me to a parallel universe—an article from 2003 entitled ‘Hot cross banned: councils decree buns could be “offensive” to non-Christians’.

Intrigue inspired the next search for a history of the ‘offender’. Like most Christian traditions, hot cross buns are an adaptation of a pagan custom. According to one source: ‘The cross represented the four quarters of the moon to certain ancient cultures and to the Romans it represented the horns of a sacred ox.’ This correlates with the definition of ‘bun’, which is thought to have been derived from the ancient word ‘boun’, meaning ‘revered animal’.

The Christian relationship to the hot cross buns could have originated around the 14th century when monks placed a cross on the buns to honour the ‘Day of the Cross’ (Good Friday). Father Thomas Roccliffe stamped his cross into spice cakes in 1361, distributing them to the poor visiting the monastery at St Albans.

In the 16th century Queen Elizabeth I attempted to knead out the ‘offender’ but in the end conceded defeat as the bun rose in popularity.

How far do we venture in terms of political correctness? Will children be sent to detention for playing noughts and crosses? Will athletes run aimlessly, unable to travel cross-country? The world economy could suffer a significant downturn if sports-shoe manufacturers are banned from the sale of cross-trainers.

—Lee Beasley

A new award for young writers

*Eureka Street* is delighted to announce the inaugural  
**Margaret Dooley Young Writers' Award**

**One of the distinguishing features of *Eureka Street* is its encouragement of reasoned ethical argument based on humane values.** These arguments ideally address people who own religious belief, and those whose view of the world is secular. To reflect ethically on public issues is a demanding discipline. **The Margaret Dooley Award is offered in order to support the development of young writers who will carry on the contribution of *Eureka Street* in this field.**

Margaret and Brendan Dooley have longstanding connections to the Jesuits and Xavier College. Margaret always appreciated the value of communication and education for young people, based on spiritual and personal values. She graduated from Sacre Coeur College in 1950, commenced nursing at St Vincent's Hospital and, with Brendan, raised four children. Margaret died in 2004. The Dooley family are pleased to support this initiative.

**The annual award of \$2000 is open to any writer**, previously published or unpublished, under the age of 40. Entrants must submit two previously unpublished articles that offer: **ethical reflection** directed to a non-specialist audience on any serious topic, **appeal to humane values**, such as those that are found within, but are not exclusive to, the best of the Christian tradition, **clear argument** and elegant expression, and a **generosity** and courtesy of spirit **animating forceful argument**.

One article should be of no more than 800 words. The second should be of no more than 2000 words. They may take up the same, or different, topics.

**Entries** are to be submitted by **5pm Friday, 29 July 2005**, to:  
**Margaret Dooley Young Writers' Award, Eureka Street, PO Box 553, Richmond VIC 3121.**

The award will be made only if the judges believe that the best entry is of sufficient quality. The winner will be published in the September issue of *Eureka Street*. For more information and an application form please go to [www.eurekastreet.com.au](http://www.eurekastreet.com.au)



**Relax  
with God  
and  
Minister  
to Yourself**

## SAT Sabbatical Program

**Time to...**

- Rest
- Be Nurtured
- Be Free
- Play
- Pray
- Share New Ideas

Self-contained, free and flexible modules are specifically designed to assist individuals to integrate theology, spirituality, human development and ministry with their lived experience.

**Four-month and Nine-month programs**

SAT • School of Applied Theology  
Graduate Theological Union  
2400 Ridge Road • Berkeley CA 94709  
1-800-831-0555 • 510-652-1651  
email [satgtu@aol.com](mailto:satgtu@aol.com)  
website [www.satgtu.org](http://www.satgtu.org)



“Violence is like Vegemite. It’s in everyone’s cupboard – and the taste for it is quite often handed down from generation to generation.”

*Joel Deane, speechwriter for Premier Steve Bracks*

“It is important to empower indigenous Christians to go back to their own peoples in culturally appropriate ways, because... they are the only ones who will be able to take the imperialist face away from evangelisation.”

*Bishop Hwa Yung speaking at the recent CMS Summer Conference*

**Mention this ad for a free sample copy of TMA  
Phone: (03) 9653 4221  
or email: [tma@melbourne.anglican.com.au](mailto:tma@melbourne.anglican.com.au)**



# The Right stuff

**T**HE OLD FIRM is now entirely back in charge of the Labor Party. Not just Kim Beazley but the NSW Right. And Brian Bourke. And Joe Ludwig. The right-wing factions—after a year or two of destabilisation at both state and federal levels—have found some sense of purpose, and even some reasons for unity. Not because they have any agenda for what they might do with this power, or even, heaven help us, of winning *real* power, but because they like to be in control. With their man. Their way of doing things and of resolving things in the back rooms. Of dispensing favours and pre-selections, and of punishing enemies. The whole Mark Latham nightmare is over. We are back to normal, and, if normality means being with Labor's greatest ever loser, so be it. There's no one better around.

The Latham nightmare was not of his losing the election, though that was very careless of him. He had been given unusual leeway. Few had trusted his judgment, or his personal or political instincts, and everyone knew his weaknesses, though for a whole 13 months he had maintained a self-discipline that many who knew him well had believed impossible. He had been a gamble, and the gamble failed. Not only that, but after the election he had begun to deteriorate, and then to evaporate. Beazley supporters had been manoeuvring against him for months but not in a way so as to make his demise seem an assassination. It was necessary that Latham step over the cliff himself, or at least come to realise that he was standing in the air. His own maladroitness, and the incompetence of his deputy leader, as well, perhaps, as his illness made the terminal stages easy and the transition undramatic. Beazley wanted to be drafted. A few pests openly cocked their ears for the call; they were soon disabused of the idea that standing in the way of a restoration could give them a future.

The parallels with John Howard's situation when, in 1995, the leadership of the Liberal Party was restored to him by draft, might seem obvious. But Howard had waited in the shadows, even to occasionally (and usually very disloyally) parading his superior leadership credentials because he had an agenda for government. The Liberals had flirted with new generations and new ideas and it had got them nothing. Howard had experience. He was predictable. Safe. Reliable. Stable. Consistent. Known to the voters and—even if a radical—not the sort of person whose discourse excited fear or frightened the horses.

Kim Beazley is something else. Affable and well-liked, and on both sides of politics. Respected. But not a man with a driving idea. Or with ideals. Not a man who can turn a phrase, or persuade anyone to change his mind. Ever. He's always been a son of the factions, particularly a favourite son of Brian Bourke and with close links to Sussex Street in NSW. He has never opposed anything that his factional bosses have wanted, never

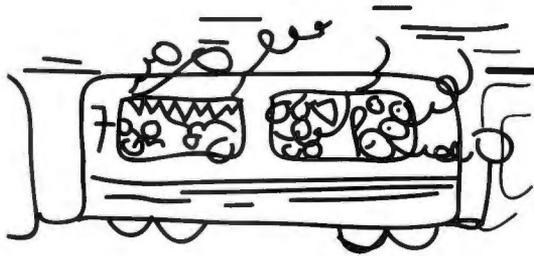
once criticised them. They in turn have done the dirty work on his behalf, as, earlier, they did for Bob Hawke, because, like Hawke, Beazley has no capacity for confrontation, for the butchery that is sometimes necessary. Nor any capacity for carrying a debate in his own caucus, his own shadow ministry, or, earlier, in Cabinet. In public he can mount a debate competently, and seem to lose it gracefully enough, but there's significance in the fact that after 25 years in representative politics, all but three on the front bench, he is remembered only for the gracefulness of two concession speeches after he had lost elections. In those 25 years he has never won an elected position if there was a candidate standing against him.

A decent person who has never once run a political risk to help a person or a group or an issue in need, unless they were Labor mates in trouble with the law, or right-wing mates in trouble with the party, or issues which affected the power base of his backers. A man incapable of finding a phrase by which he could support refugees in desperate search of a haven from hells he understood well, but who could, on pragmatic grounds, turn his back on them. A man whose closest friends and confidantes in federal politics are Wayne Swan and Stephen Smith, who represent, to many old Labor members, the moral and intellectual vacuum that the party has become. And who now, as they have always done, are looking for ways to confuse Labor as a brand name, and to make it reflect whatever fad or prejudice comes back from the focus groups. The same focus groups whose ideas have already been put on the rails by the far more effective politicking of the professionals behind John Howard.

**O**N SOME ISSUES, including international relations, Beazley is in the same orbit as the Prime Minister, simultaneously unable to find saleable points of distinction and, from the opposition leadership, unable to match Howard for authority or prestige. No points of difference on Iraq, on the war against terror, on US–Australia relations, on the treatment of American prisoners, or even on relations with Indonesia and south-east Asia. Incapable even of making effective jibes at the pretensions of Alexander Downer. Incapable of making appropriate political criticism of the treatment of people in Australia's concentration camps or of giving Labor any profile on human rights. With nothing to say on health care, or higher education, or welfare policies, or Aboriginal affairs. But a view that the party ought to be seen as more comfortable with Australia's prosperity and ahead in the auction for doling out more tax cuts. Beazley, one must think, can lead Labor only over a cliff. ■

Jack Waterford is editor-in-chief of *The Canberra Times*.

the month's  
traffic



## Joy and sorrow in Sri Lanka

THE 5.22

AS THE OLD SAYING GOES, joy and sorrow are two faces of the one coin. Well, the coin certainly flipped quickly for us here in Sri Lanka. The lead-up to Christmas was full of the usual sales and celebrations and there was obviously no hint of the disaster that would cast such a pall over the island during the weeks that followed.

In order to enter the Christmas spirit, I decided to catch the 5.22pm train from Colombo to Negombo on Christmas Eve.

The week before Christmas I was in Colombo and caught the 5.22 home. I was early arriving at the station and managed to get a seat, a rare privilege in most public transport here. As the carriage filled, the passengers greeted each other warmly and joked playfully with one another. Those standing claimed the right to load those who managed to get a seat with shopping bags, umbrellas and other paraphernalia. And those sitting happily accepted their role as cloakroom managers. I suggested to the man sitting next to me that he could open a shop if he collected any more bags. His reply was quick—he was not much of a salesman but he was prepared to offer me the black one for a fair price! This sort of good-natured banter reflected the tone of most of the conversations.

I had presumed that the passengers all worked in the same office. No, my bag-seller neighbour, Suriya, informed me.

They simply caught the same train, morning and evening, and many had done so for more than ten, 15 and even 20 years. They always gathered in the same carriage—number seven—and, in the absence of newspapers, books and walkmans, it seemed that familiarity had bred friendship. Suriya invited me to join them on the 24th—‘that’s when we really celebrate’. And so it was that I made the trip to Colombo just to take the train home again.

Once more I arrived early at the station, but no chance for a seat this time. I was given a roll of streamers and conscripted into helping with the decorations! Some of the passengers had knocked off work early and were making sure that carriage number seven was properly decked out to encourage a festive spirit. By the time the train departed, there were streamers and tinsel hanging from the luggage racks, balloons being palmed around and even a mini Christmas tree, with star atop, perched on one fellow’s head.

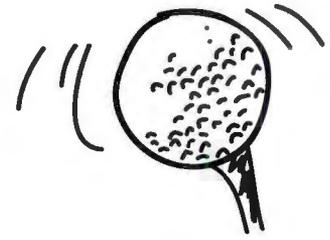
Then the carols started. Buddhists and Christians alike raucously bellowed *Joy to the World* above the rattle of the train. The singing continued throughout the journey with a mix of Sinhala and English carols. Like elsewhere, memory of the words usually faltered after a verse and a chorus, but as one petered out a new one was quickly begun. Nobody minded repeats and *O Come All Ye Faithful* proved a favourite.

As sunset approached, candles were produced, passed around and lit. And that was how I left them when I got off at my station. Singing and celebrating the joy of the season and their fellowship with each other.

I haven’t caught the 5.22 since and haven’t heard how the tsunami affected my fellow Christmas travellers. Since we live on the protected side of the island, there will likely be no loss of life among them although all will know people who have died. The extent of the destruction and death has deeply affected us all.

New Year’s Eve was a national day of mourning and, as is the custom in Sri Lanka, white flags flew from public buildings, houses and cars, signalling the people’s grief. I didn’t see the 5.22 as it passed our place but I fancy there were white flags fluttering also from the windows of carriage number seven.

—Mick Sexton



## Back up to par

GOLF IN KABUL

MUHAMMAD AFZAL ABDUL was becoming impatient. Grabbing the nearest driving iron, he grounded the club, took a looping swing and spanked the ball off the tee. The ball shaped an obedient fade and landed safely, a short wedge from the pin. Point proven, he returned the club and continued the verbal coaching as we completed the formalities. After the inevitable butchering that followed—a mixture of carve and slice—Abdul led the playing group down the first on a scenic excursion around Kabul’s premier golfing attraction.

Situated in a dusty basin in the outer environs of Kabul, the golf course has recently reclaimed its identity, having for many years been subject to the frequent imposition of war and ideology. Originally constructed during the reign of the country’s patriarch, King Zahir Shah, then relocated after his dethronement by his cousin Mohammed Daud, the course now abuts the Qargha Dam. Thankfully, the dam does not feature as a monstrous water hazard; however, it remains a popular spot for picnicking on the Jumma religious holiday and a glorious vantage point for a curious gallery.

The course was effectively abandoned during the Russian occupation and descent into civil war and was outlawed by the religious police of the Taliban. With specific edicts banning kite-flying and pigeon-fancying, golf could only be considered an affront to the air above. Nonetheless, in a city increasingly savvy to Western tastes, the golf course has proven a magnet for visiting expatriates and a continuing labour of love for Abdul, the crack club professional.

From a cursory glance, the course is only distinguishable by the fluorescent

flags planted in the jet-black 'greens'. Rolled with a mixture of sand and sump oil, the greens offer little variability, instead giving generous value for speculative putts. The fairways, a delight for rock fanciers, offer unpredictable lies and next to no reward for a gun-barrel-straight drive. The absence of even a blade of grass invalidates the need for a groundskeeper, but permits judicious use of the fairway tee and other concessions from the hackers' manual. Hazards abound, though fortunately reduced by the efforts of a mine-clearance team who swept the course prior to its reopening. Golfers may, however, encounter a bore well sunk at the lip of the second green, a herd of goats forlornly grazing on the fifth, and disused explosive cartridges in the rough, seemingly begging the out-of-bounds rule.

As a spectacle, as indeed we were, the round attracted a full complement of characters. My young caddy's frequent discursions into conversational German failed to improve my club selection, while our complementary troupe of ball-spotters stationed like nervous ninepins on the fairway, more often pointed at each other than at the location of an errant drive. The gallery swelled considerably as we tore up the course, the sight of eight expatriates berating an undersized white ball with a misshapen metallic stick guaranteeing an afternoon's light comedy. The female players were particularly conspicuous trying to preserve their modesty during a full-blooded swing.

After retiring the round early due to a combination of bad light and worse form, we paid off our entourage and bid farewell to Abdul, who had already begun planning the country's inaugural tournament, presumably featuring the cream of Kabul's aid-worker community. Even without a patch of grass, a complete set of clubs or the obligatory 19th hole, Abdul had proven himself a genuine innovator and Afghanistan's most eminent golfing tragic.

—Ben Fraser

*This month's contributors:* **Ben Fraser** worked in Afghanistan for national and international NGOs from 2002–2004; **Mick Sexton** FMS is a Melbourne Marist brother presently living in Sri Lanka.



## Spicks and specks

**S**CIENTIFIC RESEARCH is all about making life more predictable. So it's odd that one of the great fascinations of research is its very unpredictability. Who could have foreseen that the efforts of physicists in Europe to transfer huge amounts of data quickly to their American colleagues would have led to a technology that has transformed human society—the World Wide Web? In fact, whenever you bring together a bunch of researchers to work on a particular problem, it's surprising how often they come up with a solution for something else.

Take the recent experience of the Co-operative Research Centre (CRC) for Clean Power from Lignite. As part of its work on brown coal gasification, the centre developed an instrument to detect specific contaminants in the gas produced. It resulted in a technology which can determine the elements in solids quickly and cheaply. The machine is potentially so useful to such a wide range of industries that it has been sold to a new Australian venture intent on building a business around it.

The original problem was to develop a means of measuring the level of sodium in fuel gas produced from brown coal or lignite. (Sodium, a highly reactive metal, corrodes the blades of turbines in power stations.) In collaboration with Monash University, the CRC assembled a team of researchers with expertise in lasers. While developing their instrument, they interacted with people from the power industry and recognised they could apply their talents to solving a longer-term problem.

Just as 'Oils ain't oils', 'Coals ain't coals'. Coal varies in composition with the level of moisture, organic compounds, and trace elements. Some coals burn better than others, some lead to greater corrosion of furnaces, some deposit more ash and char. If operators know about coal composition before it is fed into a furnace, then the combustion conditions can be tweaked to increase burning efficiency, and decrease fouling.

So power stations analyse the coal that is delivered to them to determine trace elements. Using conventional techniques, this analysis takes many hours and involves fiddling around with a series of chemical reagents. The Monash–CRC team came up with a laser-based instrument which can achieve the same results in a matter of minutes from a small disc of packed coal dust. It can also be used to build up an elemental profile of almost any other solid, making it relevant to all sorts of other mineral processing industries, and many other businesses besides.

On the basis of the work, an instrument known as the Spectrolaser was developed by Laser Analysis Technologies, a joint venture between the CRC and Automated Fusion Technology. Several machines have already been sold to the coal industry in Australia and overseas. Automated Fusion and Laser Analysis have now become part of a much larger company, XRF Scientific, which plans to invest in developing and marketing the Spectrolaser worldwide.

So, here we have a new product emerging from a gathered group of researchers who were brought face to face with industry by a CRC. The anecdote illustrates the importance of flexibility, the free flow of information, and the mix of researchers from different backgrounds with each other and with industry. Access to information and expertise is as important. We need to be careful about giving industry too much control of information and technology, in the form of patents, trade marks, and other forms of intellectual property. Product protection is necessary to ensure company profitability, but it can also bring innovation to a grinding halt. ■

**Tim Thwaites** is a freelance science writer.



## Plus ça change

**T**HIS TIME LAST YEAR, as I bravely confronted the first deadline for 2004, my insatiable desire for distraction was being well served by the view. Through the window to my left I could see high, leafy hills under a cold, cloud-scudding sky. And straight ahead, over the top of the monitor and perfectly positioned to capture my errant attention, regiments of vines, grey and knuckled in their winter uniforms, stood to attention in the gusty wind.

If that wasn't enough, I could let my imagination follow the machine-gun crackle of a chainsaw echoing along the valley below the village as the always-smiling Monsieur Dufours tackled that morning's pile of green wood which his customers, wreathed in smoke and shivering with cold, would soon be trying to coax into ignition in their fireplaces. Or, I could give up on the muse and stroll down to the village in the freezing air, along those narrow streets named after victims of the Nazis in April 1944, and chat to Louis the butcher about his great passion, 'le Roogby', and then have a coffee at the Café le Progrès before tackling the vertiginous hill that was my way home.

When February dawned last year, I had been living in that small Provençal village for about a month. I'd emerged from the terminal at Marseille airport on New Year's Day 2004 into a temperature of minus eight, having 30 or so hours earlier walked gratefully into the air conditioning at Tullamarine to escape Melbourne's nearly 40 degrees. The shocks—cultural, chronological, linguistic, meteorological, psychological and, for all I knew, biological—were queuing up to shake and stir me, and they duly did. But by the beginning of February I reckoned that, despite the inexhaustible capacity of life in a foreign country to produce alarm and confusion, I was well ensconced.

As I write, it is roughly one year on—4 February 2005. Framed in the window on my left are the dry hills and eucalypt scrub that circle the Clare Valley, while straight ahead—vines again, swathed in thick, camouflage green, marching up and down the hot summer slopes and across the ridges. Just to top off the military imagery, loud gunshot reports drift up from the vineyards at random intervals. They are 'scaring off' birds that have long since become used to them.

In place of Louis and Monsieur Dufours and Carmen behind the bar in the Café le Progrès and Madame Gaugin and the others is a very different rural backdrop. There's Jonno, who, when I first encounter him, rings me up to say, 'I've got a fridge for you and a post office box number. I don't reckon the fridge'll fit in the box so where d'you live, mate?' And Shane the builder, who, when I incautiously ring him

on his mobile at just before five on a Friday, explains that he's in the pub with 'the team' and could I ring the office on Monday morning; and Melanie, who will expertly make some curtains for the odd bare window; and Bill, who leaves us a two-cubic-metre skip to fill with offcuts and flattened cardboard boxes and paper and all the other stuff that emerges when you 'move in', but doesn't get round to retrieving it for two weeks; and Luke, who confronts the most mystifying of electrical problems with a sunny 'No worries, Brian'; and Butch, the mechanic, who arrives within 15 minutes of an emergency call to ginger up a thoroughly dead battery—'not a kick in the bastard, mate'.

**A**ND THEN THERE'S BAZ. During our years away, Baz has annually slashed acres of paddock, meticulously avoiding young saplings—though not 'those stunted bloody wattles. They last six years then turn black on you'—turning it all into beautiful, rolling, tree-studded slopes.

When we finally meet, having communicated for years only through the estate agent, he parks his tractor with the slasher in tow up near the shed and accepts our invitation to have a drink. I ask him if he minds drinking VB.

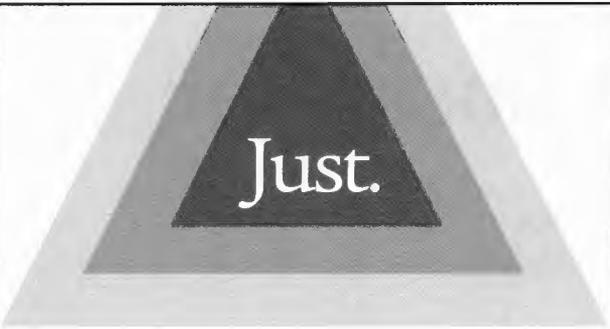
'No, mate,' he says, 'I'll drink whatever you're having, though I draw the line at green paint. Used to live just over the back there'—he waves a brown arm at the hillside—'but I lost the place along with a wife. Bloody disaster all round, really. Stuck with her 20 years, mind you. Very long bloody years, I can tell you. I'm a peaceable kind of silly bastard but I tell you what, I could have murdered that bloody big Maori that ran off with her. All in the past, though.' He takes another swig of his stubby.

We discuss the next job, which will involve bringing over his earth-moving equipment, as the long summer dusk turns the newly cut, dry grass golden, and parrots and magpies bicker and swoop, mopping up after the day's marauding. Wild ducks and a lonely heron dip and forage at the edge of the shrinking dam.

As darkness falls, we turn inevitably to footy. He's a Port Adelaide man, and as I listen to his amiably passionate tirade with remarkable aplomb—after all, Port put the Saints out of last year's Grand Final by one solitary kick—I could be 17,000km north, listening to Louis on 'le Roogby'.

*Plus ça change ...* ■

**Brian Matthews** is a writer who also holds professorial positions at Victoria University, Melbourne, and Flinders University, Adelaide. He lives in the Clare Valley in South Australia.



Just.

Just get it done.  
Just do the minimum.  
Just be happy  
where you are.

But to be just is also to be fair.  
It is a choice that expands our  
lives, the lives of others,  
God's presence in the world.  
It motivates you to  
a life of service.

Our Master of Divinity program  
gives you the sturdy  
theological and practical  
foundation for ministry  
in the church.  
Join seekers from the world over  
to explore contemporary  
theological questions.

**Just start with [www.wjst.edu](http://www.wjst.edu)**

▲  
**WESTON JESUIT  
SCHOOL OF THEOLOGY**

Cambridge, Massachusetts (Harvard Square)

1-617-492-1960

[admissionsinfo@wjst.edu](mailto:admissionsinfo@wjst.edu)

summa  
theologiae



## Violence transformed

**T**HE WAVES OF GENEROSITY from individuals, governments and corporations in response to victims of the recent tsunami bring to light a real strength in modern culture. We have high standards of compassion. Certainly you would hope that devastation on such a scale and the plight of the survivors would move us, but the full-hearted response should not be missed. Of course, our generosity suffers from the usual human limitations and hypocrisy: our focus is selective and our motivation mixed. Yet to my mind, the significance of the response was captured in a television interview with a New South Wales surgeon working in Aceh in the first few days of the relief effort. He felt compelled to help, he said, because of the 'inalienable dignity of every human person'.

The response to the tsunami bears out the argument of cultural theorist René Girard that modern culture has a 'concern for victims' to a degree with no precedent in history. The values that consciously shape modernity—equality and mutual respect among them—move us to seek out and care for those who are victims. This concern for victims obviously has its roots in the Christian command to love of neighbour but it finds a much wider application today than it has previously. 'Our world did not invent compassion,' says Girard, 'but it has universalised it.'

The modern concern for victims also has a dark side, according to philosopher Charles Taylor. Paradoxically, it has the capacity to mutate into the logic of both terrorism and the violent response to terrorism. When concern for victims is such a cultural value, we can come to see ourselves as victims and therefore pure, and the other as victimiser, deserving of punishment and vengeance. As Taylor puts it, we believe that 'our cause is good, so we can fight, inflict a violence that is righteous: a holy violence' ('Notes on the Sources of Violence', in *Beyond Violence*, ed. James Heft [Fordham, 2004], p36). The result is obvious in terrorist struggles today and even in the violent response to terrorism: each side claiming the status of victim and the right to mete out punishment as the spiral of death-dealing violence escalates.

The commemoration of Jesus' death in Holy Week offers a vision and pattern of action that transform violence. It does not provide a general political remedy for terrorist conflicts but offers insight into the spiral of violence and the means of turning it inside out. With his words from the cross in Luke's narrative—'Father, forgive them; for they do not know what they are doing' (23.34)—Jesus renounces the will to wreak vengeance on his executioners. His forgiveness of them acknowledges their flawed humanity, a humanity that he shares, and that finds its meaning in the God whom he knows is bent over the world in love. No simple solutions are provided for complex political problems, but the crucial concern shifts from revenge to healing. ■

**James McEvoy** teaches at Catholic Theological College, Adelaide.

# The arc of European reconciliation

Both the Dresden firestorm and the Holocaust were products of the insidious tendency in wartime for the previously unthinkable to become routine.

**O**N THE NIGHT of 13 February 1945, 805 RAF Lancaster bomber crews set out on what was, apparently, just another raid on a German city. For the loss of nine aircraft, Bomber Command dropped approximately 2600 tonnes of high explosive and incendiary bombs into the centre of Dresden, creating the firestorm that devastated it. The numbers of people killed are still disputed but the best evidence suggests that 25–35,000 died (only slightly fewer than at Nagasaki under the second atomic bomb). About 35 square kilometres of the city were completely destroyed and many more badly damaged.

The raid left us one of the most famous and powerful photographic images of the war. From high on the roof of the Town Hall, a blackened statue of a woman, her arms spread, appears ready to embrace in pity the skeletal remains of gutted buildings which run for block after block. It is a view of Sodom and Gomorrah after the cataclysm. One of the Lancaster pilots who had looked down in awe at the blazing city was Frank Smith, whose son Alan, nearly 60 years later, would play a significant role in Dresden's resurrection.

Although it is crucial to emphasise here that I reject any suggestion of moral equivalence between the Allies' destruction of Dresden and the Nazis' genocidal campaign against the Jews, both were products of the insidious tendency in wartime for the previously unthinkable to become routine or even desirable. On 3 September 1939, when Neville Chamberlain declared war on Germany in support of Poland, practically no one in either Britain or Germany had heard of Auschwitz. Most Europeans knew Dresden only as an architectural marvel, 'Florence on the Elbe'. That both Auschwitz and Dresden would become and remain icons of the utmost horror was simply inconceivable in London and Berlin that early autumn day.

Even as he started a war he blamed on them, Hitler had no plans to murder the



All images of Dresden courtesy of AP/AAP

Jews of Europe. Yet in less than two years genocide had become a major, if highly secret, war aim of his. And when the RAF went to war in September 1939, it was ordered to confine its air raids to offshore naval targets because of the possibility of causing civilian casualties if land targets, even of a military nature, were attacked. While, in the light of what we know happened afterwards, this punctiliousness seems almost laughable, British policy at that time was one of strict compliance with international law as it then stood. Growing casualties forced Bomber Command to fly at night to avoid enemy fighters. The Germans then inconveniently turned off the lights in their cities, making targets hard to find. Gradually, along with many aircrew, the law became a casualty of war.

On 14 February 1942, the British Government made the fatal decision to abandon its policy of solely striking military targets and ordered Bomber Command to attack 'the morale of the enemy civil population', i.e. to bombard German cities.

The new theory was that if armaments factories could not be hit, their employees could be killed or bombed out of home, reducing the efficiency of the economy and the desire of workers to continue the war. A new fire-breathing commander, Air Chief Marshall Sir Arthur Harris, was placed in charge of Bomber Command.

Harris had fought as a fighter pilot during World War I and had become a true believer in the superiority of strategic air power over massed infantry tactics. He was convinced that Germany could be defeated from the air given sufficient numbers of bombers and a no-holds-barred approach to bombing cities. He was contemptuous of any other approach and, late in the war, was almost removed from his post for his resistance to orders requiring him to give priority to bombing oil and transport targets rather than cities. His ferocious and callous approach to the deaths of German civilians was demonstrated most graphically after the devastation of Dresden resulted at last in Churchill reviewing the policy of area-bombing. 'I would not

regard the whole of the remaining cities of Germany as worth the bones of one British grenadier,' he protested. 'The feeling over Dresden could easily be explained by any psychiatrist. It is connected with German bands and Dresden shepherdesses ...'



Under Harris's control, Bomber Command relentlessly attacked German cities most nights of the war. Dresden is the most famous of his victims, but it was also one of the last. By 12 February 1945, it was one of a very few German cities that had not been heavily damaged by air raids. While Dresden is famous for its firestorm, Hamburg suffered one even worse in July 1943, in which about 42,000 people died. So delighted was Harris with the results of the Hamburg raid that he sought to emulate it for the rest of the war. Five hundred thousand German civilians are estimated to have been killed in air raids.

For Harris, the victims under the bombs were simply statistics. One dark night during World War II, an English police officer waved down his speeding car. 'The way you're travelling, sir, you'll kill someone,' he scolded Harris. 'Young man,' came the reply, 'I kill thousands of people every night!' In Dresden, these thousands burned, were boiled to death in fountains and water tanks, crushed, vaporised or disintegrated by high explosives or suffocated as the tempest reached 1000° centigrade and oxygen was sucked out of

the air. Survival was little consolation. The German writer W. G. Sebald relates the story of a woman, bombed out of home and deranged with grief, carrying her dead child around in a suitcase for several days.

Auschwitz necessarily stands as a monument to unfathomable guilt—Nazi, German, human—and loss. While a survivor recently stated that if he met Dr Mengele (the camp doctor and mass murderer) he would forgive him, Auschwitz defies reconciliation. It is proper that it signifies the unforgivable, the irreconcilable.

Dresden, however, can tell us another story. Canon Paul Oestreicher was the son of a refugee German Jewish father. He is the former director of the Centre for International Reconciliation at Coventry Cathedral. Despite his commitment to the reconciliation of Britain and Germany, he has an unblinking vision. Reconciliation is costly. 'The Germans brought it on



themselves,' he told the *Financial Times* (UK) in 1995. 'They started the bloody war. The anniversary of the bombing of Dresden is, among other things, supposed to teach us to avoid another Dresden ... History creates symbols. Dresden is a symbol for all the cities which had been bombed during the war.'

It is now, however, emblematically more striking and complex than this alone. On 22 June 2004, with the interesting number of 30,000 people watching, a 15-year program to rebuild the Frauenkirche, the largest Lutheran church in Europe, and, until February 1945, one of its baroque gems, reached its climax with the careful placement of a golden orb and cross, more than five metres high and weighing more than a tonne, on its spire.

The cross was forged by a Coventry silversmith, Alan Smith, whose father

had piloted one of the Lancaster bombers on 13 February 1945. The Duke of Kent, President of the Dresden Trust, which was formed to raise funds in Britain for the orb and cross, was among the guests of honour. Coventry, which lost its own medieval cathedral and more than a thousand of its people in the blitz of 1940, contributed about A\$1.3 million, a gesture of solidarity with the Germans who had contributed to the rebuilding of Coventry Cathedral in the 1950s. Among thousands of British contributors to the reconciliation project was the Queen herself.

Frederick Taylor, author of a respected study of the Dresden raid, observes that 'the politics of remembrance in Dresden are complex, complex as memory itself'. Anti-war feeling is strong in the city but for the radical right in Saxony and other parts of Germany, Dresden is a rallying point: they claim to represent the German victims of

the war and deeply resent the emphasis on the Holocaust and Germany's crimes. For them David Irving's proven lies about the Holocaust and the Dresden raid remain both gospel truth and powerful sources of propaganda.

Such people and attitudes may, paradoxically, serve a useful purpose by reminding other Germans and Europeans of what Nazis

look and sound like, and how it came about that 6,000,000 Jews were murdered and how Dresden and most of the rest of the cities of Germany were left in ruins by 1945. It is heartening to observe that German Foreign Minister Joschka Fischer has threatened 'consequences' for the 'treacherous views' of neo-Nazi MPs who recently protested against the Auschwitz anniversary commemoration in the Saxon parliament.

Immediately after the bombing in 1945, before the worst was known in Britain, *The Guardian* newspaper expressed the hope that Dresden was not badly damaged 'because it belongs to the whole of Europe'. Perhaps it now does, and to the world, but in a different and better way. ■

**Hugh Dillon** is a Sydney magistrate.

# The case for reconciliation

Is Australia's intervention in the Solomon Islands healing the wounds of the tension?

**I**T IS EASY TO PAINT A PICTURE of recent history in the Solomon Islands as a country ruined by 'militia thugs' and corruption and to boast about the return of law and order through the number of people now in jail since the Australian intervention in July last year. Most Solomon Islanders are grateful for the intervention and the return of law and order, but not all of them are as positive about their experiences. Mothers explain how they rely on the generosity of their neighbours to put food on the table, and how their children have had to leave school because there is no money for school fees. This is because their husbands, often the sole breadwinners in the entire extended family, have been sentenced to

lengthy periods in jail for minor offences committed during the 'tension', as the locals call it.

Jail is not the only way to solve the law-and-order crisis in the Solomon Islands. East Timor adopted reconciliation as the way to address crimes committed during the conflict between 1974 and 1999. Commissioners and victims of the crimes mediate an agreement with the perpetrators of less serious crimes. The legal system continues to deal with serious crimes such as murder. The result has been the reintegration of many militia members back into their communities with agreements to address the damage caused by their crimes. The system has assisted in reconciling and strengthening their society.

In July 2003, the Australian Government, supported by other countries in the region, intervened to restore law and order to the Solomon Islands and prevent



it becoming a 'failed' state that could lead to security issues for Australia over the longer term. The tension, which impinged on law and order from 1998, had a number of complex causes. The Solomon Islands is made up of a number of different ethnic and language groups that were administered together during colonial times by the British until 1978 when it achieved independence. Conflicts arose in the late 1990s over land and resources and the way those resources were distributed. There were also issues about the lack of economic opportunities, displacement of rural communities in a move to a cash economy, and no access to free education. Conflicts reached crisis point around the capital, Honiara, as different groups moved there seeking employment and educational and economic opportunities. Disputes between ethnic groups around Honiara in 1998 and 1999 degenerated into armed conflict. A full-scale civil war was averted; however,

over the next few years intimidation (often by former militia members) became the norm, and law-and-order problems, as well as corruption and mismanagement, compounded the country's economic circumstances.

**T**HE AUSTRALIAN-LED REGIONAL Assistance Mission Solomon Islands (RAMSI) commenced in July 2003 at the request of the Solomon Islands Government and quickly restored order. Weapons amnesties led to the surrender and destruction of many weapons used during the tension. Finance officials came also, to assist with the country's economy and restore the budget. RAMSI forces then began to investigate many of the crimes committed during the tension that were still unresolved. RAMSI arrested a large number of people including many of the principal militia leaders. As at October 2004, some 4182 people had been arrested

and 6124 charges laid, in a country of 400,000 people. There are now more than 60 serious trials awaiting hearing before the High Court, mostly for murder.

In planning the intervention, the Australian Government in conjunction with the Solomon Islands Government determined that the existing justice system could deal with the large increase in criminal charges. Investigators charged

property damage, and none involving weapons. Sentencing laws are based on the theory of punishment and deterrence. They do not reflect the belief in Australia that jail should be used only as a last resort where other alternative options have failed or are inappropriate. Hundreds of smaller matters have already come before the courts in the Solomon Islands and received often quite lengthy sentences. Because of

during conflicts there. The victim had been involved in the murder of the boy's father. Despite being bright, the boy has not been to school in the past two years due to the economic circumstances of his family since his father's murder.

Is the answer to the outburst of a 15-year-old at the death of his own father to sentence him at the age of 17 to life imprisonment? That sentence is mandatory if he is found guilty of murder in the Solomon Islands. Is he a menace to society or simply someone who is a victim of the tension and its problems who also needs healing and reconciliation? He has already been denied bail and, despite his age, will probably spend at least a year awaiting trial in an adult prison. Would it not have been better to try to reconcile this matter and make him accountable to his community for the



people with offences under existing criminal legislation. Australia provided staff through funding additional magistrates, prosecutors and defence counsel. AusAID provided funding, some \$45 million per annum, to ensure the existing legal system could cope with the influx of cases. Other than what was already committed to existing peace-building efforts through the National Peace Council, no additional funding was given for alternative dispute mechanisms such as customary law to assist villages in resolving disputes.

The intervening forces restored law and order by using the existing criminal law that is based on English criminal law. The Solomon Islands Government chose not to use a specialised tribunal or a reconciliation commission to deal with crimes committed during the tension. The existing criminal justice system allows only for mediation of minor crimes and disputes, such as common assault or

the lack of alternative sentencing procedures, it is not unusual for a first offender to go to jail for a significant period, for offences that would not result in a prison sentence in Australia.

While the legal system allows for the relatively easy arrest of those alleged to have committed crimes, it does not take into account the circumstances that surround the crimes and their causes, or the fact that many of these crimes are unique to the tension.

**A**MONG THOSE ARRESTED by RAMSI and still on remand in Rove Prison is a 17-year-old boy who was originally charged in July 2004 with assault occasioning actual bodily harm. The charge was later changed to murder after the death of the victim. Prior to the incident, the boy was a normal 15-year-old attending school on the Weathercoast whose world was shattered by the death of his father

assaults, perhaps through doing service to the community and its rebuilding efforts, and to concentrate on his future?

Some members of the community, including the Solomon Islands Christian Association, wanted to deal with crimes committed during the tension by reconciling with the offenders. Women's groups, including the Reconciliation and Peace Committee, formed by the Federation of Women, Family Support Centre and Women for Peace, also supported reconciliation and peace efforts. They believed that to jail people for less serious crimes would not help to heal the wounds and differences in Solomon Islands society. They recognised that villages had traditional ways to resolve disputes, and they wanted to strengthen them to incorporate aspects of the South African or East Timorese processes of reconciliation.

East Timor has created a Commission for Reception, Truth and Reconciliation in



East Timor. The purpose is to investigate human-rights violations committed on all sides between 1974 and 1999 and facilitate community reconciliation. Unlike the South African model, the commission does not provide amnesty to those who come before it. However, it does work together with the formal justice system and is designed to assist that system by addressing a large number of less serious crimes that might otherwise burden the courts. In particular, the commission is designed to deal with lesser crimes such as looting and burning. A panel of commissioners mediates between victims and perpetrators to reach agreements that are to be carried out by the perpetrators. The District Court is then responsible for enforcing such reconciliation agreements. Serious crimes continue to be heard in the criminal justice system.

**A**CCORDING TO RECENT reports in the commission's update, there have been many community meetings to deal with the actions of former militia members. For example, the January 2004 update gave details of hearings involving 20 deponents who gave testimony at a hearing concerned with their activities as militia members in Caikasa, Maubara, the birthplace of the notorious Besi Merah Putih militia. The update noted: 'The CAVR's Liquica team facilitated the public meeting which saw a high community turnout and level of involvement. After Caikasa elders had sanctified the proceedings with rituals according to local tradition the participants were allowed the opportunity to apologise for their actions, promise never to involve themselves in such actions again, and were once more received by their community.'

One case with which I was involved showed the benefits of reconciliation in comparison to a traditional legal outcome. Four boys from Guadalcanal were charged with trespass and criminal

damage to a leaf hut. The boys destroyed the leaf hut of a family that had recently resettled in their village. The family had lived there prior to the tension but had fled during the conflict, as they were from a different province, Malaita, that was involved in fighting at that time with those from Guadalcanal around Honiara.

In early 2004, they returned to the village but also refused to provide any reconciliatory offerings to the village to promote their peaceful reintegration back into their society. A fight developed between a member of the resettling family and the boys. As a result of the dispute, the boys destroyed the family's hut. I sought the assistance of their chief to respond to the charge, who luckily was also a trained National Peace Council mediator. He organised a reconciliation meeting and involved the whole village in a discussion to reach a peaceful agreement which involved a traditional exchange of gifts to indicate that all was forgiven on both sides. It was difficult to convince the court, however, that this was the best option, as the magistrate was reluctant to allow these boys to 'escape' punishment. In fact, the magistrate indicated this kind of intimidation was the very cause of the tension and the boys must be accountable for their actions. Despite this, he finally accepted the chief's reconciliation efforts and dismissed the charges, and it was all smiles from the boys, and the villagers, including the victims, who were present in court.

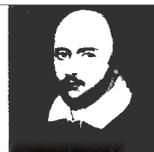
As many of the offences committed during the tension were less serious crimes, including assault, brandishing weapons in public, intimidation, theft and demanding money with menace, much could be achieved by promoting reconciliation as a preliminary approach. What better way to make police officers or other ex-militants reconcile with their communities than involving them in rebuilding efforts such

as road works that are desperately needed? If these options were not successful in reaching adequate solutions and agreement between the parties, then recourse might still be found under criminal law.

Most reconciliation is occurring outside the formal legal structures through the churches. In June 2004, a conference, 'The Winds of Change, from Tension to Transformation', was held in Honiara by Moral Re-Armament. Representatives from around the world came to share their experiences and help 'rebuild personal and public integrity and ethnic harmony in the Solomon Islands'. South Africans who attended told their own powerful stories of how they had developed friendships with those who had killed their relatives. But these systems are dependent on the strength of the non-government sector and their efforts. The RAMSI intervention has not sought to capitalise on these efforts and continue to build them in any widespread way.

Locking people up for less serious crimes does not seem the best answer to the problems in the Solomon Islands. The causes of the tension are complex and deep-seated. Sentencing people to jail for minor crimes committed during that time will not aid in healing the wounds and building a stronger society. As a result, many are becoming disenchanting and marginalised. Without adequate structures to promote reconciliation, it is unlikely to occur through existing court structures except in limited cases. Courts by their nature are conservative and focus on punishment to deter future problems. The sentencing of people to jail, often with harsh sentences, is generating a breeding ground for future discontent. Currently there are no organised rehabilitation programs within the jail system. The families of those being punished are also suffering greatly because their main breadwinner is lost and the economic situation is still difficult, with high unemployment rates. The law-and-order approach serves Australia's short-term interests, but without reconciliation it is unlikely to bring continued peace to the Solomon Islands in the long term or security to our forces who are serving there. ■

**Kirsty Ruddock** is a lawyer who worked in the Public Solicitor's Office in Honiara during 2004. All images by Kirsty Ruddock.



## Random thoughts

—Yang Weizhen (1296–1370)

my west neighbour cried over a sudden family death last night  
 and my east neighbour is upset by a dismissal from the officialdom today  
 one does not know what's going to happen tomorrow  
 so how can you let your glass of wine run dry?

## Mountains deep and shallow

—Yang Ji (1326–1378)

chinaberry flowers wet with a soft drizzle  
 loquat ripe on every tree in a southerly  
 i go for a slow walk and do not remember the mountains deep and shallow  
 orioles keeping me company all the way home

## Fishing song

—Zhang Zhihe (730–782)

white egrets are flying in front of the xisai mountain  
 where waters flow with peach flowers and fat mandarin fish  
 in a black bamboo hat  
 and a green straw cape  
 one does not want to go home against the slanting wind and rain



## Moon like a hook

—Li Yu (ca. 937–978)

wordless, i climb up to the west balcony  
 the moon like a hook  
 a clear autumn locked up in the deep lonely courtyard of *wutong* trees

unscissorable  
 and un-sort-out-able  
 is what one feels when saying farewell  
 a heart of sorrow

# Australia's judicial isolation

Over the last year a major chasm has opened between decisions of Australia's High Court and those of the UK House of Lords and the US Supreme Court regarding issues of national security such as the long-term mandatory detention of stateless asylum seekers.

**A** WEEK BEFORE CHRISTMAS, Justice Michael Kirby was in the national capital receiving an honorary doctorate. Before his university audience, he recited a litany of Australia's shortcomings in human rights. He said:

In the past year more than half a million British assisted migrants (who enjoyed common nationality when they came to Australia in the 1960s and 1970s) were revealed as vulnerable to ministerial deportation. If such laws are valid, the courts must uphold them. Earlier, the High Court unanimously upheld a law providing for detention of children behind razor wire in remote parts of this continent. That law is unchanged although parliament was thrice told that it is contrary to the international law of human rights.

There were many other decisions of the High Court during the past year in which the court was divided on matters of deep principle ... (including) the right under federal law to hold a stateless person in detention indefinitely, despite the lack of any court order to punish him for any offence.

The list goes on. Of course many Australians, perhaps most, do not care. But for me, I confess that it makes depressing reading. Most judges of our tradition—perhaps most lawyers—like to think that in Australia we are always working towards just laws and court decisions that uphold fundamental human rights. Alas, in many things in the law, we seem to fall short. And there is not much that the courts can do about it.

Though there is nothing novel in Kirby's protest against our national shortcomings in the protection of human rights, his note of despair is new. He now sits on a court whose decisions make 'depressing reading' for at least one of its members. And what is more disturbing,

he has concluded that 'there is not much that the courts can do about it'. Just a few hours earlier on the other side of the globe, unknown to those in the Canberra graduation hall, the House of Lords delivered its opinion in a case which was a damning condemnation of the Blair Government's encroachment of civil liberties in the name of national security post-September 11. While the Australian courts were powerless to order the release of children from behind the razor wire, the law lords by a majority of eight to one were striking down a law which permitted the UK government to keep suspected international terrorists in detention. While Kirby sees himself as a lone voice on the High Court of Australia, he would have been at home among the majority of eight in the House of Lords.

While the majority of Australia's High Court authorised the long-term mandatory detention of a stateless Palestinian



... THEIR COLLEAGUES IN THE HOUSE OF LORDS SAID SUCH DETENTION COULD NOT EVEN BE IMPOSED ON SUSPECTED INTERNATIONAL TERRORISTS.

asylum seeker who was no security threat to the community, their colleagues in the House of Lords said such detention could not even be imposed on suspected international terrorists. The lords followed the lead of the US Supreme Court which had already struck down mandatory detention of convicted foreigners who had served their prison terms and who could not be deported.

Their lordships were unimpressed with the UK government's attempt to exclude the courts from any role by distinguishing between democratic institutions and the courts. The most senior law lord, Lord Bingham of Cornhill, said, 'The Attorney-General is fully entitled to insist on the proper limits of judicial authority, but he is wrong to stigmatise judicial decision making as in some way undemocratic.' Meanwhile Australia's Attorney-General, Philip Ruddock, had made an art of such stigmatisation while Minister for Immigration.

Though the UK decision was shaped by a consideration of the interplay between the European Convention on Human Rights and Westminster's legislation, Lord Hoffmann was insistent: 'I would not like anyone to think that we are concerned with some special doctrine of European law. Freedom from arbitrary arrest and detention is a quintessentially

British liberty, enjoyed by the inhabitants of this country when most of the population of Europe could be thrown into prison at the whim of their rulers.' He had to concede that the judges would have been powerless to intervene in this case prior to the passage of the UK Human Rights Act 1998 which rendered parliament's attempts to suspend *habeas corpus* or to introduce mandatory detention for persons not convicted of criminal offences subject to judicial review.

Over the last year, a major chasm has opened between the decisions of Australia's High Court, which has no bill of rights against which to assess national security legislation, and the UK House of Lords and the US Supreme Court, which do have bills of rights against which they

can scrutinise parliament's overreach. Post-September 11, Australia's judicial isolation is now a problem. In the past, the shortfall in scrutiny of the excesses of executive government could be corrected in part by a Senate which the government did not control. That corrective will disappear in July. There was a time when Australian governments could also be reined in by the decisions and observations of international tribunals and UN bodies. But that corrective has also disappeared, with the Howard Government preferring Bush-style unilateralism. For example, in the case of the Bakhtiyari family who had spent more than two years in detention, the UN Human Rights Committee found: 'Whatever justification there may have been for an initial detention for the purposes of ascertaining identity and other issues, the State party has not, in the Committee's view, demonstrated that their detention was justified for such an extended period.' The committee concluded that the continuation of immigration detention for Mrs Bakhtiyari and her children for such a length of time, without appropriate justification, was arbitrary and contrary to the International Covenant on Civil and Political Rights.

The Australian Government simply disregarded the decision as the opinion of a group of foreign do-gooders imbued with human-rights rhetoric and no appreciation of the unique problems Australia confronted in the post-September 11 world. In so far as the Howard Government had provided the Australian public with an explanation for prolonged mandatory detention of asylum seekers, Mr Ruddock when Minister for Immigration never tired of putting the case in these terms:

Detention is not punitive nor meant as a deterrent. But it is essential that unauthorised arrivals are not allowed to enter the community until we are able to establish their identity and that they do not constitute a security and health risk.

Detention ensures that they are available for processing any claims to remain in Australia and that importantly they are available for quick removal should they have no right to remain.

The situation for people who overstay their visa is fundamentally different.

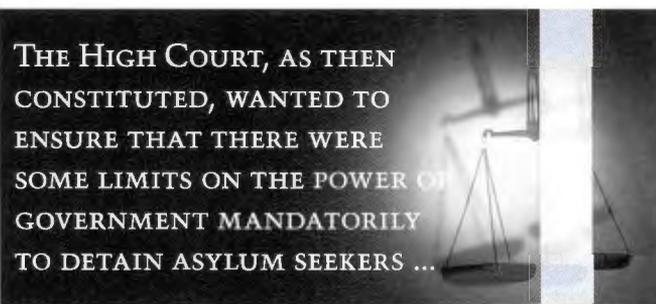
We know who they are and have already assessed that they do not constitute a danger to the Australian community ...

Nobody is forced to remain in detention. Detainees can choose to leave detention by leaving Australia. They can go wherever they wish to any country where they have, or can obtain, the right to enter, and we will do our best to facilitate that.

This particular Ruddock rendition came from his 2001 address to the synod of his own Anglican Church. It was his preferred statement which was then packaged as part of a departmental information kit and sent to those sensitive Christians upset at the sight of children behind razor wire. In hindsight, we now know that this political explanation for the detention was dictated in part by constitutional doubts about mandatory detention in light of the High Court's 1992 decision about the detention of Cambodian boat people. The High Court, as then constituted, wanted to ensure that there were some limits on the power of government mandatorily to detain asylum seekers who had not been convicted of any criminal offence. Ruddock was anxious to clarify that detention was designed and finely tailored to assist with the processing of asylum claims by persons arriving in Australia without a visa, and to assist with the removal of those persons who no longer had claims pending or who no longer had authorisation to remain in Australia. He justified the discrimination of treatment between those persons with and without visas by arguing that government had already had the opportunity to scrutinise those persons with visas before they arrived in Australia. But government anxious for the security and well-being of the Australian community was entitled to keep those persons without visas segregated from the community until there was the opportunity to determine whether they posed a threat to the community. This explanation was starting to wear thin when families including children were kept in detention for years rather than months while

their claims were disputed in the courts. What was the need for ongoing detention in remote places like Woomera, Curtin, Port Hedland and Baxter, once the Government knew that parents and their children were neither a health or security risk? What was the need or justification for mandatory detention of failed asylum seekers where there was no immediate prospect of their safe return to Iraq, Iran or Afghanistan?

**A**FTER THE FIRST GULF WAR, there was a recurring problem with a trickle of Palestinians arriving in Australia on boats, with no way of returning to the Gaza Strip. Especially problematic



were those Palestinians who had lived for years in Kuwait. Given Saddam Hussein's support for the Palestinian cause, many of these people had to leave Kuwait and they were technically stateless. No nation on earth was obliged to take them and Israel was not willing to let them go to the Gaza Strip. Some of these Palestinians arrived in Australia without visas, without passports, without nationality and with nowhere to go. Once rejected as refugees, they then applied to the Government to be removed from Australia. But there was no country willing to accept them. Were they to spend the rest of their lives in detention? Was there any realistic prospect that they would ever be released? Their situation highlighted the inaccuracy in Ruddock's particularistic explanation for the rationale of the broadly framed mandatory detention rule. These Palestinians were no longer awaiting the process of a claim. They had no real prospect of being removed. Government had more than enough time to assess any health or security risks to the Australian community. So why keep them locked up?

In 1992, the High Court had no need to consider the situation of stateless persons with nowhere to go when the court was ruling on the detention of the Cambodian boat people. With a change in the composition of the High Court and with a change in the political environment post-September 11, the Government was emboldened to submit to the High Court in November 2003 that the law permitting detention until a person was removed from Australia or until they were granted a visa could entail detention without end. The Commonwealth Solicitor General submitted that the legislative provision required detention 'until' a visa was issued or 'until' they could be removed. He told the court:

Now of course 'until' can involve a long wait. It can involve something continuing forever. We are all familiar with the expression 'until hell freezes over'. That is a use of the word 'until' meaning, in effect, forever, because it refers to an event which will never occur.

When some commentators expressed shock at this description in the media overnight, the Solicitor General returned to court the next day and explained:

The point of that example, of course, is merely to illustrate that the word 'until' can be used and is frequently used to describe something which may not have a termination point. There are, of course, many love songs, with which Your Honours may or may not be familiar, in which the person singing the song proclaims that his love for a person will continue until a list of events which are obviously never going to occur.

By a slender majority of four to three, the High Court bought the argument. The majority of judges were convinced that the parliament had power to make a law mandating detention of unauthorised arrivals, without the need for a court order or periodic court review, not only to assist with the processing of claims and with the pending removal of persons but also to keep them segregated from the Australian community. It is only lawmakers and judges from an island nation continent without land borders who could realistically implement a proposal for mandatory detention for all unauthorised arrivals for the entirety of their stay within a community.

It is only a country without any bill of rights which could countenance such an outcome.

Justices in the majority were happy to loosen the constitutional constraints on mandatory detention imposed by the executive with approval from parliament without any need for judicial supervision. Justice Callinan surmised: 'It may be the case that detention for the purpose of preventing aliens from entering the general community, working, or otherwise enjoying the benefits that Australian citizens enjoy is constitutionally acceptable.' He was prepared to give government *carte blanche*:

It may be that legislation for detention to deter entry by persons without any valid claims to entry either as a punishment or a deterrent would be permissible, bearing in mind that a penalty imposed as a deterrent or as a disciplinary measure is not always to be regarded as punishment imposable only by a court. Deterrence may be an end in itself unrelated to a criminal sanction or a punishment.

Justice Hayne, who brought Justice Hayden along with him, could accept endless detention of a stateless person who had come without a visa because he viewed the segregation of such a person from the community as a legitimate government objective within the constitutional power of parliament. Parliament had power to authorise the executive to exclude unauthorised arrivals from the Australian community 'by prevention of entry, by removal from Australia, and by segregation from the community by detention in the meantime'. Hayne was adamant that such long-term segregation was not punitive. Having considered that government action to prevent a person reaching Australia would be viewed as punitive 'only in the most general sense', he held that 'segregating those who make landfall, without permission to do so, is not readily seen as bearing a substantially different character'. He did concede:

Because Immigration Detention Centres are places of confinement having many, it

not all, of the physical features and administrative arrangements commonly found in prisons, it is easy to equate confinement in such a place with punishment.

But quoting the Oxford academic H. L. A. Hart, Justice Hayne thought he succeeded in demonstrating that such detention was not really legal punishment. He explained away the risk that an individual would spend the rest of his life in prison without ever having been convicted of a criminal offence and with no term of imprisonment having been imposed by a court:

It is essential to confront the contention that, because the time at which detention will end cannot be predicted, its indefinite duration (even, so it is said, for the life of the detainee) is or will become punitive. The answer to that is simple but must be made.



If that is the result, it comes about because the non-citizen came to or remained in this country without permission.

Don't come to Australia without permission. You might end up in prison for life! Chief Justice Gleeson was one of three dissenting judges in the case. The dissenting judges found this outcome an extraordinary proposition. Gleeson saw the case as a straightforward exercise in statutory interpretation: 'The Act does not in terms provide for a person to be kept in administrative detention permanently, or indefinitely.' He drew a simple distinction:

A scheme of mandatory detention, operating regardless of the personal characteristics of the detainee, when the detention is for a limited purpose, and of finite duration, is one thing. It may take on a different aspect when the detention is indefinite, and possibly for life.

He went on to conclude:

The Act does not say what is to happen if, through no fault of his own or of the authorities, (a person who arrived without a visa) cannot be removed. It does not, in its terms, deal with that possibility. The possibility that a person, regardless of personal circumstances, regardless of whether he or she is a danger to the community, and regardless of whether he or she might abscond, can be subjected to indefinite, and perhaps permanent, administrative detention is not one to be dealt with by implication.

The Chief Justice said that there was a choice between treating the detention as suspended or as indefinite. Given the legislative silence, Gleeson thought that he could have resort to a fundamental principle of interpretation that the courts do not impute a legislative intent to abrogate human rights and freedoms unless such an intention is clearly manifested by unambiguous language.

Where the three dissenting judges found ambiguity, Justice McHugh, like the other members of the majority, could find only clarity of language, tragedy of circumstance and ambiguity of moral propriety being visited upon parliament and not upon the courts. None of the Chief Justice's close reasoning helped Justice McHugh, who conceded that the situation of the applicant was 'tragic'. Even if it be impossible to remove a person from Australia, McHugh would permit parliament to authorise government to keep a person in detention for the term of his natural life for the purpose of preventing entry into Australia or 'remaining in the Australian community'. McHugh could find no constitutional restraint on parliament legislating for the detention of unlawful non-citizens 'even when their deportation is not achievable' because detention even for life would be 'reasonably regarded as effectuating the purpose' of preventing such persons from entering or remaining in the Australian community.

The tragedy of this High Court decision is not just that there is no constitutional constraint on such paranoid and overreaching legislation by parliament; also the court is lax in its interpretation of the meaning and application of such legislation, preferring the view that the legislation covers all cases of unauthorised arrivals, including cases that were unforeseen by the High

Court itself in 1992. When mandatory detention was first introduced, neither parliament nor the High Court envisaged instances in which persons would be kept in detention for life. It was always assumed that persons who had come without permission could end their detention by simply signing on the bottom line, requesting removal back home. In the 2004 decision, the High Court majority pointed out several times that the High Court judges in 1992 did not even advert to such a possibility. True, back then they did not, and neither did parliament. By applying tried and tested canons of statutory construction, the High Court could have avoided the deprivation of liberty until hell freezes over. It is one thing to justify short-term detention of someone because it was 'their own fault' that they came without permission. It is another to purport to justify detention for life because through no fault of their own, there is nowhere else for them to go.

In Australia, the difference in treatment of asylum seekers entering the country without visas and those entering with visas counts for nothing in determining the validity of legislation. Asylum seekers who arrive with a tourist visa or business visa are not taken into detention to assist with the processing of their claim. Neither are they taken into detention if their claim is rejected and there is no prospect of removing them to another place. There is no coherent rationale for the difference of treatment once you know the identity of the unauthorised arrival and know that they are neither a health or security risk.

The High Court's lack of armoury given the absence of a bill of rights, and its laxity in the use of its limited armoury, are highlighted by a study of the House of Lords decision. While the High Court has been powerless to curtail the long-term detention of children who are asylum seekers and the detention for life of stateless asylum seekers, the House of Lords has been able to spike government's attempts to detain suspected international terrorists without charge. In the United Kingdom the difference in treatment between suspected international

terrorists who could not be removed to another country and other suspected terrorists who could be removed or who were UK citizens remaining in the community was determinative.

Post-September 11, the UK Parliament passed the Anti-Terrorism, Crime and Security Act 2001. Suspected international terrorists living in the UK and who were not UK citizens could be rounded



**UNLIKE THE AUSTRALIAN HIGH COURT, THE HOUSE OF LORDS IS NOW EQUIPPED WITH A STRONG CONSTITUTIONAL ARMOURY IN THE HUMAN RIGHTS ACT 1998.**

up and deported. Those who were UK citizens could be taken into long-term detention only if they were charged with and convicted of offences. There were some suspected international terrorists who could not be removed to other countries because they faced the risk of torture or cruel and inhuman treatment on their return. Parliament legislated to allow open-ended detention of these persons in Belmarsh Prison without charge. They could apply to a Special Immigration Appeals Commission for bail, appealing against the government's certification of them as suspected international terrorists. Not even the availability of this bail procedure could save the legislation. The House of Lords maintained its traditional approach that detention was permissible 'only for such time as was reasonably necessary for the process of deportation to be carried out'. If there was no reasonable prospect of deportation in the near future, the detention could not be justified.

**U**NLIKE THE AUSTRALIAN High Court, the House of Lords is now equipped with a strong constitutional armoury in the Human Rights Act 1998. This gives domestic effect to the European Convention of Human Rights which extends the fundamental human right to liberty and security of person not only to citizens but to all persons in the

jurisdiction. Article 5 of the European Convention specifies the cases in which persons can be deprived of their liberty. The state can detain a person 'against whom action is being taken with a view to deportation'. Lord Hope of Craighead said: 'The article 5 right to liberty is a fundamental right which belongs to everyone who happens to be in this coun-



'THE DUTY OF THE COURTS IS TO CHECK THAT LEGISLATION AND MINISTERIAL DECISIONS DO NOT OVERLOOK THE HUMAN RIGHTS OF PERSONS ADVERSELY AFFECTED.'  
—LORD NICHOLLS

try, irrespective of his or her nationality or citizenship.' Lord Bingham promptly put paid to any attempt to extend the power to detain to long-term detention even of a suspected international terrorist, let alone of a peace-loving, stateless Palestinian who was not suspected of being a threat to anybody. He said:

There is no warrant for the long-term or indefinite detention of a non-UK national whom the Home Secretary wishes to remove. Such a person may be detained only during the process of deportation. Otherwise, the Convention is breached and the Convention rights of the detainee are violated.

Under the Human Rights Act, the UK government is able to derogate from the rights set out in the European Convention when there is a public emergency threatening the life of the nation. The law lords were happy to pay deference to government in the making of such a derogation, noting that the Home Secretary had referred to secret evidence that the law lords were not invited to examine. The lords were prepared to give the government the benefit of the doubt, trusting their security assessments, despite what Lord Hoffmann described as 'the widespread scepticism which has attached to intelligence assessments since the fiasco over Iraqi weapons of mass destruction'. But the lords were insistent that they still had their role to play as judges. When it

came to long-term detention of a person already in the UK they had little sympathy for the government's reliance 'on the old-established rule that a sovereign state may control the entry of aliens into its territory and their expulsion from it'. The lords reaffirmed that *habeas corpus* protection is not restricted only to British subjects because, 'Every person in the jurisdiction enjoys equal protection of our laws.' The lords insisted that any derogation of rights otherwise guaranteed under the European Convention and international instruments such as the Convention on the Elimination of Racial Discrimination must 'go no further than is strictly required by the exigencies of the situation'. Furthermore, the instrument of derogation

did not excuse the government from the prohibition of discriminating 'on grounds of nationality or immigration status'. On this basis, the House of Lords quashed the government's derogation order and declared that the law which permitted long-term detention of suspected international terrorists was incompatible with the European Convention.

In reaching this conclusion, the lords referred to many parliamentary reports and reports of the UN Commission on Human Rights as well as the Committee on the International Convention on the Elimination of all Forms of Racial Discrimination (CERD). Though such reports are not legally binding, the lords were still happy to quote them, noting that the findings were 'inimical to the submission that a state may lawfully discriminate against foreign nationals by detaining them but not nationals presenting the same threat in time of public emergency'.

The lords went out of their way to pay due deference to the government, noting 'the heavy burden, resting on the elected government and not the judiciary, to protect the security of this country and all who live here'. But parliament has charged the courts with their responsibility as well. According to Lord Nicholls of Birkenhead, 'The duty of the courts is to check that legislation and ministerial decisions do not overlook the human rights of persons adversely affected.'

It was no answer for the government to claim that the foreigners in detention could choose to leave the UK at any time. The government had submitted that their prison has only three walls. The detainees could leave on request. Lord Nicholls said:

But this freedom is more theoretical than real. This is demonstrated by the continuing presence in Belmarsh of most of those detained. They prefer to stay in prison rather than face the prospect of ill treatment in any country willing to admit them.

Not even Michael Kirby could match Lord Hoffmann's declaration: 'The real threat to the life of the nation, in the sense of a people living in accordance with its traditional laws and political values, comes not from terrorism but from laws such as these. That is the true measure of what terrorism may achieve.'

Baroness Hale of Richmond proclaimed: 'Belmarsh is not the British Guantanamo Bay.' She made a declaration which is now unthinkable in Australian superior courts:

It is not for the executive to decide who should be locked up for any length of time, let alone indefinitely. Only the courts can do that and, except as a preliminary step before trial, only after the grounds for detaining someone have been proved. Executive detention is the antithesis of the right to liberty and security of person.

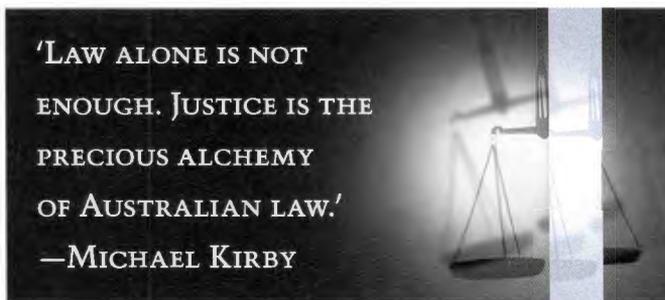
Back in 1992, the High Court, like their colleagues in the UK, were prepared to place limits on executive and legislative power, asserting that only courts could exercise judicial power which included the authorised detention of a person for life. We have wandered far from our jurisprudential roots in this age of national isolationism with our judges and the voters showing such great deference to politicians who tell us how we need to segregate unvisaed persons from the community even if they not be a security risk. Our judges are now cultivating a barren judicial field asking only if detention is for a purpose authorised by parliament. This field is far removed from the English law lords' garden of guaranteed European rights and freedoms.

**I**N THE PAST YEAR, the US Supreme Court has also flexed its muscle against government wanting to detain individuals at home and abroad without court supervision. The cases, including the claim by

Australia's own David Hicks, have related to very different legal questions than the Australian and UK cases discussed here. But the judicial rhetoric of the US Supreme Court is resonant with much of what has been said by the House of Lords and by Michael Kirby. It finds no resonance in the judgments of the majority of Australia's High Court who think they are now bound to defer to government and to parliament on basic human rights, despite the risks of unchecked executive power at this time of national and international uncertainty. The key swing voter on the US court, Justice Sandra Day O'Connor, recently acknowledged that 'history and common sense teach us that an unchecked system of detention carries the potential to become a means for oppression and abuse of others'. Because the US constitution includes the bill of rights, there is a need for the US court to strike an appropriate constitutional balance between individual rights and national security. The present Australian High Court has been able to excuse itself from any such balancing exercise, interpreting Australian statutes as valid implementation of the Executive's will to place national security at such a premium that persons (including children) who constitute no security risk could be held in long-term, non-reviewable detention. In the US, O'Connor observed, 'Striking the proper constitutional balance here is of great importance to the nation during this period of ongoing combat. But it is equally vital that our calculus not give short shrift to the values that this country holds dear ... It is during our most challenging and uncertain moments that our nation's commitment to due process is most severely tested; and it is in those times that we must preserve our commitment at home to the principles for which we fight abroad.'

When our High Court came to review the lawfulness of indeterminate detention for harmless stateless Palestinians, they distinguished a 2001 US Supreme Court decision in which the judges had placed limits on the indeterminate detention of foreigners who had actually been convicted of serious offences in the US and who could not be removed from the US on the completion of their prison terms. Justice McHugh acknowledged that the indefinite detention of an alien in the US would be problematic but that was because

their constitution's due process clause applies to all persons in the US, including aliens, whether their presence 'is lawful, unlawful, temporary or permanent'. Justice Callinan noted with some relief that the US decision could be disregarded 'because of the absence of the complication of a constitutional provision in Australia such as the Fifth Amendment'. Callinan also preferred the views of the dissenting judges in the US decision because their judgments contained 'more orthodox expressions of constitutional principle and practical reality'. It is troubling that a Palestinian asylum seeker could legally be kept in lifetime detention in Australia without judicial intervention. Offsetting 'practical reality' and 'the complication of a constitutional provision' ought to bear greater fruit for individual liberty. Justice Hayne, who was the only other member of the High Court majority who wrote a substantive judgment, saw no need to refer to the 2001 US decision though he did refer



to a dissenting judgment of Judge Learned Hand from 1953:

Think what one may of a statute ... when passed by a society which professes to put its faith in freedom, a court has no warrant for refusing to enforce it. If that society chooses to flinch when its principles are put to the test, the courts are not set up to give it derring-do.

For their part the dissenting judges in the High Court thought the 2001 US decision helpful. Kirby thought it 'highly relevant to the decision in this case', urging 'the approach that we should take is precisely the same'. Justice Gummow thought it useful to follow the approach of the majority in the US decision who affirmed that there runs through immigration law 'the distinction between an alien who has effected an entry into (the country) and one who has never entered'.

It is only an isolated judiciary with a depleted armoury for the defence of human rights that can resign itself to possible lifetime detention of a stateless person with the observations of Justice Callinan:

This country has no greater obligation to receive stateless persons who cannot establish their entitlement to the status of refugee, than others who are not stateless ... Whether statelessness calls for a different treatment, as it may well do for practical and humanitarian reasons, is a matter for the legislature and not for the courts. Nor should the appellant be accorded any special advantages because he has managed illegally to penetrate the borders of this country over those who have sought to, but have been stopped before they could do so.

Perhaps the only cure for Justice Kirby's depression is a bill of rights which would force our judges to take up the slack in a post-September 11 world in

which the Government will control the Senate, while thumbing its nose at international conventions and determinations. But that would require popular support for such a constitutional or legislative initiative, putting Australia once more in touch with other jurisdictions including the UK from whom we

are now removed by a vast judicial chasm. At this time any informed Canberra observer knows that we will be waiting until hell freezes over. Meanwhile the majority of voters, the major political parties, and the majority of High Court judges have no qualms about a stateless Palestinian spending his life in detention in the Australian desert. After all, he came here without permission and it is not really punishment. In his journey from the bench to the academy, Dr Kirby has put us on notice: 'Law alone is not enough. Justice is the precious alchemy of Australian law.' From July, the alchemy will be in even shorter supply in isolated Australia. ■

Fr **Frank Brennan** SJ, a Fellow at the Jesuit Institute, Boston College, was awarded the St Thomas More Society's Award for 2004.

# The comforting word

In extremis, we seek what we know, or something very close to it.

**I**N THIS EUROPEAN AUTUMN, the whole family is steeped in sadness, wrapped in mourning, for my Greek daughter-in-law has very recently been delivered of a stillborn girl. Our hopes for a new generation fade and drift with the falling leaves, and we all have to find our own means of managing unexpected grief. My two bachelor sons do not know what to say or do; neither does their father. Having babies is easy stuff, you can almost hear them thinking. Women manage it all the time, don't they?

Niko, my second son, serves in the Greek Special Forces, but is currently halfway through a three-year posting in Germany, at the NATO base near Pfullendorf, in Baden-Württemberg. At this crucial time, both he and Katerina are separated from the language, the culture, and the traditions that are so much a part of them. The nearest Greek Orthodox Church is over an hour's drive away.

Women of the senior generation do what such women always try to do; we move heaven and earth to *be* there. Katerina's mother flies in from central Greece and brings the reassurance of familiarity with her. The priest from the hometown has been on the phone and has sent a *phylacto* with her mother, a talisman to keep Katerina safe, to let her know that she is being guarded and protected, that a whole community, both spiritual and material, is thinking of her. And Mama also brings her a little token from the Monastery of St Catherine (*Aghia Ekaterini*), all the way from the Sinai Desert.



Great Martyr St Katherine, courtesy of the Greek Orthodox Archdiocese of Western Australia, <http://home.iprimus.com.au/xenos/katherine.html>

Then it is my turn. I am not Greek, not Orthodox, not Catholic. I am that mysterious thing, a Protestant. I was also raised Non-conformist, a concept with which your average Greek has a great deal of trouble, for 97 per cent of the population of Greece is Orthodox. All I can do is bring a willing ear, books and magazines of a distracting nature, and the mandatory Greek goodies: the dried figs and the sesame seed and honey *pastelli* sent by a worried father-in-law.

Katerina's mother is single-mindedly devout. Katerina herself is prepared to be eclectic: she writes a note to God and pins it on the prayer board during our visit to Ulm Minster, and does not look askance at the many statues; she fasts and then makes the trip to the Orthodox Church so that she can take communion. And she takes me to the local Catholic Church of St Jacob in Pfullendorf, where she has come quite often, she says, since losing her baby. We both light candles, at which point I hear my grandmothers clank and

moan as they turn in their graves. But I got used to those sounds long ago, having married into Greek Orthodoxy at the age of 23.

Orthodox worshippers can often take quite some time to work their way along the iconostasis and around their churches, venerating the icons on stands and on the walls, so for Katerina there is a layer of ritual missing, for here there are no icons to kiss and revere. And she does draw the line at honouring statues. But she gains other layers as I explain about the stoup of holy water, and as the unfamiliar sound of a mighty

organ thunders and peals around us, while for me the layers just keep on accumulating.

Like so many European churches, St Jacob's is in a fair way to overwhelm me. But I delight in it, too. All that pink-and-white baroque-edging-into-rococo richness: the cherubs tumbling about in gold-encrusted puffs of cloud or standing tiptoe on gaudy pedestals, or else appearing to fly through the incense-laden air, arrows at the ready, the trumpeting angels, the pierced hearts with the drops of ruby blood forever falling, the statues of Our Lady, each one framed by a nimbus of glittering stars, and the contrasting ones of Our Lord suffering so starkly and so patiently. Then there are the Bible stories and the allegories, not to mention the elaborate memorials to the dead of local families: it would take me a week at least to read this church's narrative and even then much of it would remain elusive, locked in the foreign language of a different denomination, a denomination which has often seemed so far removed from me as to be a completely different religion.

My ancestry is lost in the mists of time and in those of a northern clime, but the more recent forebears were definitely products of the English and Scottish Reformation. Their lives were both dour and hard, and it seems to me that they had very little compensation in the way of spectacle and beauty in church; there can have been little sense of entering a different world, a privilege that the Catholics and the Orthodox have always had. In the kirks a certain skill in woodcarving was often evident, and in recognition of the Auld Alliance between France and Scotland, a blue fleur-de-lis carpet was usually a feature. But in some churches even organ music was forbidden. And whereas old Catholic churches were all decorated swirls and Orthodox churches all formal curves, heavily symbolic straight lines were the thing in Nonconformist buildings.

I stand in St Jacob's and ponder these matters and many others. My grandmothers never left Australia, but I try to imagine them standing here beside me. I also try to imagine their conditioned reactions; it isn't hard to do. Mutterings about *graven images* would have been one of them. Fulminations against the Catholic Church in general and the Pope in particular would have been another. Then there would have been the mandatory criticism of the Church's wealth, gained through the exploitation of a groaning peasantry. My mother, irreverent spirit that she often was, would undoubtedly have commented on the amount of dusting such a place requires, while going on to marvel at the organ pipes, the woodwork, the sculpture, the general richness.

Katerina is interested in German churches as works of art, too, for art is her area of expertise. But it never occurs to her to remark on the extravagance of the spectacle, for Orthodox churches are often very splendid: the worshipper enters to a blaze of light from both massed tapers and huge artificially-lit chandelier, above which Christ the Pantocrator presides in glory, looking down from a blue heaven sprinkled with gold and silver stars. The iconostasis is intricately carved, and decorated with more gold and silver, the saints gaze steadfastly from the walls, and light glints off every surface.

During another outing we happen upon the Lutheran chapel. Somewhat unexpectedly, the door gives under our touch, and we enter an unadorned lobby; leaving this space we enter a rectangular hall that makes the very modest

Presbyterian churches of my youth seem positively lavish. I cannot believe there is no stained glass, but all the windows are clear except for two that bear the same small but stern portrait etched in black and grey. Heroic Luther. *Here I stand; I can do no other.* His cry echoes down the centuries. But heroic though he was, he still had four women burned as witches.

Katerina has never been in such a building before, and while an invisible organist practises a simple hymn tune she paces slowly up and down the short aisle. Apart from the look of mystification on her face, there is very little to see or think about: plain wooden pews, a large wooden cross, no decoration whatsoever. We do not linger. Out in the street, I immediately have a question to answer. *What are you supposed to do when you go in?* I see her point: no holy water, no candles, no icons, no statues. *Ah. Well, the idea is that you sit quietly in your pew and pray. Nothing formal: just a little talk with*

*God, really.* The mystified expression does not clear.

And I am not surprised.

**K**ATERINA HAS JUST HAD a brief experience of religious culture shock of the kind I had, all those years ago, only in reverse. She has had a momentary glimpse of a world she hardly knew existed. But I have been as baffled as she is now, for it has always seemed to me that Orthodox churches are theatres in which a long-hallowed play unfolds before an enthralled audience, the members of which take very little part in the performance. Sermons or homilies, if any, seem to be a brief afterthought. The other consideration, and I try to explain it to Katerina, is that Nonconformity has no filters or mediators; all the protective layers are stripped away. Of course my grandmothers knew this, and understood the Nonconformist emphasis on individual responsibility, accepting as immutable truth the notion that the business of life was directly between them and God. They were less clear, I think, about the way in which any religion has the potentiality to be a means of social control.

Coming from different cultures, Katerina and I approach the world from our own angles and directions. And when it comes to religious practice, we occupy contrasting spaces. Hers is a visual one, dominated by images, prescribed rituals, colour and light; mine is much more aural, for the sermon is the main focus, still, of Nonconformist services. This, surely, was one of Luther's greatest contributions, that of the democracy of the word: he translated the Bible into German, giving his humbler countrymen not only the chance to read Holy Writ, but also the tools of thought. Reading the Bible gave them at least a chance of understanding the sermons.

Although I have experienced many forms of loss, including this latest one of the tiny person who would have been my first grandchild, I have never suffered Katerina's specific anguish. If I had been her then, I know I would not have gone to St Jacob's or to the distant Orthodox church for solace. I would have gone to sit in a wooden pew in the Lutheran chapel for, in extremis, we seek what we know, or something very close to it. As Katerina needs the visions and the light, what would I do without the comfort and the reassurance of the word? ■

**Gillian Bouras** is a freelance writer whose books are published by Penguin Australia.

# A farewell to arms?

The road towards a Spain free from ETA violence remains one fraught with peril.

**S**AN SEBASTIÁN IS NOT the sort of city in which you expect to discover dark secrets. Once the resort of choice for Europe's 19th-century aristocracy and strung out along a perfect arc of Spain's northern coastline, this most elegant of cities stands as an enduring symbol of Europe's belle époque.

And yet even its mayor, Odón Elorza, admits that San Sebastián possesses 'a treacherous beauty'.

Barely three years ago, San Sebastián's old town was the militant heartland of the Basque terrorist group ETA (Euskadi Ta Akatasuna—Basque Homeland and Liberty). Its narrow lanes—the so-called Comanche Territory—were sinister recesses of violent nationalism which seemed entirely out of place in modern Europe. Bloodied footprints left behind by perpetrators of political crimes led into ETA bars where no police dared follow.

Now, a street called Juan de Bilbao is the last remaining bastion of those dangerous days. A sign in a window announces: 'Tourist! You are not in Spain, nor in France. You are in Basque Country. Welcome!' Painted on a wall a few doors away, next to the Belfast Irish Pub, is the ETA symbol, a serpent coiled around a hatchet.

Just across the laneway is the Herria Bar—part of a network of tabernas across the Basque Country whose profits, prosecutors have claimed, directly finance ETA operations—with pictures of ETA prisoners above the bar and a jar prominently placed for collections to help 'the cause'. The street is still off-limits to Basque police.

However, although 'Gora ETA!' ('Long Live ETA!') graffiti is still evident throughout the Basque Country, particularly along rural roads and in the old town of the Basque political capital of Vitoria, ETA's territory is shrinking. In the streets surrounding Juan de Bilbao and throughout Spain it is being whispered that, after half a century, ETA's time has forever passed.

The first underground cells of ETA were founded in 1952 at the height of the Spanish dictator General Francisco Franco's repression of the Basque Country (Euskadi). After the end of the Spanish Civil War, in 1939, more than 20,000 Basques were imprisoned in concentration camps, and 21,780 were executed by Franco. Standing alongside San Sebastián's graceful curve of sand, the Playa de la Concha was a prison where the sound of Franco's soldiers executing Basque prisoners could be heard almost every day until 1947.

The founders of ETA considered themselves to be intellectuals. They wanted independence, but their primary goal was the publication of an underground journal and the promotion of the outlawed Basque language, Euskera.

After meeting in 1967 for only the fifth time, ETA published *The Official Ideology of ETA*, which committed its foot soldiers to an independent Basqueland to be achieved through 'revolutionary nationalism'. The old guard of leaders was ousted. It would be the first of many splits within ETA, each one signalling a shift towards a younger leadership more committed to violence than distinguished by any ideological sophistication.

On 7 June 1968, a Spanish paramilitary civil guard, José Pardines, stopped a car near San Sebastián. Inside the car were Txabi Etxebarrieta, the new ETA leader, and a colleague. The two men shot Pardines. It was the first ETA killing. Txabi would soon be killed in revenge by Franco's security forces. The cycle of tit-for-tat killings, which would last more than three decades, had begun.

Nonetheless, in the early 1970s ETA was widely viewed as a hero of the underground resistance movement against Franco, just one of many groups battling the repression of the dictator's fascist rule. ETA was even credited with precipitating Spain's transition to

democracy, for it was ETA which, on 20 December 1973, assassinated Admiral Carrero Blanco, Franco's ruthless and charismatic right-hand man and chosen successor.

Following Franco's death on 20 November 1975, it was widely assumed that with the advent of a democratic Spain, ETA would have no reason to continue its campaign of violence. Far-reaching autonomy was granted to the Basque Country in 1979, including its own parliament, police force, education system and powers of tax collection.

But ETA and its supporters had, in the meantime, watched as the transitional Spanish government continued its policy of repression in the Basque Country. ETA decided that independence alone would truly liberate the Basque people and that the only means to achieve this was through violence.

Indeed it would become a paradox of Spanish democracy that ETA killed just 38 people under Franco's dictatorship, but would go on to kill 779 (including 118 in 1980) under a democracy within which the Basque Country enjoys far greater powers of autonomy than any other region of Europe. Every time ETA killed, the Spanish government responded in kind, even during the 1980s through the use of shadowy death squads with tacit government backing.

In a 1982 interview with the French *Le Monde* newspaper, an ETA spokesman said simply: 'Even if [Spain] were to convert itself into a model of democracy, it won't change things as far as we are concerned. We are not, nor have we been, nor shall we ever be Spaniards.'

After decades of sustained violence, the tide finally began to turn against ETA in the 1990s. France, which had hitherto turned a blind eye to ETA terrorists operating on its soil, began to take the ETA threat seriously. In 1992, the entire ETA leadership was arrested in France.

A new, younger ETA leadership emerged which would, despite a 1998 unilateral ceasefire, continue ETA's campaign of violence. However, the numbers killed by ETA—14 in 2001, five in 2002 and three in 2003—were a far cry from its bloody 'successes' of the 1980s. In 2002, the Spanish Parliament outlawed Herri Batasuna, the political wing of ETA which had consistently received about 15 per cent of the Basque popular vote, thereby denying ETA its last remnants of democratic legitimacy. Failed bombing attempts in December 2003 and February 2004 fed the suspicion that ETA had lost the art of killing and was reeling under the weight of mass arrests (185 in 2002 alone).

On 27 September 2004, ETA released a video in which it denied that it was experiencing difficulties and promised that 'the conflict' would continue until the Basque Country was given the right to choose between independence and remaining part of Spain.

Less than a week later, ETA's claims were looking decidedly hollow when its leadership was arrested during a joint French-Spanish police operation.

The Spanish government of Prime Minister José Luis Rodríguez Zapatero described the arrests as the 'decapitation' of ETA. In so doing, the government pointed to the fact that ETA's structure is, unlike al Qaeda's disparate cells, compartmentalised and hierarchical and therefore highly susceptible to leadership vacuums.

Perhaps the clearest indication of ETA's decline, however, came in a letter published on 2 November in the *Diario de Noticias* newspaper in the Spanish province of Navarra. The letter, signed by six senior, imprisoned ETA leaders, stated: 'Things have never been so bad ... You can't carry on an armed fight through warnings and by uttering threats that are never fulfilled ... In current circumstances the armed struggle that we carry out today is no longer any use. We're slowly burning to death.'

Deprived of its former French safe haven, with its leaders and most of its rank-and-file members behind bars and devoid of a coherent strategy, the last indigenous terrorist group left in Europe is suffering an unprecedented crisis. Perhaps most significantly, ETA's program for self-determination has been largely adopted by moderate Basque nationalist

parties, thereby draining ETA of popular support. A recent poll suggested that 0.6 per cent of Basques identify themselves with ETA.

ETA's demise has been predicted many times before and no-one in Spain expects that they have heard the last of it. Gorka Espiau, a spokesman for Elkarrri, a Basque NGO which favours dialogue with ETA, warns: 'They may lie low for a year or two, but I am sure ETA will return while the political problem remains unsolved. The weaker they are, the stronger they must show themselves.'

Spain's senior anti-terrorism adviser, Fernando Reinares, has similarly warned: 'ETA is in its terminal phase. We know that terminal phases often produce rivalries and fragmentation that can lead to spectacular attacks.'

As if on cue, ETA carried out a series of high-profile attacks across Spain in December during the national constitution holiday, a fiesta which commemorates Spain's return to democracy in 1978.

**S**UCH ATTACKS NOTWITHSTANDING, in mid-January ETA, in its first conciliatory gesture for seven years, announced that it was willing to enter into negotiations with the Spanish government over the future status of the Basque Country.

In a statement published by the Basque-language *Gara* newspaper—which ETA routinely calls to warn of impending terrorist attacks—ETA said it was prepared to support proposals made in November by its banned political wing, Batasuna.

Batasuna's proposal had demanded 'exclusively political and democratic' talks with the Spanish government to 'take the conflict off the streets and on to the negotiating table'. The centrepiece of the proposal was for a referendum in the Basque Country so that Basques could decide whether they wished to remain a part of Spain.

In its communiqué, ETA argued that it was 'essential that the whole society has a chance to participate in such a process' and called for talks with the Spanish government on 'demilitarising the conflict'.

In response, Spain's Defence Minister, José Bono, told reporters that the government 'cannot talk to someone with a gun in his hand ... Nobody sensible can sit down with these people.'

However, a day before ETA's statement was published, the Spanish Prime Minister, José Luis Rodríguez Zapatero, told Socialist Party representatives in San Sebastián that he might talk with Batasuna—banned under the Law of Political Parties in 2002—if it was 'brave enough to renounce and condemn ETA violence'.

The Public Administrations Minister, Jordi Sevilla, similarly left the door open to the possibility of talks, stating: 'Things are moving quickly ... but we await only one letter from ETA, the one that tells us where and when they will lay down arms and abandon terrorism.'

Until there is a renunciation of violence, no Spanish government can accede to ETA's bid to return to the centre of political life. And yet, fears remain that if ETA's latest offer is spurned, as in 1998, a younger ETA leadership may emerge from within the ranks of disaffected Basque youth. ETA's history suggests that a resumption of violence would soon follow.

Amid the overtures for peace, ETA's statement warned that it remained active and claimed responsibility for 23 attacks (but no deaths) since September. However, it denied involvement in the bomb scare in December at Madrid's Santiago Bernabeu soccer stadium. Further, two days after ETA's declaration, a car bomb exploded in Getxo, an affluent town north of Bilbao, injuring a policeman, leading some to believe that there may already be a split within ETA, with more militant members keen to carry on the armed struggle.

There is also widespread concern that so far apart are the positions of ETA and the Spanish government—ETA wants independence, which the government will not countenance—that ETA could merely use the truce as a cover to regroup and rearm itself as it did in 1998.

The potential obstacles such as these ensure that the road towards a Spain free from ETA violence remains one fraught with peril.

However, 18 months after the last ETA killing—the longest period since the 1960s—such attacks increasingly provide evidence of weakness rather than strength. In the midst of a war on terror which can seem unwinnable, this is no small victory. ■

**Anthony Ham** is a freelance writer living in Madrid.

From left, Frank Crean, Gough Whitlam, Sir John Kerr and Jim Cairns in 1974.  
Photograph by Peter Wells, courtesy of *The Canberra Times*.



# Beginning of the end

Warning signs for the Whitlam Government were there in 1974, with an ailing economy, a political storm in the Senate, sliding popularity and a scandal unfolding in secret.

**T**HE NEWLY RELEASED 1974 cabinet papers from the National Archives show the Whitlam Government eager to pursue its visionary and ambitious reforms despite clear signs of an economic downturn, and the beginnings of the so-called 'loans affair'.

The submissions, decisions and departmental files that make up the 1974 cabinet papers allow us to imagine ourselves pulling back the curtain and listening in on the once secret

cabinet meetings. Although detailed minutes, by way of the cabinet notebooks, won't be released for another 20 years, if we piece together submissions, decisions and the departmental files that go with them, we can gain a valuable insight into those meetings, now so long ago.

As the public grew dissatisfied with the government's direction, Gough Whitlam and his ministers faced the New Year in a weakened political position. The appointment in March of

Democratic Labor Party Senator Vince Gair as Ambassador to Ireland—known as the ‘Gair affair’—prompted the opposition under Billy Snedden to commence deferring the government’s supply bills. That decision ultimately doomed the government.

Whitlam had hoped to win Gair’s seat and thus control of the Senate. With supply denied, Whitlam secured a double dissolution election in May, but failed to win a Senate majority. Despite winning a second term—albeit with the loss of seats—the government languished in the polls for much of the year. Indeed, the Morgan Gallup Poll had rarely shown the government ahead of the opposition since mid-1973.

After the frantic early days of the Whitlam Government in 1972, when it made 40 major decisions in 14 days, and the rapid workload of 1973 which included 823 formal submissions and 221 new acts of legislation, the cabinet business of 1974 was equally gruelling. However, while there were fewer submissions to consider, Cabinet made almost twice as many decisions. In 1974 there were 626 submissions and 1264 decisions.

The latest papers show a similar cabinet style to that of previous years, which was ultimately detrimental to the government’s effectiveness. With all ministers in Cabinet, management was difficult and decision-making laboured. Ministers who lost in Cabinet could return to caucus and try to overturn decisions.

As the government was determined to implement its ‘mandate’ at almost any cost, it struggled to reconcile the implementation of policies with the deteriorating economic environment. Concerns expressed by Treasury over funding, or questions of implementation raised by ministers were given short shrift.

The 1974 cabinet papers show the government determined to introduce a bold and imaginative policy agenda. Funding for hospitals, community health centres, sewerage treatment, and other local and regional initiatives feature prominently. The milestone Medibank legislation was passed at the historic August joint sitting, along with important electoral reforms. The Trade Practices Act came into force, the Family Law Bill was drafted, and legislation was passed establishing the Law Reform Commission. A new national anthem was chosen, 18-year-olds voted for the first time, and the National Parks and Wildlife Service was set up. Significant advances were made in Aboriginal health, housing and education, and also in Aboriginal representation and land rights.

A highlight of the cabinet papers is the response to Cyclone Tracy handled by Deputy Prime Minister Jim Cairns, while Whitlam was on a European sojourn. After visiting Darwin, Cairns submitted to Cabinet proposals providing immediate relief and future plans to meet Darwin’s needs. It was Cairns at his best.

**T**HE ISSUE THAT WAS DISCUSSED most often in Cabinet in 1974 was the economy. Rapidly rising unemployment and inflation, in addition to increasing oil prices abroad, falling commodity prices at home, and a worrying balance of payments, presented the government with a plethora of economic problems. Ministers, caucus members, the union movement and the public service had differing ideas as to how to fix the economy.

The wage demands prompted Treasury to propose fighting inflation by reducing government expenditure, increasing taxes and other monetary measures. However, many wanted to tackle unemployment first, and were not prepared to countenance an

increase in unemployment by fighting inflation rigorously. There was no strong leadership in Cabinet by either the Treasurer, Frank Crean, or Whitlam, over economic policy. Ministers eager to implement long-held visionary policy reforms were shadowed by the flagging economy that urged caution and gradualism.

Despite painting a ‘grim’ picture of the country facing ‘an inflationary crisis’ in July, Crean was unable to convince Cabinet to adopt Treasury’s proposals in full. Although Whitlam expressed initial support for Treasury’s general strategy on inflation and expenditure, and also tax increases, he too faced opposition in Cabinet. Some, such as the Aboriginal Affairs Minister, wanted more than a 100 per cent increase in portfolio expenditure, even though not all money allocated in the previous year had been spent.

Cabinet did agree on a strategy to reduce inflation by limiting migration, raising some taxes and reducing some expenditure. Even Whitlam’s promised child-care and pre-school policy was delayed until 1975–76. But none of these measures was enough to repair the economy. Ministers remained too wedded to their policy ideals.

The government believed it was still the driving force of the market, and was sceptical about encouraging private-sector investment. Treasury was scathing of the government’s economic policy, arguing that it would promote ‘a vicious cycle of spiralling inflation and depressed employment and activity’.

It would not be until Bill Hayden’s one and only budget as Treasurer, in 1975, that the government’s economic strategy would be placed on a sound footing. It is worth noting that by mid-1975 Hayden argued that ‘fiscal expenditures’ needed to be ‘pruned heavily’. The government’s policy proposals ‘seem too grand in scale for the present circumstances’, he argued.

**B**Y THE TIME OF THE AUGUST BUDGET, Treasury’s views had been largely ignored, and Crean was reduced to theatrics, arguing that the proposed 32 per cent increase in expenditure over the previous year was ‘economically irresponsible’ and would lead to ‘the worst of all worlds’. Expenditure had already increased by 20 per cent in 1973–74—the largest rise in two decades. Crean’s warnings fell on deaf ears.

With Whitlam unimpressed by Treasury’s arguments, his own department eventually emerged as the guardian of the government’s economic strategy, preparing detailed submissions and briefing notes. Almost always, a Crean submission was ‘noted ... without accepting its conclusions’. By December, he had been replaced by Jim Cairns as Treasurer.

The economic battles remain seared in Whitlam’s memory. He later recalled in his memoirs his ‘great failures’ in not

*The government  
struggled to reconcile  
the implementation  
of policies with the  
deteriorating economic  
environment.*

persuading the unions to moderate their wage demands in light of his government's improved community services, and in not persuading the public of the benefits of government-funded services over those privately funded.

For all of Whitlam's achievements in reforming the ALP and presiding over a visionary government, the economic legacy remains a sore point. In the late 1970s and early 1980s Whitlam's successor as party leader understood this. Hayden said his most vital task 'was to re-establish public trust in [Labor's] ability to manage the economy soberly'.

With the economy in trouble, a political storm in the Senate, and sliding popularity, another scandal was unfolding in secret. In mid-December, Whitlam, Cairns, Minerals and Energy Minister Rex Connor, and Attorney-General Lionel Murphy, agreed to seek a loan of \$4 billion through unconventional sources to fund national resource projects. However, it was done in secret; the Loan Council and the states were bypassed, and Treasury had no role.

**T**HE GOVERNMENT ATTEMPTED to borrow \$4 billion from Arab investors through a Pakistani money broker named Tirath Khemlani. The subsequent furore over the loan attempt fuelled the opposition's drive towards parliamentary deadlock, and eventually led to the dismissal of the government. Although largely unknown in 1974, by mid-1975 the loans affair had begun to engulf the government and propel it towards dismissal.

The recently released cabinet papers also include several records and documents from Treasury about the loans affair. While now officially available for the first time, many of these records were leaked as the events unfolded, or revealed in later books and newspaper investigations. Nevertheless, they make fascinating reading.

In September, Cairns and Connor had investigated borrowing money from sources in the Middle East, but did not use Treasury. Around this time, Cairns and Connor were

introduced to Khemlani by Minister for Labor and Immigration Clyde Cameron. Discussions commenced, and if Khemlani could source the funds and negotiate a loan, he would earn himself a nice US\$100 million commission. But the loan source was to be secret and Treasury would not be involved. In November, Connor's department authorised Khemlani to investigate a loan.

There were several meetings to discuss the proposed loan involving officials and ministers, including Whitlam, through early December. Treasury frantically tried to scuttle the arrangement and mounted strong arguments against using Khemlani and brokering a deal of this nature. While expressing

its professional view, Treasury was not enamoured with the Labor Government and had recently been ignored over budget policy formulation.

Treasury Secretary Frederick Wheeler believed that the loan was through 'dubious channels'. It was widely regarded in the department as 'highly suspect' to use Khemlani's company; an official made a 'note for file' expressing 'doubts about the legality' of the loan and believed it was 'unsound and imprudent'. It was suggested that it might even be an elaborate 'sting' operation or 'a confidence trick of elaborate proportions'. Despite others in the Attorney-General's department and at the Reserve Bank also expressing concern, the advice was ignored.

On the night of 13 December, an Executive Council meeting held at The Lodge with Whitlam, Murphy, Cairns and Connor—though not Governor-General John Kerr—authorised the loan deal. Kerr signed off in Sydney on 14 December. With neither Kerr nor Executive Council vice-president Frank Stewart present, some argue the meeting was illegal and the authority invalid.

Keen to cover his tracks, Wheeler told his department to ensure that the files concerning the loan were 'right' and in 'apple-pie order'.

It soon became clear that Khemlani could not secure a loan deal. With Khemlani wanting a further Executive Council endorsement to negotiate a different deal, Treasury stepped in, and at a ministerial meeting on 21 December, the deal was off. However, Connor told Khemlani to proceed. The opposition now had its game plan.

As the scandal over the loan-raising attempts unfolded in 1975, Whitlam was forced to dismiss Cairns and Connor after they misled parliament. The opposition continued to delay supply bills.

While documenting the historic achievements of the Whitlam era, the cabinet papers of 1972–74 also illustrate underlying factors in the government's slide in the polls and its eventual defeat. These include: Cabinet's ineffective style, the sharp disagreements among ministers, and the poisonous relationship with the public service.

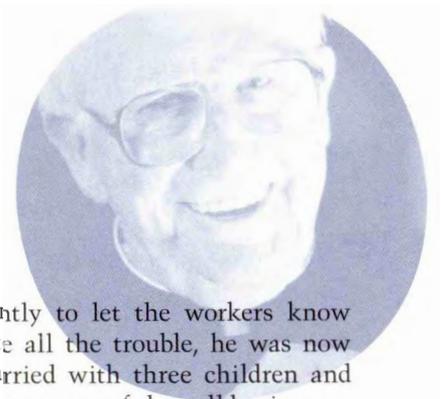
But most revealingly, the papers illuminate the struggle of a reformist government trying to implement an ambitious mandate in a worsening economic climate. The real tragedy of the Whitlam years is that the warning signs were there, albeit ignored. They are now but distant voices in historical documents.

Now all that is left are the cabinet papers for the final year: 1975. These may reveal new information about Malcolm Fraser's tactics, Kerr's ambush, and Whitlam's final, fateful days and hours as prime minister.

With the 1975 dismissal approaching its 30th anniversary this November, and summoning in its wake all the associated Whitlam nostalgia, it would be a mistake to breathe a sigh of relief at the end of the year. The 1975 papers, to be released on 1 January 2006, may well tell the final secrets of the historic Whitlam years. ■

**Troy Bramston** is co-editor of *The Hawke Government: A critical retrospective* (Pluto Press, 2003), works for a Labor Senator, and holds a master's degree in politics and international relations from UNSW.

*The subsequent furore over the loan attempt fuelled the opposition's drive towards parliamentary deadlock, and eventually led to the dismissal of the government.*



## March for Brosnan

**A**S A PUBLIC FIGURE, Father John Brosnan was hard to ignore. Throughout his life he worked tirelessly for social justice, providing support for those in prison. Next month, the Brosnan Centre celebrates his life and work.

Working as the Pentridge Prison chaplain for 30 years, Father Brosnan was acutely aware of the need to support young offenders upon their release from prison. 'There are three things needed by people upon their release,' he often said, 'a place to live that is decent, a job that they can handle and friendship, and the hardest to provide is friendship.'

The Jesuit Order had already responded to these needs by setting up the Four Flats program in Hawthorn in 1977. Four Flats was a small halfway house for young men released from prison and juvenile justice centres. Following Father Brosnan's retirement from Pentridge in 1985, funds were raised to extend the Four Flats program and establish the Brosnan Centre, which opened in 1987. At present 25 staff (mostly youth and social workers) continue to support young offenders aged 17–25.

The centre targets those who are at most risk of reoffending upon release. These young people often come from families where there is a history of abuse, violence, or family break-down where their parents have been unable to take care of them. Many have spent much of their youth in institutions, or moving between foster homes. In other cases, their offences have led them to be rejected by their families.

'These young people are one of the most needy groups. One of the most fragile and vulnerable,' says Brosnan Centre manager Peter Coghlan. 'To the public they may look and act tough, but what's under the surface? That's all a sign of being vulnerable or fragile ... Social justice is about really putting your neck on the line for people who need you.'

The key to the Brosnan Centre's success is establishing a trusting relationship between the young people and the workers at the centre. The centre pioneered the practice of prerelease engagement with young offenders—workers regularly visit

prisons and juvenile justice centres to begin building these relationships.

Brosnan Centre workers devise an individual 'exit' plan for young offenders, which includes assistance with accommodation, vocational training and employment, drug, alcohol and mental health problems. The workers ensure that the young person has the necessary paperwork for Centrelink, Medicare, and a bank account. Upon release, the centre provides basic material needs such as clothing, food, transport tickets and telephone cards.

The centre directly assists young people to find information about suitable employment arrangements including supported employment schemes, courses and jobs. Supported accommodation for releasees is available at two houses. The house in Carlton accommodates up to four young people. Perry House, in Reservoir, is a purpose-built house designed for young people with an intellectual disability. From this supported accommodation, young people move on to transitional housing, where they are accommodated until they are able to obtain their own public housing.

Quantifying the success of agencies such as the Brosnan Centre is difficult. The greatest measure of success is the period of time the young people are able to stay out of the criminal justice system. If they can start to break the release-offence-incarceration cycle, then that is success. 'They may not reoffend at all,' says Coghlan. The centre frequently receives 'good news' stories from former young offenders.

Mike was a young offender who'd been in prison and hadn't had contact with his family for a number of years. He and his case worker worked through Mike's family issues with the aim of re-establishing contact. Just prior to Christmas, Mike decided to try to reunite with his family. Last week, his mother rang the centre to let everyone know that everything was working out well.

Jason was involved with the centre 20 years ago. He'd come from a horrific background, and had been in and out of youth training centres and prisons for years. He

called recently to let the workers know that, despite all the trouble, he was now happily married with three children and was running a successful small business.

'Apparently,' says Coghlan, 'if you were ever going to give up on a young person, it would have been him. But the workers didn't give up. They persisted and persisted and took him as far as they could.'

The Brosnan Centre's work extends beyond providing direct assistance to young offenders. Following in the footsteps of Father Brosnan, the centre undertakes a broad advocacy role. The staff give talks to schools, community and parish groups and service clubs to try to promote awareness of the work the centre does, and to try to change the public perception of young offenders. In keeping with the Jesuit Social Services purpose to build a more just and inclusive society, the Brosnan Centre also advocates for broader social change.

This was the ethos of social inclusion behind Father Brosnan's work. His openness, warmth and generosity were legendary. 'Even the young people who didn't have experience of him helping them, loved him,' says Coghlan. 'He was a great man, and a real character.'

Next month, to celebrate Father Brosnan's life and work, the Brosnan Centre's patron, Garry Lyon (former Melbourne Football Club captain), will launch 'March for Brosnan' month at the Brosnan Centre.

### March for Brosnan events

*Picnic in the Park:* A fundraising picnic in the park will be held on Sunday, 20 March, at 12.30pm at Pentridge Village Estate in the Father Brosnan Community Park, Coburg.

*Getting Schools on Board:* Brosnan Centre staff will give talks to schools about the centre, and are seeking support through donations (funds raised by 'uniform-free days'), or by collecting materials (hairbrushes, shaving cream, deodorants) to make hygiene kits for young people.

For further information, donations or volunteering, please contact the Brosnan Centre on 03 9387 1233. ■

**Louise Clarke** is a freelance writer.

# What lies beneath

Two weeks before the tsunami, Peter Davis was in Jaffna to observe the clearing of landmines. In the aftermath of the devastating waves, he reports on the landmine-clearing strategy that must continue in order for the war-torn region of Sri Lanka to prosper.

**T**O WATCH MINE-CLEARING in action is to observe a carefully orchestrated and highly trained group effort. Teams of clearers clad in heavy protective clothing painstakingly scrutinise each millimetre of soil with high-tech mine detectors. Once they have located a signal (a high-pitched squeal that sounds like the peacocks that roam the Sri Lankan jungles) they switch to low-tech tools—a rake, a trowel, or even a twig—to gently remove the soil. Then, with gloved but steady hands, they remove the mine, hold it with one hand and defuse it with the other. A coloured marker is inserted where the mine was. Tape linking the markers reveals the extent and the pattern of a particular minefield. In many parts of northern Sri Lanka, the

a news service of the Sri Lankan Tamil population, Professor V. Nithyanantham of the Department of Economics at Jaffna University referred to the Boxing Day disaster as 'Tsunami II' and suggested that 'Tsunami I' was the widespread destruction of infrastructure caused during the height of the military conflict.

Although much rebuilding of the war-torn region is evident (including the new Jaffna library that opened to significant fanfare only a year ago), the ground remains cluttered with bombed and burnt structures. But it is what lies beneath the ground that provides the greatest inhibition to progress.

An estimated one million landmines litter the regions of northern and eastern Sri Lanka. Most were laid in the mid-1990s by both the Sri Lankan Army and the Liberation Tigers of Tamil Elam (LTTE). Apart from the obvious personal trauma of loss of limbs, deafness, blindness and disfigurement, there is the added problem of diminished household income, since many of the landmine victims are farmers who can no longer work their land.

Clearing the mines may look excruciatingly slow, but significant progress in the areas around Jaffna has already been made. 'It helps that we have had good co-operation from the Sri Lankan Army,' said Tim Horner, Mine Action Adviser with the United Nations Development Program. 'They have handed over thousands of maps revealing the exact mine locations.' Contrary to early media reports, the tsunami did not dislodge thousands of mines from their known locations. 'Fortunately many of the coastal areas had already been cleared of mines,' Horner said. 'However, the tsunami did destroy a number of the markers indicating areas that have been cleared. This can be quickly rectified, as we have all the GPS positions.'

The bureaucracy of mine-clearing is itself something of a minefield. The UN Mine Action Program began operations in Sri Lanka in 1999. Renewed fighting between the government and the LTTE interrupted activities in 2000. Following the ceasefire in 2002, the program resumed. Today there are ten mine clearance groups operating in Sri Lanka. One group exists within the army. Others are run by various NGOs from Denmark, Japan, Britain, Norway, Switzerland and the United States. Horner is familiar with all these groups. Based in Jaffna, he works alongside the Tamil Rehabilitation Office out of the District Mine Action Office set up within the local government office. All mine-clearance activity comes under the jurisdiction of the Sri Lankan Ministry of Refugees, Rehabilitation and Resettlement.

Mine-clearing techniques vary across the groups. Some use heavy crushing machinery that scrapes away tonnes of topsoil. Others use trained detector dogs, but most use metal detectors and rakes. Sri Lanka is one of the 47 countries in the world that is not a signatory to the 1997 Ottawa Convention on the Prohibition of Landmines. (Other nations that have refused to sign include the US, Russia and China.) The NGOs involved in mine clearance therefore have to balance their commitment to a humanitarian cause with the *realpolitik* of the environment in which they operate.

**R**EMOVING AND DEFUSING the mines is only part of the program. Considerable effort goes into educating communities about the risks of landmines. Staff from the District Mine Action Office in Jaffna visit villages and schools to promote landmine awareness. Children are encouraged to act out plays in which a villager encounters a mine among the crops, while teachers receive curriculum



tape extends for hundreds of metres in several directions, across farmland, close to schools and through villages.

'If all the correct procedures are followed, [mine-clearing] is not as dangerous as it seems,' said Marc Farino, a co-ordinator and trainer with Fondation Suisse de Deminage (FSD), one of the organisations receiving AusAID support. 'It takes us 15 days to train a deminer and we are very strict about quality assurance.'

The Jaffna region of Sri Lanka was devastated by war long before the tsunami hit the coast. In an interview with TamilNet,

materials and posters to help students recognise landmines and take evasive action. 'The number of accidents can be significantly reduced if people are aware of the dangers,' said S. C. S. Chithambaranathan, co-ordinator of the Family Rehabilitation Centre in Jaffna. 'It will take a long time before all the mines can be cleared from our region. But the more aware people are, the safer it will be for them to return to their land.'

One of the problems facing returnees is that about 20 per cent of the land around Jaffna is still regarded as a high-security zone by the army. This land, belonging to an estimated 17,000 families, remains heavily mined and cordoned off with razor wire. Refugees who are able to return are entitled to a small amount of compensation from the government (about A\$200) as well as some soft loans to help them resettle, but this allowance can be a long time coming. In Jaffna I encountered a peaceful but determined demonstration of returnees. They had gathered outside the district government office to protest that, six months after returning, they had still not received their resettlement allowance.

In the days before the tsunami, the lingering media story was about the grenade attack in Colombo that killed two people at the pre-Christmas concert given by the Indian singer and Bollywood superstar Sharukh Khan. The attack was the culmination of demonstrations from fundamentalist Buddhist groups who wanted the concert banned because it clashed with the one-year anniversary of the death of Soma Thera, an influential and conservative monk who publicly evangelised for a 'return to pure Buddhism'.

Such tensions, which simmer just beneath the surface of Sri Lankan democracy, were swept from the front pages by the tsunami. As the emergency relief phase slowly moves into the reconstruction and rehabilitation phase, old tensions are bound to resurface. As long as the cease-fire holds, the mine-clearers can continue to defuse the devices that mar the physical landscape. Defusing tensions in the political landscape may not be so easy. ■

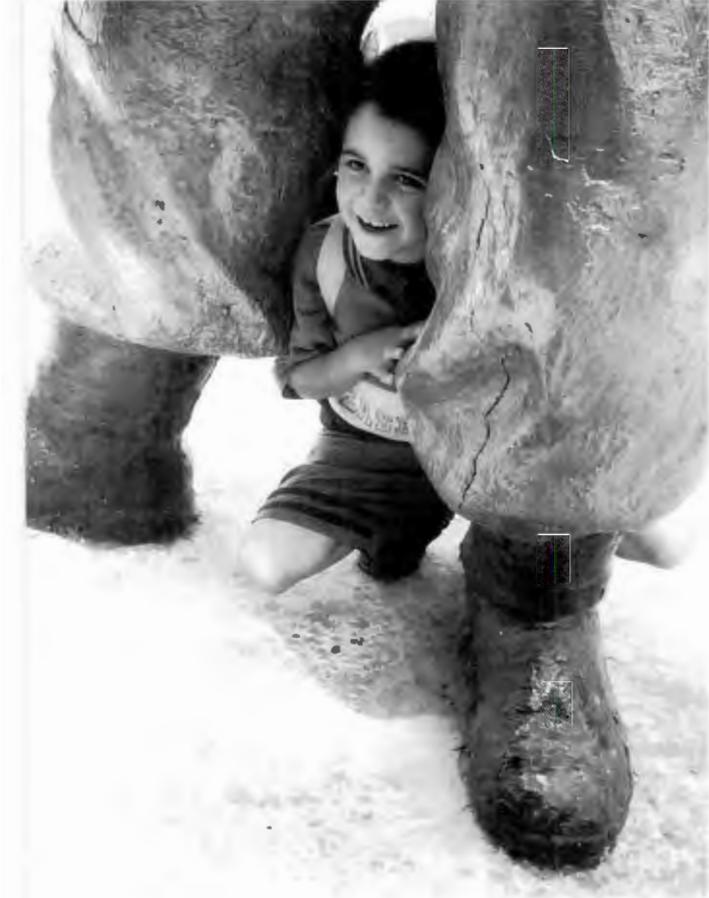
**Peter Davis** is a Melbourne writer and photographer and a senior lecturer in the School of Communication and Creative Arts at Deakin University.

Pictures © Peter Davis



FSD De-mining activities





an author  
Susan Dirghatti

# A boy in Damascus

Melhim.' He had captured my husband's heart. From then on, most of the photos or memories I have now are of Melhim and Fouad: the two of them chatting together; Fouad fitting on Melhim's shoulders his first school bag, a green and gold one, and a new blue smock—the uni-

sex uniform for prep kids. Seeing Melhim excited to receive these gifts reminded me of a photo we have of my son, schoolbag on his back and hair brushed back wet for his first day at school, grinning broadly.

It was on that second visit that we learnt that Melhim kept his dad company at the museum. His father, who welcomed us kindly but shyly, cleaned the museum toilets. He kept incense burning in the entrance to the toilets and offered water to weary visitors.

Being a child who was in the area every day, Melhim was well known to the artisans and shopkeepers in the craft market next to the museum. On one trip to see him, we had to backtrack as we had walked past him; he had been sitting on a stool with an elderly artisan leaning over him fitting a leather band onto his wrist.

And he must have been a little like a mascot to the soldiers in the museum. It was the young soldiers relaxing near him, rifles casually slung over their shoulders, who had first assured us, smiling, that Melhim would be there the following Friday, or any other day, if we wanted to return to give him his photos.

Fouad told me how, on one of his visits, a high-ranking officer had called to Melhim. Gesturing to the officer, Melhim let him know that he was busy, and turned back to give his attention to the conversation he was having with Fouad. Officers are not used to being ignored. Melhim's officer had to entice the five-

year-old with the promise of chocolate. Fouad said Melhim got the chocolate and returned directly to continue their chat.

We had little difficulty finding Melhim whenever we went to the museum, but for a brief period, father and son vanished. Melhim's father had been transferred to the toilets at the souq near the Omayyad Mosque, another environment indeed for a young boy to make himself at home in: aggressive spruikers, hawkers selling socks and the like, and crowds looking for bargains, crowds that a child could get lost, jostled and bruised in, all under a rusty iron roof, stretching half a kilometre or so towards the mosque, with light let in by the scattered holes of (reputedly) French machine-gun fire.

Father and son returned, but we never saw the little red chair and scales again. Without them, Melhim was more likely to wander. On one summer afternoon, we found him sitting alone on the roof of the toilets. From a small courtyard hidden from the view of the family groups sauntering past his little corner, Melhim had climbed a workman's ladder to the roof, to sit and survey the world. I doubt if he could see much more than the tops of the eucalypts beyond the walls of the museum and the silhouettes of cranes beside the skeleton of an emerging five-star hotel.

UNABLE TO COMMUNICATE with Melhim in Arabic, I was usually a step or two back from the action with my camera ready, content to record the delight he and Fouad found in each other's company. But once Fouad visited Melhim alone and was asked, 'Where is the lady?' Perhaps I had a bigger role than I had imagined. Or was my camera the attraction? On the next visit, while Fouad was chatting with Melhim's father, I stood aside and waited.

WE FIRST NOTICED Melhim in a sunny corner of the Military Museum in Damascus. His rakish posture caught my attention: he was sitting askew on a child's red plastic chair, one leg dangling over one side, the other stretched out straight. If he'd been ten years older you might have expected a cigarette in one hand. Although clearly absorbed in his own thoughts, he had placed in front of his seat some bathroom scales to attract the wandering tourists and a few liras.

I loved the look, so I dug in my handbag for my camera, wanting to capture it. But of course it was lost as soon as I gestured that I wished to take his photo. Immediately, he stood to one side of his chair in a military position, stiffly erect, arms at his side, now acting more like the child he was. Not totally happy with that shot, I asked him to return to his chair, and I took a photo of him sitting, anything but nonchalant now. He looked intently up into the camera lens at me.

That was the beginning of our periodic trips back to the museum to see Melhim. The second visit really determined our commitment to stay in touch with him although we went merely to give him the photos I had taken.

Holding his pictures at arm's length, Melhim exclaimed to himself, 'Oh Melhim. Naughty Melhim. Naughty

Normally happy to feel invisible, relax and contemplate the scene around me, I was surprised to notice that Melhim was intently gazing up at me in a quizzical and affectionate way. My meeting his gaze didn't disarm him, so I did my best to catch his look and return it.

In Damascus—in another culture, another workplace and surrounded by an alien language—I worked hard just to be, just to cope. I had a nervous tic in my fingers. I would find myself rubbing my right thumb and my second finger together as I walked home after a long day. My interaction with people was often studied; I felt stilted. But like Melhim, most Damascenes were so in the moment, I don't think they noticed as long as I maintained their warm eye contact.

At the end of the summer, Melhim was to return to his village near the Jordanian border to rejoin his mother and two younger brothers, so he could begin school. The day before his departure we

came to farewell him, not knowing when we would see him again. That day he must have put some thought into a backdrop for the photos he knew I would want to take of him. He led Fouad past the local lads, the young soldiers lolling around in the sun, into an area that would normally require a ticket from the ticket office at the other end of the museum. As one of their duties was to check for tickets, the soldiers called out something to Fouad, but Melhim, as if he were their commanding officer, pointed out that Fouad was with him, and walked on, hand in hand with Fouad, down the path, through dappled light and unkempt garden, towards an ancient tank and airplane, and a giant green fibreglass statue of a soldier.

As I write this, a long way from Damascus now, back in our suburban

home, my cat is curled up on my lap and the photographs taken that day are in front of me.

One shows Melhim standing on the tank, arms stretched up, palms out, as if he is a general placating an applauding crowd. The only picture that I didn't take myself is of Melhim still on the tank and of me standing beside it. I'm looking impatiently at the camera behind my sunglasses, while Melhim looks at me, with one hand resting on my head as if he feels I need a pat, and the other held up high like a policeman at a busy intersection; he seems to be telling the world to stand still for a moment while he cares for me! And there is another of him crouched between the legs of the green soldier, giving us the cutest smile. He looks very neat, dressed in a blue and white T-shirt with the word 'Baseball' emblazoned across the middle of it, matching shorts and a pair of plastic slippers.

I AM CONSCIOUS of the green tidiness of the world outside my door, and of the mostly empty streets as people lead their lives inside. Melhim is now in the dustier landscape of his mother's village, perhaps with the smell of jasmine in the air. He must have recently celebrated the end of Eid with his family; uncles would have given him modest packets of money and his mother would have cooked some special treats.

It's more than six months since we first saw the boy with the laid-back look in the Military Museum. From being a subject for a tourist photo, Melhim has been weaving a special thread through our lives. I hope we can stay in contact with him. I would like to smile into his eyes again and to give him picture books to look at perhaps while he is in a tree or on a rooftop.

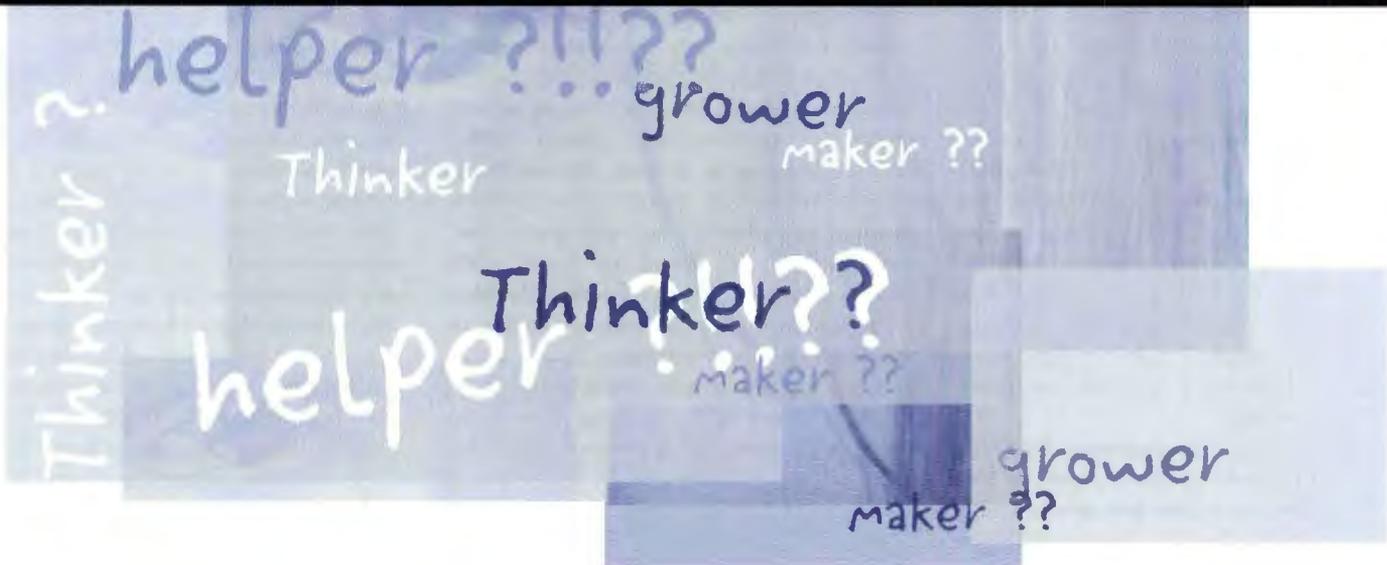
But I do fear for his future, and wonder what impact decisions made a long way from his sunny corner in the museum will have on his life. ■

**Susan Dirgham** is an ESL teacher from Melbourne who has been teaching English at the British Council in Damascus since September 2003.

All images Susan Dirgham



# The third Great Bang



I HAVEN'T DECIDED WHAT I will do in my next life although the people who organise these things have been sending me reminders about it for the past two years. No-one can be in a life for more than 30 years—that has been the rule for a very long time, at least since the second Great Bang. Some of the reminders they send sound more like threats: 'decide for yourself by the end of the month or we'll decide for you.' If that happens, their decision will probably involve getting me out of the way, making me an outposter.

I can choose one of the general life categories such as making, thinking, growing or helping, or one of their specific sub-categories like growing vegetables or making furniture. I'd like to be a thinker, as that's what I'm doing now, but few people get to do the same job two lives in a row.

I work as a helper to an LOP—that's a Learner of the Past, whose job is to find out what life used to be like. He in turn reports to the Keeper of Essential Historical Knowledge (KEHK) who decides how much of this information to share with the rest of the world and how much to store as bundles of memoryfibre in some crypt.

I could, of course, choose a life as an outposter as my friend Indie wants to do. She says she'd rather go to jabiru and sit on a rock than spend another working life in a shoe factory. She says she deserves a rest after all the hard jobs she's done.

'You must be mad. It's just a cop-out.' What I really mean is that I'll miss her. We've had fun together in this life.

'I can do useful things like making baskets out of reeds or helping people should I happen to see any. How could you call it a cop-out?'

'You'll be lonely,' I say.

'But I'll be safe. Not like Mex. One minute he's working as a helper at BOOM, next minute he's blown to bits by a few wires that suddenly turn themselves into a bomb.'

Mex was a fun guy when he was in one piece and I am angry that no-one at BOOM (the Business of Offshore and Onshore Mines) seems to know how it happened, or if they do they're not telling people like us. I'd like to know what he's been reborn as but no-one ever knows that.

So I have a couple of options. I can reapply for my current life and hope they will accept me, I can choose something else like growing or I can do nothing and be sent away as an outposter. That last option would be a real gamble. If they sent me to the same place I'd be with Indie for another life but I mightn't like her any more once I'd been implanted with outposter workware and undergone my personality change. Or she mightn't like me. Then there's the distance. I've heard of outposters being sent as far away as stockholm or newcastle and although it's hard to get any real information out of them, their mumblings don't make outpostting sound fun.

Working as helper to an LOP is an unusual sort of life as there aren't many LOPs to work for. It is thought that too much information about the past could make people discontented with their beautiful present lives. There's even talk about deleting LOPs altogether now they've started digging up the ruins of europe and usa and finding some quite strange things that I've learnt about in my job.

'I've made up my mind,' Indie says, pulling up her sleeve.

I look at the thin red line from wrist to elbow. 'You must have needed a lot of ware.'

'Just preparatory stuff. They said it is probably my 12th life so there's a lot of file to be deleted before they can install outpost.'

'When?'

'Tomorrow. Can you come with me while they do it? Then I'll be in jabiru. They said I can go there as my genetic pattern shows special affinity.'

They probably say this to anyone who expresses a preference for jabiru. Its bad reputation goes back into prehistory; some kind of sickness curse used to fall on all who went there. But Indie's entitled to make her decision about her next life just as I am. More to the point, as I should seriously think about doing.

**N**EXT DAY WHILE WE ARE WALKING to the implant place, she tells me that the problem with being a maker is that you don't have any control of things. Even making shoes could be dangerous. If the demand for shoes dropped they might change their molecules and turn into pineapples or carry bags or whatever else was in short supply. Indie keeps inventing new reasons for becoming an outposter as if she is trying to persuade herself it is the right decision.

I wander around and read all the messages while she has her implants. 'Are you nearly 30?' the men and women in the pictures ask, pointing at me with huge accusing fingers. 'Have you decided yet?'

'No and no,' I say to the solemn man in one picture, and, 'by god, you don't look as if you ever have much fun,' to the serious woman in another.

They don't answer although I speak in a normal sort of tone and am quite close to one of the little pink ears stuck up in the corner where the walls join the ceiling. All walls have ears in these places.

When Indie comes out, I ask her how she feels but the new languageware in her implants has worked fast and I can't make much of her gabble-gabble and blah-blah talk. She keeps pulling at my arm as if she wants me to go somewhere with her. But I won't be able to carry emotions like love into my new life and I don't want to go to jabiru. I'll take my chances here.

If you are receiving this in another time or place, maybe by way of a spacereader or elbowguide, you might wonder at that word 'god' I have said once or twice. I've just been trying it out, really. You see, I am one of the few people who knows the word, as it was forgotten several hundred lifetimes ago along with all the occupations in the god category. I learned about godthings when I was helping the LOP research the god phenomenon. He told me god had held this planet in thrall for more than 2000 years so it must have been a very powerful word.

I like the way the LOP says 'thrall', which is a new word to me, and I practise it as I walk home from work. 'Thrall, thrall, thrall,' I say to the bus driver, and he says, 'You mad or something?' Then I see him practising the word as he checks the passengers' tokens, putting his tongue up against his teeth then making an 'o' shape with his lips. His tongue makes the 'l' sound at the end of the word but you can't see that from looking at his mouth. Soon the passengers are saying it to each other—a chorus of 'thrall, thrall, thrall' has filled the bus, drifted out the windows and been taken up by passing pedestrians.

Now I hear thrall all the time, frequently when people mean something quite different. 'What a thrall,' they say about an exciting new film. Or, 'Take care you don't thrall on the step.'

All this has given me an idea. If thrall has this effect, I wonder, what about the god word? Maybe I can spread this in the same way.

Most of what I know about god is that he was some sort of guru whose words changed the world. If he had that much power, maybe his name would have the same effect. I also know he started his life humbly enough at graceland and his followers moved out from there in electronic waves converting thousands every day, persuading them to wear godrobes made of white leather and plucking at ancient instruments known as geeters which were similar to our modern guantanos. Most of the other knowledge about god was lost in the second Great Bang, the one that did europe in. Thinkers working on the ruins keep finding out godthings but no one's really working on them with any enthusiasm. Thinkers are not taken very seriously these days.

**I**N MY RESEARCH with the LOP I read about the lobster crawl effect which you may have heard about. A thinker from an ancient time—she was described as a philosopher—theorised that the scratching of a lobster's claws on the lonely floor of a silent sea is enough to set up vibrations that can set off volcanoes in places as distant as nova scotia. We don't have a category for philosophers as we don't use big words like that now, so they have been absorbed into the general category of thinker. Anyway, since the second Great Bang actual thinking has been generally discouraged. The bang was caused by too much thinking, some were heard to say. It was caused by too much god, said others. Others again suggested 'much' should have been translated as 'many', but I find that a very difficult concept to grasp, no matter how hard I think.

So I've decided to do my own experiment and to do it quickly as I have little of this life left. My plan is to drop the god word into my conversation regularly, just as I did with thrall. I will say it with different emphases and with different people, my intention being to make it known and used again. Maybe I can even get people to follow some of its practices if I have time to find out more of them. I must work fast if I am to spread the word and let it ripple out and grow to the force needed to set off a volcano.

Now I don't have to think about Indie any more I will think about graceland as I feel sure grace has something to do with god. Graceland was in usa, of course, but it seems to have something in common with the ruins of europe they keep excavating. The pictures show people in white robes with rays of light around their heads that I think might be the thing called grace. No one's really put all these ideas together as they are so abstract and people got out of the habit of abstract thought after the second Great Bang.

I must get out of this habit of starting important words with big letters. I've picked it up from my god research but it looks so archaic. I'm attracted by the way it adds emphasis, though—a Great Bang looks somehow greater than a great bang. I would ask Indie what she thinks if she wasn't sitting on a rock in jabiru watching for something. I know now that I won't see her again but that's OK. Everyone's friends disappear into their new lives, as has always been the case. The LOP told me there was once a big word called ephemeral that seems connected with that process. It's got nothing to do with grace as far as I can tell.

Another fascinating thing about the relics they have been digging up from ancient europe is all the pictures of babies

painted on bits of walls. Some still have remnants of golden grace on their heads shaped like rays or solid plates. We have no pictures of babies in our culture because we have no babies. There is no room for more people when everyone translates into a new life every 30 years in a sort of complete crossover rather than a rebirth. What would be the purpose of birth, babyhood or childhood now that the world is finally in balance and harmony, roles are allocated for all, and there is endless choice except for those who fail to make a decision?

**I** HAVE ANOTHER FRIEND now that Indie is in jabiru. I meet him outside my room one morning and decide it is time to start my experiment of reintroducing the god word into the language. 'By god, you look like a friend,' I say. He does look friendly, sort of huff-puffy in a snap-around-your-feet sort of way, like one of those little dogs some people choose as companions if they feel lonely in one of their lives.

'Dog? Do you mean "by dog"?' he asks. 'You dyslexic or something?' He wears a strange sort of hat with two points at the back, each of which ends with a little metal bell. I recognise it as the mark of a newly formed group who call themselves the muzos and have pledged themselves to construct and play musical instruments like the ones found in the european ruins. This way of delving into prehistory is not really encouraged but neither is it forbidden. People designated as makers can choose to make whatever they wish within certain parameters that I do not have time to include here. Enough to say that in theory they concern the integrity of the individual, the group and the community as a whole, so music probably

seems innocuous enough to those who make the rules, and there is nothing forbidding hobbies.

'By god,' I said, 'I love your hat. And the word is god, not dog. It's an ancient concept but a powerful one in its time, I have discovered. Connected with the graceland site in some way.'

'I like it. Easy to say. Can you *do* it? Is it a noun or a verb?'  
'Either. Would you like to come with me and have some god? My friend Indie has gone to jabiru and I have no one to god with at the moment.'

'Shall we walk or catch a god?'

He is called Palli, the name of some old country that disappeared in the first Great Bang. I tell him about my work that has taught me all these things and he tells me that when he isn't being a muzo he is a maker of aeroscreens, those huge things that hang over cities and tell people everything they need to know.

We laugh a lot as we walk to the god, trying out the word in all sorts of ways. 'Mind out for that god,' as a truck bears down on us. Or, 'What is the price of that god in the window?'

'How god is this?' I shout to the world when we stop for a rest on a park bench. 'I have a new friend, a new god, a god god,' I say, and we roll around laughing on the grass in the park while solemn garden makers watch.

We say the word over and over in the park and watch the garden makers form it with their mouths, shaping their mouths godwise, a rounding of the lips, a clicking upwards of the tongue to conclude. We watch them move back to their planting and watering while mouthing this new word, saying it to themselves, then to each other, then shouting it to passers-by who repeat the cycle of silent mouthing, speaking, shouting.

We return to Palli's room and do a #alltheworld doodletext to cover people too remote to hear the word from their neighbours.

Palli, with his access to the workings of the giant information screens, puts up a message that says 'god, god, god, god', the words starting tiny and gaining in size until they fill the screen where they vibrate, glitter, beckon, demand attention. I make the logo, a shapely version of the symbol I've seen on those fragments of ancient walls, just a couple of crossed lines, a design so simple that it will be noticed and remembered.

My experiment proves successful. The word spreads around the world, rippling outwards in ever-widening circles. That takes two days. Then there are seven days of fighting between groups who define the word differently, and three weeks of gathering up all the things needed for the third Great Bang. I am right. It is a very powerful word. ■

**Mary Manning** is a Melbourne writer and teacher of professional writing at CAE.





# An ecumenical spirit

**Fresh Words and Deeds: The McCaughey Papers**, Peter Matheson & Christiaan Mostert (eds).  
David Lovell, 2004. ISBN 1 863 55106 9, RRP \$25

*Like a long-legged fly upon the stream  
His mind moves upon silence.*

THESE LINES EVOKE about my earliest memory of Davis McCaughey. They are the refrain to 'Long-Legged Fly', a poem by W. B. Yeats, and were recited by McCaughey to the motley group of hairy students who attended his Sunday poetry evenings in The Lodge, when he was Master of Ormond College in the University of Melbourne. Yeats makes several surprise appearances in this book, indicating two particular strands of continuity in McCaughey's thought, his trust in the Irish poetic inheritance, and his skill at bringing the past to bear on the future.

Wherever we meet McCaughey in these papers, his voice is confident, measured, considered. His argument is presented in a characteristically inclusive manner, each essential idea left open for our reflection. There is nothing forced, but he is regularly forceful. The direction of each piece—whether lecture, article, sermon, or eulogy—is handled with seeming ease, though the scale of the material he controls is sometimes grand and multifarious. His rare digressions are ever vital to the context. Fearless in support of his own assertions, McCaughey still keeps asking questions. Assertion very often leads to 'an overwhelming question', not so often the other way around. He is not in doubt about what he says, but allows us to keep uncertainty as well as certainty in our own minds. He respects his reader. The editors praise his 'unyielding rigour' and 'lightness of touch'. Other pleasing features of the McCaughey style are a soundness of purpose, a defiant clarity, and an elevating irony.

McCaughey's writings are intended for public speech. The content is never self-indulgent or trivialising. They are models of logical argument, leavened by a disarming sensitivity towards his listeners. 'This leads to the third and last observation with which I shall weary you,' he says, after a lengthy paper of closely reasoned lucidity. In discussing Alasdair MacIntyre's *After Virtue* he warns, 'MacIntyre must not be held responsible for my use or abuse of his thought.'

The editors draw attention to 'the effortless transition into poetry or literature' in McCaughey's theological writing. This is his practised art, but also displays his intuitive championing of literary criticism in theology and biblical studies, a movement that gained speed mid-century and today is a minimum requirement. He knows that 'Christianity has been a great literary event'. Literary critical readings of the Bible, literature as a means to theological understanding, the written heritage as key to the scriptural heritage—these and

other modes of criticism and discourse are at work throughout this book.

The strongest force that enlivens this collection is its ecumenical spirit. Ecumenism is the first premise of many of these papers, and all the others can be read with ecumenism as a main motive. 'The Formation of the *Basis of Union*' and his other addresses on the foundation of the Uniting Church in Australia are crucial documents for our understanding of Australian church history and justify purchase of this book in their own right. McCaughey makes it plain why the Bible, that book of little books, is an open text for open minds. Church union is not a ponderous pursuit of doctrinal differences but a reclamation and canvassing of strengths and common directions.

THE SUBTITLE is a misnomer. *Some McCaughey Papers*, surely. To be true to its claim, *The McCaughey Papers* must be a sizeable editorial challenge; other volumes in the set would contain his many writings on society, government, literature, history, and education. Here we have just some of his important writings on religion, though glimpses into his other interests are evident. For example, McCaughey draws our attention over again to the values that make for more complete individuals, a more imaginative and responsible society. He rebukes the managerial mentality, reminding us that vocation is central to personhood and that a healthy society does not flourish by pure self-interest. Literary consciousness meets Christian conscience when he recommends MacIntyre's saying that 'it is in the narrative order of a single life that virtue is perceived'.

Davis McCaughey was a quintessential figure in the formation of the Joint Theological Library, a vital national and international resource. Right into his late eighties, McCaughey could still be seen ascending the spiral staircase into the library. As a member of staff who makes mental notes of borrowers' reading habits, I observed that McCaughey not only took out the latest critical works, but also copies of titles that he had donated to the library himself 30 years earlier. He embodies the view that it is not just the books you read that form and define your character; more importantly, it is the books that you reread. ■

**Philip Harvey** is a Melbourne librarian and poet.

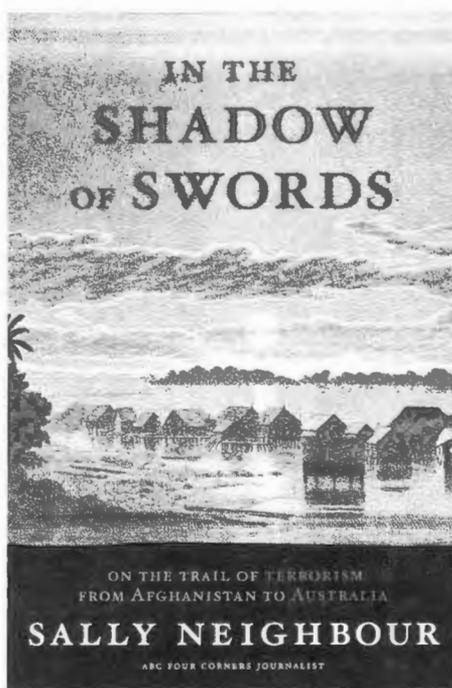
# Tracking a reign of terror

**In the Shadow of Swords: On the trail of terrorism from Afghanistan to Australia**, Sally Neighbour.  
HarperCollins, 2004. ISBN 0 732 28010 9, \$29.95

**T**HE JIHADIST BELIEF in *mati syahid*, espousing victory through death, presents an uncomfortable and troubling contest for would-be adversaries. Facing an enemy swelling in number, unflinching in their ideological cause and unperturbed by even the direst of terrorist acts, nations have reacted forcefully to threats at home and abroad. However, confronted with a vanishing battlefield, where opponents have instead become surreptitious targets, there is little to suggest that victory is at hand, despite intermittent successes. As Sally Neighbour laments in *In the Shadow of Swords*, 'And none of these separate defeats will quench the deadly conviction of those who wage terror in the name of Islam, or extinguish the dark and powerful ideas that nourish that conviction.'

Neighbour, a veteran reporter and foreign correspondent with the ABC, frequently returns to this affirmation—'in the name of Islam'—in tracking the fanatical rise of the Jemmah Islamiyah (JI) movement throughout the Indonesian archipelago and beyond. For many of JI's acolytes, it is religious teaching through madrasses and halaqahs, which dictate belief systems and the notion of a pure Islamic state. For others, particularly the more senior religious zealots, it is the corruption of Islamic culture by Western imperialists which fortifies their radical convictions. Though their anger is tapped from a range of sources, their brand of jihad is declared and delivered through the trinity of 'faith, brotherhood and military strength'.

Through scrupulous research and use of intelligence sources, Neighbour presents a detailed criminal map, beginning and ending with the invidious cleric Abu Bakar Bashir. Descended from a large merchant family, Bashir grew up during the Sukarno era, a period marked by strong nationalistic fervour following the fall of Dutch sovereignty. Latching on to a new doctrine seeking to modernise the Islamic faith and strengthen the fundamental truths of the Koran against dangerous Western ideals, Bashir soon became a prominent figure in the Islamic youth movement. Newly acquainted with Abdullah Sungkar, a like-minded revivalist, the pair began



to spread this new teaching through the establishment of 'Jemmah Islamiyah', or 'Islamic Communities'. Under the Suharto regime, which had already brutally suppressed the Communist Party, Bashir and Sungkar were imprisoned on a charge of subversion, following their repeated denunciations of the ruling power and apparent plans to wage war against the government and remaining 'unbelievers'. After serving a three-year prison term, during which time Amnesty International labelled them 'prisoners of conscience', the now celebrated leaders fled to the relative safety of Malaysia to avoid rearrest. From here, Bashir and Sungkar would engineer the JI operation, slowly abandoning the more proselytising influence of their Darul Islam movement and instilling a discipline and resolve within JI members that would later manifest itself in bloody action.

From their home in exile, Bashir and Sungkar carefully nurtured the JI network, luring new recruits through Islamic boarding schools and study groups. Through this process, JI identified a devoted and skilful cadre of leaders who would serve as recruiters, trainers and technical experts in JI's forthcoming reign of terror.

**N**EIGHBOUR'S EXHAUSTIVE INVESTIGATIONS reveal the warming relations between JI and the Afghan mujahadeen and, later, the Taliban and al Qaeda terrorist network, which sought sanctuary within the sympathetic fundamentalist regime. Initially, the rise of jihad against the occupying Soviet army provided an ideal opportunity for JI to dispatch eager young recruits for military training inside Afghanistan to complement their religious scholarship. It was during this time that a young and idealistic Osama Bin Laden made his first appearance in the Pakistan frontier town of Peshawar offering finance, expertise and solidarity. With his reverent presence and credibility as a mujahadeen fighter, Osama earned enormous respect within JI and helped fuel anti-Western sentiment among Muslim populations around the world.

Though the story frequently shifts between the Indonesian archipelago, the front lines of Afghanistan and later to the heartland of suburban Australia, there is little discord in the narrative. Neighbour explores the motivations and machinations of the terrorist organisations with great depth and clarity, most notably through her profile of the JI leadership: Bashir, the callous signatory to JI's crimes; Muklas, the pious ideologue; and Amrozi, the childhood degenerate whose plastered smile would crystallise much of the hatred felt by victims of the Bali bombing. Like Amrozi, many of JI's followers were enticed into the movement from a position of hopelessness or distraction: Arnasan, the devout but naive trigger man for the Bali operation; Jack Roche, the burly Yorkshireman who turned to JI for companionship and solace; and Dr Azhari, a well-educated and prosperous academic who would be trained as an expert JI bomb maker. The chapters on JI's activities in Australia are particularly illuminating given the original scope for terrorist activities inside Australia and the apparent failings of Australian intelligence networks.

Though both ingenious and audacious in its planning, JI was reliant on a steady stream of finance from al Qaeda, expert training in the guerrilla camps of Afghanistan and the Philippines and a steady stream of foot soldiers willing to undertake the Bai'at rite confirming their path of allegiance. However, as JI began to step up its militancy,

anti-terrorist forces responded in kind, making a number of high-level arrests and preventing a number of potentially devastating attacks.

Of the Bali bombing itself, Neighbour gives a clinical description of the meticulous planning undertaken by the suicide operative. Rather than sensationalising the horrific aftermath, she skilfully allows the reader to find the right emotional response in the cold indifference of the perpetrators.

**T**HE AUTHOR BRIEFLY IMPOSES her voice in the final chapter, *The Fortress of Faith*, attempting to situate the global 'test' now facing the Muslim and Western worlds. While these polemics are far too broad for Neighbour to address here, it is clear her inkling is far from optimistic.

Fundamentally, *In the Shadow of Swords* is a confronting exposé of the JI movement and a valuable reminder of Australia's implication and necessary involvement in the anti-terrorist cause. But its afterthoughts are compelling. As Neighbour contemplates, in the shadow of Bali: 'Amid the shock and outrage and urge for revenge, there was a desperate need to understand—what was this "ravine of hate"? And how on earth had we found ourselves on the other side?' ■

Ben Fraser works with Australian Volunteers International.



MOORE

# Lost in the detail

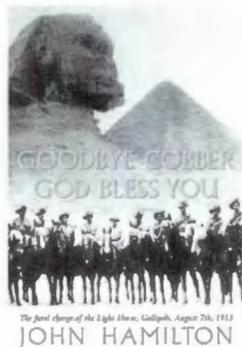
Goodbye Cobber, God Bless You, John Hamilton. Macmillan, 2004. ISBN 1 405 03624 9, RRP \$30

I WAS UP AT THE NEK the other day—no, really, I was. I'm on Gallipoli with a film crew, working on a documentary about the campaign. And of course we did a scene at the Nek in which I paced out the 15 yards that the light horsemen got before they fell to Turkish machine-gun bullets. Gallipoli in December is no picnic. But the crew—actually just Paul and Jaems, who combine a passionate mastery of the arts of sound and film recording with being funny and reflective blokes—beat the cold and the wind with non-stop repartee, an easy professionalism and a willingness to just keep batting on.

So we were up at the Nek and it rained as well as being windy and cold. But suddenly we stopped larking about and became very solemn, as if we recognised without having it pointed out that this was a place where the ground beneath us was as full of Australian bones as a fruitcake is of dried fruit. We'd seen a few cemeteries and battlefields by then, but the Nek was still something special.

John Hamilton's similar feeling for the charge at the Nek can't be faulted. Like all of us who know even a little about the charge—whether by having caught Peter Weir's film *Gallipoli* on TV again, or having visited the little cemetery on Gallipoli itself—the event demands a passionate response. Who can think of the brave, hopeless, useless attack and not feel outraged, mournful or just pissed off that something like this should have happened?

Hamilton, a Walkley Award-winning journalist, encountered the story on a visit to Gallipoli and resolved to write a book about it. The result, its title taken from the last words of one of the 234 Australians killed in the charge, is a whopping 365 pages. It must be the longest book devoted to one of the shortest events in Australian history.



Hamilton's task has been made much easier by the existence of books by his predecessors, notably my colleague at the Australian War Memorial, Peter Burness, whose 1996 book *The Charge at the Nek* also tells you about this event but at a third of the length. Hamilton acknowledges that he has used Burness's citations to find more, but what he says doesn't substantially add to our understanding of what went wrong at the Nek. Indeed, he has often lazily quoted great chunks of other writers' words: this isn't writing, it's assemblage.

Of course the great stories of any group—and the Nek is one of ours—deserve to be retold as often as we can stand. We may get different insights out of these various renditions—one day, perhaps, someone might find some purpose in the charge—but it's not a story that should be told just the once. But if they are to engage us they need to be written to meet readers' needs and not just authors' urge to gather and inform. Sadly, *Goodbye Cobber, God Bless You* throws away its chance to inform us in a thicket of detail.

HAMILTON'S BOOK raises several intriguing points about the way military history is being published in Australia today. It's clear that it's being written not just by its stalwarts—experts like Mark Johnston, Ross McMullin or Phil Bradley—but also by journalists whose main interest in past battles is to tell stories. It seems that publishers are choosing journalists who know nothing over historians who know their subjects.

Journalists are, we suppose, more skilful at telling the stories which are rightly at the heart of good popular writing about the past. But is that so? Journalists skilful at turning out a thousand words of copy on demand may not be able to control

material over the length of a book: John Hamilton gives us detail but loses control of the bigger story.

Looking beyond Hamilton's book, we might ask why journalists are apparently impelled to write great fat books of military history? Freed from the subeditor's tyranny, are they like boys in a sweetshop, stuffing themselves? John Hamilton has decided that the best thing he can do is to tell us absolutely everything; to quote anything relevant (and much that is not)—every letter, diary entry, order and document he can find—at length. It's not. He's not telling a story, he's showing us he can copy stuff out.

Sadly, the effect is to bore and alienate: the charge itself does not begin until about page 286. Long before then we weary of his detailed, fact-laden, slab-quoting narrative. Hamilton has been inspired by visiting Gallipoli to find out about it, but he hasn't exerted the discipline to work out how to tell the story so his readers might be as inspired and informed.

I'm interested in getting a new angle on the details of the charge: in the seven-minute delay between the end of the bombardment and the first wave going over, and why—and so on. But what Jaems most wanted to know is the most important question: why the men who charged at the Nek were able to do what they did—to climb out of a trench and run towards certain death. The answer to that question, if it can be found at all, lies in who these men were and in the society they came from. For all that John Hamilton tells us about where these men lived and what they did for a crust and so on, sadly he doesn't get within cooee of answering that vital question. ■

Peter Stanley is principal historian at the Australian War Memorial. His own Gallipoli book, *Quinn's Post, Anzac, Gallipoli*, comes out in April, and will be murdered in reviews by journalists.

# The shores of the past

The Enduring Rip: A History of Queenscliffe, Barry Hill. MUP, 2004. ISBN 0 522 85119 3, RRP \$49.95



**L**ONG BEFORE THE IDEA of *Sea Change*, thousands of Victorians fled city life for recreation, respite and new ventures in Queenscliffe. This long-awaited history, commissioned by the borough of Queenscliffe, at the treacherous promontory of Port Phillip Bay, covers the residents of the town of Queenscliff and the hamlet of Point Lonsdale. The Rip—the stretch of water between the heads of the bay where the combinations and concentrations of winds and tides make sea passages unpredictable—is deployed as both the background and foreground for the vicissitudes of settlement. Queenscliffe is a rich topic. Barry Hill covers Aboriginal possession and tragic dispossession, shipwrecks, escaped convicts, armed forts, grand buildings and the struggle to secure and maintain an unusual municipality.

With historical imagination Hill brings the past to life. For him, neither the pursuit of health nor pleasure provides the key to what was uniquely attractive about the locale. 'Queenscliff was a Queen of Watering Places because her beauty contained the thrilling prospect of danger,' Hill writes. His dramatic and compelling accounts of the work of the lifeboat crews, the pilot service and the fishermen are highlights. Surprisingly, the study of municipal endeavour is not centrally placed but subtly woven throughout. In 1863 the borough was proclaimed when half the population successfully petitioned the Colonial

Secretary. The 183 citizens were publicans, boatmen, carters, shipping agents, a handful of fishermen and 26 Chinamen who lived out on the spit of Swan Bay. The council set to with a welter of civic duties that included the appointment of an Inspector of Nuisances, Dogs and Thistles. Hill notes that they were pleased with their choice of Constable Henry Goodenough and that the age of the by-law was now upon the town. Possibly not such a felicitous choice, as other historians have identified Goodenough as a paid informer and double agent at Eureka.

There are some wonderful asides. Hill's recasting of the role of escaped convict William Buckley and his depiction of a fading, melancholic Alfred Deakin are fascinating. In a photograph Deakin appears rather chirpy as he bathes in his neck-to-knees. Hill writes: 'The beach resort was a congregation, a social scene, the open-air habitat of what the most fashionable people called "congenial society" where you not only had to be dressed, but dressed accordingly.' There are no comparable vignettes of women, who are described by Hill as being 'in and out of the woodwork'. The most conspicuous were those who ran small hotels and managed homely guesthouses that employed armies of female domestics—the bedrock of the borough in the 1920s:

At the heart of the guesthouse experience was the evening meal and all the activities that flowed from its congregation. The cooking was plain and plentiful: plain as in fresh fish, good roasts, fresh vegetables and steaming puddings, the kind of food the wives on holiday would have cooked for their husbands and children on good days.

Two local identities, James Baillieu and Jack Kerosino, are intertwined when 'a tramp hobnobs with a toff'. The toffs frequented the ostentatious hotels. The Ozone, built by the Baillieus, published a weekly guest list. It was proud to

display the connection between property, person and public appearances. 'James fraternised widely and did not want for money, Jack drank with the fishermen at the Esplanade, and did not have to buy himself a drink. He was a wanted man. Tattooed on his back was a map showing the location of Benito's Treasure, thought to have been deposited somewhere on the edge of Swan Bay by a Spanish buccaneer. If you were lucky Jack might lift his shirt to show you the whereabouts of treasure. Baillieu was lucky, it was said, because Jack had done that for him. For how else did the Queenscliff Baillieus keep themselves in money, if not by James keeping on the right side of Jack?' For Hill this wry legend catches something of the psychology of the place.

**S**ADLY MANY OF THE nostalgic and evocative photographs included are marred by the quality of reproduction. There are gems of writing in the finely constructed dialogue boxes—the stand-alone pieces inserted within each chapter. They form a timely exposé as controversial progress is redefining the borough's quaint attractions. The proposed rebuilding of the town's picturesque but run-down harbour, the conversion of the Ozone Hotel into apartments, the subdivision of the barracks into a multimillion-dollar housing development and the projected housing estate at the entrance of the borough herald irrevocable changes. An investigation by Hill into the vagaries and seasonality of Queenscliffe's tourist trade over the last century could have placed these new ventures in a wider context. He writes with sentiment and it lyrically unfolds. For all lovers of this 'Queen of Watering Places', *The Enduring Rip* is a richly rewarding story. ■

**Jane Mayo Carolan**, a Melbourne-based historian, has enjoyed more than 50 summers watering in Queenscliffe.

# Forgiving and forgetting

**Prisoners of the Japanese: POWs of World War II in the Pacific**, Gavan Daws. Scribe, 2004. ISBN 1 920 76912 9, RRP \$39.95

**I**N SOME WAYS *Prisoners of the Japanese* is similar to another American classic, Studs Terkel's *The Good War*. In both books ordinary men tell stories about their World War II experiences, but where *The Good War* often makes you smile, Daws's book will make you cry:

They took four more officers ... They beat them for hours—beat them to death. They threw the bodies in a swill pit behind the Japanese latrines. Next morning ... one of the guards was walking around in a pair of British suede shoes.

Gavan Daws is an Australian historian who lives in Hawaii, and this book is written primarily for American readers. While it includes material about British, Australian and Dutch POWs (as well as the thousands of Asians who were enslaved by the Japanese during World War II), most of its voices are American. But as the Japanese treated all their captives with indiscriminate brutality, this is of small consequence.

*Prisoners of the Japanese* raises a lot of questions. Why did Allied submarines sink Japanese ships which they knew, or should have known, were carrying POWs? (This leads to the almost unbearable fact that 'of all POWs who died in the Pacific war, one in three were killed on the water by friendly fire'.) But the most fascinating issue is the way men of different nationalities behaved.

The British tried hardest to preserve discipline and the distinctions of rank. The Dutch (who usually had much more tropical experience) tended to be more compliant. They survived in far greater numbers. The Americans included the most ruthless traders and were more competitive with one another. Alone of the nationalities, they killed each other, especially on the hell-ships that were taking them to Japan towards the end of the war.

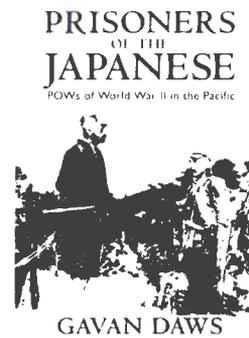
The Australians, on the other hand, seem to have maintained a real solidarity, and this, along with Gallipoli, has become one of the most powerful and moving manifestations of the way we see ourselves.

But this is to oversimplify the complex social orders that arose in captivity. Men quickly learned that their chances of survival were stronger if they formed small groups—families almost. The ideal number seems to have been four. Beyond this family, affinity might extend, in diminishing degrees, to larger units based on a home town, a military unit and eventually a nationality. Other alliances developed. The Australians and Americans both disliked the British. And of course everyone hated the Japanese.

Many writers—Primo Levi, for example—have explored the moral dilemmas that prisoners in wartime face, and Daws includes some awful examples. The POWs stole ruthlessly from one another; food, medicine, equipment and clothes (one man had his trousers torn off while he squatted in the latrine). Most officers made sure they lived better than their men did.

**S**OME QUESTIONS CONTINUE TO WORRY us. First, why did the Japanese behave so badly? One answer cites *bushido*, the ancient Japanese warrior code that made capture a disgrace. Daws is sceptical: 'Bushido ... meant whatever officers wanted it to mean.' He thinks that the main factor was more basic: 'They were different races ... each seeing the other as unspeakably alien and repulsive.'

It is true that 60 years ago most Westerners felt superior to Asians. My mother, born in 1912, recalled the derisive stories told in Melbourne during the early



1940s: 'Japanese are cross-eyed; their bomb-aimers can't see straight'; 'They won't fight in the rain, you know.' It was inconceivable that they could beat us in a war. And then, at Singapore, the unthinkable happened and the rules—either ours or theirs—didn't apply.

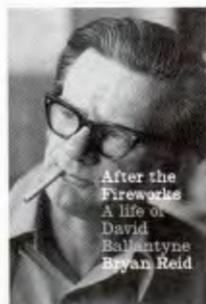
The fact that these events happened within living memory leads to the biggest question of all: how have we

all moved on so easily? The Japanese moved on straightaway; no explanation and no apology; just a persistent refusal to acknowledge that anything untoward occurred. Some years ago, when the Japanese economic miracle was at its height, there was a story—probably apocryphal—of a Japanese leader who apparently said, immediately after the war, 'We'll just have to do it the slow way.'

But we Westerners have moved on too. Many Australians who grew up during the 1950s and '60s heard their fathers and uncles hinting at the dreadful things they had seen and heard at the Pacific War and declaring that they would never buy Japanese products. During the 1970s and '80s there was occasional protest when Japanese developers bought up Australian beachfronts. But these days references to the Japanese atrocities are seen by many to be in poor taste.

The reason that most of us in the West have been so willing to forgive and forget probably involves pragmatism and our old friend, economic rationalism. But some people remain uneasy. This excellent book will reinforce that unease. And a good thing too, I think. ■

**Denis Tracey** lives in Melbourne, where he teaches and writes about philanthropy and social investment. In lighter moments he studies theology.



**After the Fireworks: A life of David Ballantyne**, Bryan Reid. Auckland University Press, 2004. ISBN 1 869 40327 4, RRP \$49.95

Bryan Reid mounts a case for the re-evaluation of David Ballantyne's contribution to the literature of New Zealand. Ballantyne is best remembered for his first novel *The Cunninghams*, a grim and undoubtedly Marxist view of the experiences of NZ's battler class. The biography tracks the slow burn of Ballantyne's literary career—contrasted with his journalistic

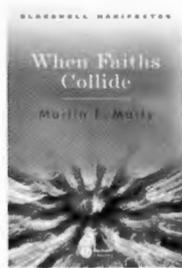
success—which failed to grant him entry to the pantheon of NZ fiction. Reid, a lifelong friend and fan, reveals the author as a complex man whose battles with self-doubt and alcoholism were commensurate with the state of his flagging literary career.

As a teenager unsatisfied with the state of writing in NZ, Ballantyne looked to the US for stylistic inspiration and found it in the proletarian writing of James T. Farrell. The two men corresponded, were committed socialists and shared a strong dislike for their inherited Catholicism.

Reid's genuine affection for his subject is immediately perceptible; his personal anecdotes bring a degree of warmth to an otherwise unsentimental, crisp and journalistic text. Though he employs the slightly frustrating indulgence of referring to himself in third person, his work is solidly researched and draws on reviews, literary criticism and an impressive list of sources.

*After the Fireworks* is a sympathetic testament to a talented but somewhat tragic New Zealander.

—Luke O'Callaghan



**When faiths collide**, Martin E. Marty. Blackwell, 2005. ISBN 1 405 11223 9, RRP \$57.95

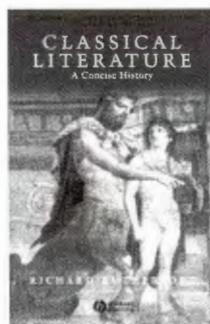
When people speak of strangers, they often resort to slogans. 'Only marry your own', the 'White Australia Policy'. It is also common to compare the most prejudicial account of strangers' habits with an idealised version of your own. So, after September 11, helpful books on Islam came on to the market, giving implacably negative answers to such questions as: 'Does

Islam respect human rights and women?' 'Does the West really have nothing to fear from Islam?'

Martin Marty, a veteran Protestant historian who records this kind of material, also offers the fruit of many years' teaching and reflection on religious pluralism. His writing is well-argued and clear. Throughout the book, he insists on the importance of complexity. Simple slogans do not do justice to religious difference. Furthermore, they lead to murderous actions by individuals and nations. Marty bases his reflection on the concept of the stranger, and the variety of ways in which they are treated. I found particularly thought-provoking his account of the secularist practice of tolerance. This is often grounded in the belief that religion is private, and that it will disappear as Western enlightenment spreads. It is now evident that the claim of religion is enduring, and that most believers do not accept that religion is a private affair.

Marty argues for public engagement with, and between, religions. His ideal is one of hospitality, coming to understand others on their own terms, making room for them in the heart.

—Andrew Hamilton



**Classical literature: A concise history**, Richard Rutherford. Blackwell, 2005. ISBN 0 631 23133 1, RRP \$56.95

Those who write concise histories of a millennium deserve sympathy. Scholars, like Richard Rutherford, who carry off the task with elegance and clarity merit admiration. His history of classical literature provides concise and clear summaries of its main figures and movements. Rutherford's judgments are judicious and not quirky, and the index enables easy reference.

The challenge in such literary histories is to group different writers and movements in an illuminating way. Rutherford arranges them under a mixture of genre and theme: his chapter headings include drama, rhetoric, history, thinkers, believers, and literature and power. These categories are generally helpful. Their limitation is that they place literary works outside the broader political, social and cultural contexts which influence their composition.

Categories always reflect the cultural standpoint of contemporary scholarship. This does not always serve the past well. Rutherford's distinction between thinkers and believers does not catch the religious impulse of much classical philosophy. Nor does it allow Augustine's distinctive account of the relationship between philosophy and faith to be given full weight. Nor do his exquisite sermons, so influential on later culture, count as literature.

—Andrew Hamilton



**In the shadow of 'Just Wars': Violence, politics and humanitarian action**, Fabrice Weissman (ed.). C. Hurst and Co, 2004. ISBN 1 850 65737 8, RRP \$54.50

The possibilities for humanitarian action are always changing. Humanitarian organisations responding to crises since September 11, particularly in Iraq and Afghanistan, now face a major challenge: the perception of humanitarian organisations as being a part of the occupying forces.

*In the shadow of 'Just Wars'* is a Médecins Sans Frontières publication. Eleven crises are analysed, followed by thematic discussions on the major issues affecting humanitarian aid. Two central themes emerge: the so-called 'just wars' and the human consequences, and the international responses to recent crises stemming from a 'right to intervene' and the 'war on evil'.

MSF works in over 80 countries, many of which are in conflict situations. It is little wonder then that this independent medical humanitarian organisation saw the need to reflect on the dilemmas and the limits of the work they do. This book is a reflection on practice. Its contributors—field workers, academics and journalists—are well informed.

The chapter on Iraq, written at the start of the war, analyses the civil-military relationship, the cost of this on independent humanitarian action, and challenges the notion of occupying forces offering humanitarian assistance.

This is an excellent resource, and many of the issues raised will be applicable to the post-tsunami humanitarian response in Aceh and Sri Lanka.

—Michele M. Gierck

on stage



## Rare fruit



Elizabeth Whitehouse  
as Fata Morgana. Photo:  
Branco Gaica

**T**RAGEDY IS SIMPLY TRAGEDY; a comedy is never just a comedy. Tragedy may be life as it commonly is, after acquiring some artistic polish; comedy offers a new look at existence. As the great and influential Russian theatrical director Vsevolod Meyerhold said, 'I know for a fact that what is said in jest is often more serious than what is said seriously.'

Does this paradox have any resonance for contemporary Australia where there seems so little to joke about? What can we think—*really* think—about Sergei Prokofiev's dazzlingly grotesque and witty, but astutely judged, opera *The Love for Three Oranges*, which in January had its inaugural Australian season as the first brilliant fruit of Opera Australia's new music director, Richard Hickox?

Its local première? More than 80 years after its initial season in Chicago? Clearly, it's not merely in politics that we are so conservative and cautious! Consider how long it took for Meyerhold's revolutionary approach to theatre—its philosophy and its praxis—to have any significant influence here. Well after World War II, nearly 50 years after Meyerhold's seminal work, we were still enduring the turgid 19th-century manner, as filtered, diluted and exported by London; almost all of the changes which have vitalised our approach to theatre in the last 50 years are reflections of Meyerhold's thinking.

He was crucial, too, in the genesis of *The Love for Three Oranges*. In 1914, for just that year, under the pseudonym of Dr Dapertutto (or Dr Everywhere, from a story by E. T. A. Hoffmann), he produced an intellectually polychrome magazine which he called *The Love for Three Oranges*. Its first number included a Russian translation of Carlo Gozzi's play of that title, and Prokofiev took a copy with him when he went to the United States for his first concert tour in the summer of 1918.

Like many a jaded opera-goer of today, Meyerhold was weary of 19th-century melodrama and sentimental romances and he revelled in the grotesque for its capacity to achieve a deeper effect on audiences.

'The basis of the grotesque,' he wrote, 'is the artist's constant desire to switch the spectator from the plane he has just reached to another which is totally unforeseen,' and further, 'In its search for the supernatural, the grotesque synthesises opposites, creates a picture of the incredible, and invites the spectator to solve the riddle of the inscrutable.' And if one person epitomised that supremely during the Sydney season, it was William Ferguson, who, as Truffaldino, was a coruscating amalgam of acrobat, dancer and Chaplinesque clown.

So Meyerhold showed Russia and then the world what the theatre can do, by his willingness to use every possible device to achieve his aesthetic and spiritual transformations. 'Unless the theatre shouts as lustily as the streets, it won't attract an audience for love nor money.'

Prokofiev responded wonderfully to this galvanising philosophy: his score is dazzling, witty and constantly inventive. He can parody Wagner just as well as traditional operatic conventions. His deft writing for the wind and brass instruments is scintillating or self-regardingly lugubrious, often at the least expected moments, and—heard in context—the justly famous *March* is a constant but shrewdly varied delight.

**T**HE STAGE IS NO LESS abuzz with activity than the pit, but in this production director Francesca Zambello daringly threw much of her action into the auditorium. Clearly, she has a great gift to encourage her large cast to give of their best, and they responded enthusiastically, revealing impressive but often

latent comic skills: the bass, Arend Baumann, for example, as the blowsy and tyrannical but twinkle-toed Lady-Cook. With her highly imaginative costume (Tania Noginova) and lighting (Mark Howett) designers she concocted an operatic dish that is rare in Sydney.

The piquant irony is that her success would not have been possible without the ascendancy which Meyerhold demanded and achieved for the theatrical director.

There is a lot of nonsense talked in this country about the perniciousness of 'directors' opera' and the damage that it does to some imagined 'authentic purity' of the operatic art form. Yet, until near the end of the 18th century operatic playbills announced the *librettists'* operas, not the composers'.

Even acknowledging the composer's pre-eminence, a piece cannot become a satisfying stage experience without the director's imagination and discipline. She needs an enthusiastic colleague in the conductor, and that is precisely what Richard Hickox was. He and his orchestra relished their manifold expressive, colouristic and energetic opportunities. So, in consequence, did we.

The magic of *The Love for Three Oranges* works on us constantly and wonderfully. While experiencing it, we look into the distorting mirror, which Meyerhold sought, and see a greater truth than a literal reflection can give.

And as we leave the theatre we can thank Prokofiev, a great team and a for-  
once benevolent fate which, in Hickox, has given us a finer replacement for the ill-treated Simone Young than we had any right to expect or deserve. ■

**John Carmody** is a Sydney medical scientist and opera and music critic.

## Missing my friend

—Meng Haoran (ca. 690–ca. 740)

the mountain light suddenly gone in the west  
the pond moon gradually rises in the east  
my hair let down, i enjoy the evening cool  
relaxing in the open space with an open door  
a lotus wind issues fragrant airs  
and the bamboo drips clear-sounding dews  
i'm about to get my *qin* out and play it  
but realize my closest friend is not here to listen  
thus i miss you my friend  
and wish we could meet in a midnight dream

## Cold night

—Jie Xisi (1274–1344)

sparse stars frozen in a frosty sky  
over the thin forest wet by a flowing moonlight  
i stay awake in an empty hall  
listening to an occasional leaf fall

## Drinking alone with the moon

—Li Bai (701–762)

a pot of liquor amidst flowers  
i drink alone without friends  
i invite the moon, cup in hand  
there are three of us, with my shadow  
but the moon little knows how to drink  
and the shadow just follows me about  
their presence so temporary  
i shall seek pleasure when the spring comes  
as i sing the moon is pacing up and down  
and as i dance my shadow swishes around  
awake, we have fun together  
drunken, we go our separate ways  
we forget ourselves so much in our mutual enjoyment  
we can only hope to meet again in a far milky way heaven

—All poems translated into English by Ouyang Yu (1955– )

flash in the pan



## Not so great

*Alexander*, dir. Oliver Stone. When the director himself has conducted the post-mortem and declared the body not just dead but mutilated, what's left for a mere reviewer? To question Oliver Stone's judgment? Tempting—though not about this film.

Audiences clearly agree with him. On the night I went, the suburban multiplex had the beached atmosphere of *Apocalypse Now*, complete with bad music piped out of Limbo. Of the audience of five, one left after half an hour.

Yes, *Alexander* is a dud. Fifty years on from Robert Rossen's *Alexander the Great* (with Richard Burton, Fredric March and Claire Bloom), Oliver Stone has learned nothing from the earlier director's mistakes. Some he simply repeats, even while he squanders money enough to rebuild Babylon. The script is as bad, the direction and casting worse. Burton could handle rhetoric, but even he couldn't do much with the likes of 'It's a lovely thing to live with courage and die leaving behind an everlasting renown'. Colin Farrell repeats those lines (and many worse ones) with all the élan of George W. Bush.

Perhaps it is as an index to 21st-century pathologies and informed ignorance

that the film is most interesting. Darius, the Persian leader, has Osama bin Laden's pointed beard and full frontal stare. Why? Coincidence? Alexander's bisexuality (ignored in Rossen's film) is here alternately mawkish and witlessly violent. Christopher Plummer as Aristotle gives us a tutorial on virtuous manly affection so we can cope when Alexander hugs his smudgy-eyed Hephaestion (did Macedonian men wear kohl?) but why are we subjected to a knife-wielding quasi rape scene when Alexander beds Roxana? Which focus group was that directed to? The credits have transliterated Greek behind them. Oliver Stone is Greek? The Macedonian warriors sound like IRA veterans or leftovers from *Braveheart*. Why? Can't America do war? And why let Freud in? Some of the script could seam effortlessly into a bad Woody Allen movie so anxious is Stone to explain Alexander's psyche. Oh for the dynamic understatement of a Norse saga! Or an actor with Peter O'Toole's range so we might see both bloodlust and remorse embodied, not merely gestured at, talked into being or got up with red filters.

Some good things: Angelina Jolie has a wild time as Alexander's snakey mum, Olympias, though you do wonder why she bothers. Val Kilmer is a lusty Philip but he is killed off too early and flashbacked in too late. The epic battle at Guagemela makes sense, courtesy bird's-eye cameras (if you like that sort of thing), and Anthony Hopkins keeps a manful straight face as he goes through the motions as fill-in-the-gaps narrator Ptolemy. It's entertaining watching a great actor milk the pauses to preserve himself from ignominy. Hopkins is now old enough to have memory lapses, so the pity is that this was cinema, not stage. On stage he might have been prompted by the gods into Shakespeare: 'The expense of spirit in a waste of shame ...'

—Morag Fraser

## Elusive images

*Closer*, dir. Mike Nichols. Like much of his previous work, veteran director Mike Nichols's latest film, *Closer*, is an adaptation (in this case of a stage play by Patrick Marber). Superficially, it seems to betray its stage origins in its emphasis on dialogue and performance—which are

indeed highly effective in the film. The performances (by Jude Law, Clive Owen, Natalie Portman and Julia Roberts) are uniformly strong, and the dialogue is dynamic, muscular and often spectacularly obscene. Nevertheless, it would be a mistake to think of this film as a staged play, since its central formal and thematic concern is nothing other than the image itself—and cinema is nothing if not the world of images in themselves.

The film (which is in no sense a romance) offers us a condensation of betrayal, infidelity and emotional brutality that turns, precisely, on the dialectic of intimacy and separation inherent in the image as such. The film begins with, and turns on, love at first sight—which is nothing but love of the image, like Narcissus at the pool in love with the image he cannot touch, and cannot recognise as himself. Each of its characters lives and works in the world of the image: Roberts is a photographer, Portman a stripper, Owen a dermatologist (beauty is only skin deep, after all), and Law an aspir-



ing novelist who steals the lives around him for his words, his images. Indeed they are all drawn to, and by, images that are unreachable—the coarsely seductive woman on the other side of the computer screen (who turns out to be a man); the stripper who peels herself bare at your command, but is untouchable; the lover who demands to know *all* the details of his lover's infidelity, to *see* the (ob)scene before his eyes; the gap between desire and love, separation and intimacy.

The emblematic scene of the film takes place at an exhibition of photographs taken by Roberts's character. The four

leads circulate among massively blown-up photographs of each other, talking, seducing, betraying each other, in search of that elusive closeness on offer in the images around them. This, of course, is the irony of all images, of all cinema, which reveals itself to you like a lover (like the close-up on the screen before you), but remains untouchable, distant, pure intimacy and pure separation all at once. One can get closer, but never close enough.

—Allan James Thomas

## Midlife crises

*Sideways*, dir. Alexander Payne. It would be easy to write off a film about two self-indulgent, middle-class men on a wine tour as, well, self-indulgent and middle-class. But that would only serve the two per cent of cinemagoers who have no soul. For everyone else, it is a tale of true-to-life men undergoing true-to-life crises. *Sideways* allows you to feel their quiet desperation in your guts.

Miles (Paul Giamatti), unpublished author and high school English teacher, takes actor buddy Jack (Thomas Haden Church) on a road trip punctuated by California vineyards and restaurants. In a few days Jack is getting married. This is their last hurrah. At least, that's how it starts.

Miles is a depressed divorcée who can't get his work published. Jack is a duplicitous husband-to-be who can't keep it in his pants. As Jack and Miles move through California landscapes to the sounds of chinking wine glasses, getting their respective hearts and noses broken, they bond and unbond with a subtle charm.

The 'loser' varietal of American cinema is drawing big crowds right now, as the Western world comes to terms with how, in the face of globalisation, we each have the total potency of an ant in a snowstorm. Regrettably, many of these stories rely on the redemptive power of love in the context of the fairy tale—blonde supermodels fall for these middle-aged losers and, lo and behold, they're losers no more. But in Alexander Payne's films (*Election* and *About Schmidt*) the characters are, refreshingly, subject to a whole lot more reality.

Combined hilarity and beauty is Payne's specialty, so when Miles is confronted by the sight of two fat people having sex, you can settle into your seat

knowing that Miles's redemption won't be the automated, drive-thru kind. He's not going to be handed a sexy 20-something and live happily ever after.

Paul Giamatti, following his success as Harvey Pekar in *American Splendor*, proves once again that he plays the flawed man flawlessly. It's a performance where you forget that somebody's acting. Likewise, Thomas Haden Church's Jack, whose womanising, egomaniacal journey is a stark contrast to Miles's. Virginia Madsen and Sandra Oh, playing the two women who entangle themselves in the men's small adventures, prove that you don't have to be a teenager to be sexy or a man to do some serious damage to another man. And Payne's direction is cinematic without being flashy, providing a buffet of information in every cut.

And of course there is the wine. Yes, Miles is a snob, but only in the sense that everyone's a snob on the subject of their passion. His witty discussions of the vino, and how it informs his life, mean you don't need to be a buff to understand. It's an authority that is true of everyone. We each have our obsession, and in one perfect moment towards the end of this film, *Sideways*, if nothing else, will tell you something about that.

—Zane Lovitt

## Love hurts

*Million Dollar Baby*, dir. Clint Eastwood. Movies that use sport, and more particularly boxing, as a metaphor for a life of struggle are nothing new, but in the hands of a master they can weave sublime emotion and physical reality into a kind of visceral poetry. And at his best, Clint Eastwood is nothing short of a masterly filmmaker. He has done for boxing what *The Unforgiven* (arguably his finest directorial effort) did for the western. That is, change the way we imagine a cultural standard, without abandoning its fundamental structures.

Frankie (Clint Eastwood) has a special gift for patching up fighters. He can stop the bleeding and keep a fighter in the ring. And he has one rule for his boxers (and himself)—always protect yourself. In the ring it works as a physical tactic, but out of the ring it throws something of a shadow over Frankie's life. A shadow he tries to shake by attending church on

a regular basis—every day for the past 23 years, in fact. Admirably pious his attendance may be, but with Frankie's very particular personality, it's enough to drive the local priest to curt religious explanations and creative expletives.

Whatever the demons are that Frankie harbours, they haunt him in a place that no one can reach, not even God. A painful estrangement from his daughter and a hard-bitten life have drained him, or at least subdued his desire to risk any part of his head or heart.

When Maggie Fitzgerald (Hilary Swank) speedbags her way into Frankie's gym, he is forced to reassess everything. Maggie needs to box, and she needs someone to believe. She needs Frankie. And



with the daily church routine not providing any answers for Frankie, he needs her.

*Million Dollar Baby* is in turns inspiring and devastating. And in the hands of your regular Hollywood tale-teller, it might have been a dog. But Eastwood has grace aplenty. He turns boxing into familial love and understands how brutal both can be.

The performances are all flawless. Eastwood works with an unnerving slowness. And while this may be nothing new for him, it still surprises. Swank draws Maggie hard and giddy, turning white trash into breathing reality. And Morgan Freeman, the film's narrator, and Frankie's only friend, transforms voice-over into a rich soundscape.

*Million Dollar Baby* is not about boxing or a woman's right to be in the ring. It is a love story. A brutal, honest, devastating love story.

—Siobhan Jackson



## Must grumble

**E**NGLISH CAN BE AS TONAL as Cantonese: think of the perfect fourth drop in 'Mum', as in 'Mu-um!' If you find perfect fourths hard to visualise (no, that can't be right, can it, except for those wankers who claim that they can See Music Without Hallucinogenic Assistance, so perhaps it should be 'auralise') then auralise, visualise or just call to mind the start of that old song *Born Free*, add a baritone whinge, and you've got my son remonstrating with me about the telly.

'Mu-um!' he said the other day when I was arguing with the telly. 'You certainly do know how to ruin a night's viewing.'

'But it's so bloody predictable! These scripts have more flags than the Olympics. Talk about telegraphing punches ...'

'What's a telegraph, anyway?'

'Something obsolete these benighted days, like subversive satire and social justice and old-growth forests and ...'

'Aw Mu-um!'

It can't be easy for him; he puts up with quite a bit of my grumbling. But there is much to grumble about at the moment. What a god-awful lot of vapid crap is on offer for our viewing displeasure right now. There are no nights now when I am incommunicado.

Remember bygone days when we had *Fawlty Towers*, or even *Buffy*? When *Four Corners* was edgy and dangerous and politicians trembled, as they damn well should? And even though you had to stay up late or tape things like *Six Feet Under* and *The Sopranos*, they were still there. After *Nine's* recent extraordinary attempt to axe the second half of *The West Wing* (as if they hadn't punished its fans enough by scheduling it near midnight) you could be forgiven for thinking that there is a concerted attack on any remnants of good television. Luckily there was an outraged response from viewers and so they have reinstated it and, curiously, called Episode 13 the Series Première. Because, you see, when you say that a 22-episode program is finished at Episode 12 you have to find some way of making it look as though there is method in the madness. But the programming geniuses haven't finished cutting old growth: they think to increase their nightly news ratings with the young by sacking Jim Waley. Have these clever strategists forgotten that baby boomers have the numbers and the money as well as the education (acquired when it was free) to appreciate quality in their entertainment and an element of trust and familiarity in the newsreader? The ABC is just as bad. Getting rid of George Negus forsooth, and firing darling old Kevin Heinze for God's sake. The MBAs are empire-building, one must suppose. But it's our ABC too, you know.

So what do we have on offer in 2005? Well. There is *Lost* (awful, loud, dull and predictable) and the many *Law and Order*, *CSI*, *SVUs* and their ilk. They all seem to be terrified of

women, given that so many of their rape victims are liars, and so many of the murderers are female. I know I've banged this drum before, but while I'm having a good old grumble I may as well reiterate something: I think it needs to be said again, and again, that government statistics throughout the world, no matter where you live, show that a woman is so much less likely than a man to be a murderer or a sexual abuser that the preponderance of feminine villains in these very prolific programs argues a weird and sick imbalance in their way of looking at the world.

**A**ND NOW FOR MY CURRENT PET HATE, apart from loud ads, the mystifying success of the repulsive Mr Trump and the worrying prospect of another series of *Big Brother*:

'—And just like that ...' It's the soap-epiphany. Carrie Bradshaw in *Sex and the City* used to say it all the time: 'And just like that, Miranda realised ...' Now we have *Desperate Housewives*, and the narrator is conveniently dead by her own hand and therefore omniscient. And she says it too: 'And just like that ... yada yada yada.' Her tone is as bright and bland as the street the housewives inhabit; in the bubble world of such caca as this, there are no consequences in the afterlife, no regrets, no whiff of what might have driven her to her death. Like *SatC*, *DH* is wildly popular, but unlike the former, it's not saying anything new. I always used to feel about *SatC* that it was somehow a flawed Good Thing in a world that contained burkachs, snuff porn and clitoridectomy. Because, despite the show's later dullnesses and compromises, Carrie and her three friends were free agents (perhaps Huxley would have called them freemartins) thriving in the vaunted free market of New York. In the beginning they were living large, experimenting with the kind of fuck'em-and-forget'em behaviour that used to be typically male. By the sixth season they were all tamed in steady relationships, Samantha in particular seeming to be punished with breast cancer for being a complete ho. It was annoying and crude and very, very shallow, yet it was watchable. *DH*, for me, isn't. I just can't stand the plastic, misogynistic, right-wing bourgeoisness of it. It's as nourishing as one of those Krispy Kreme doughnuts that are being foisted on us; as relevant to my life as any other gated community of liposucked and Botoxed stars and their stooges. It's the kind of America that has 'non-service-model' unionism; that thinks Michael Moore is a killjoy; that Dubya is any kind of leader; that conscience is something you leave at the threshold of your workplace.

So here's a bright new thought: let's turn the damn thing off. Give the MBAs something to grumble about. ■

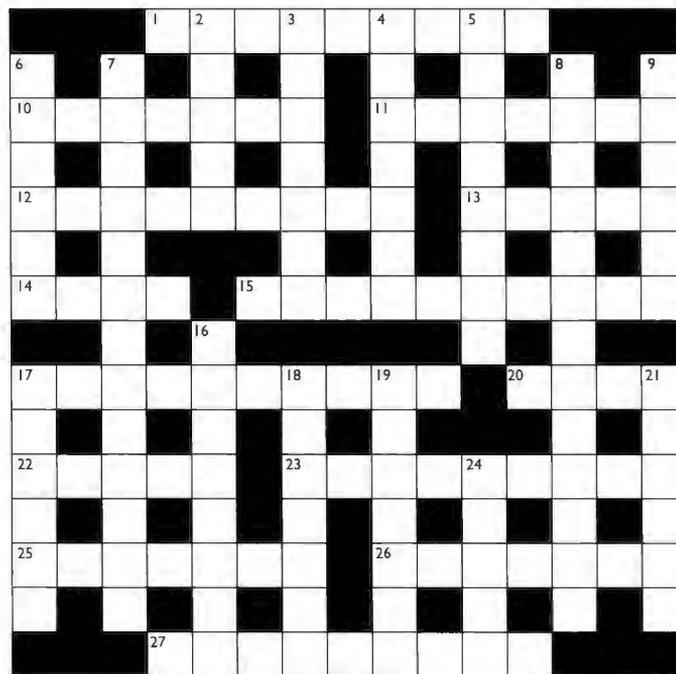
Juliette Hughes is a freelance writer.



Eureka Street Cryptic Crossword no. 131, March 2005

Across

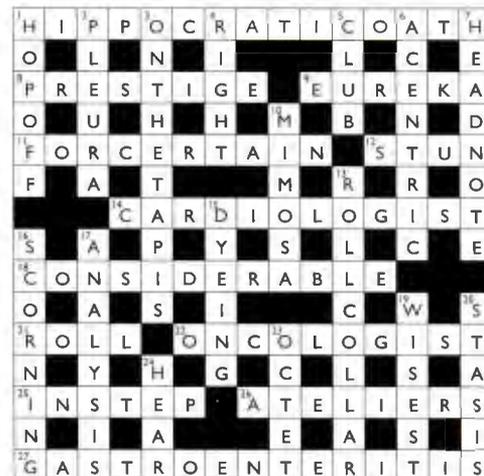
1. Could instrument be said to be visionary? Certainly not short-sighted. (9)
10. Like a romantic poet of a former age, noted for his use of irony therein. (7)
11. Such chill, possibly, is nice, says leader. (7)
12. Pinch dupe about plate, for example, that is not broken. (9)
13. Poor Pete went east to find the wigwam. (5)
14. Cricket team without the Spanish opener would be equally balanced ... (4)
15. ... and possibly from the Caribbean. (4, 6)
17. Member of 15-across may make such shots with quick downward looks. (3-7)
20. White Anglo-Saxon Protestant on the Exchange? (4)
22. Queensland holiday resort with no love for South Australia. (5)
23. Skilled craftsman shows me painting provided I choose each reproduction to start with. (9)
25. Bestow honour, perhaps, on peer with previous points. (7)
26. Trick trial could take place on 7-down. What a match! (7)
27. Distinguished politicians from the USA? (9)



Down

2. Some rotten nuisance causes boredom. (5)
3. Remarkable! See pace of the runaway. (7)
4. Because of surprising CID hint, an allied fighter was discovered in Burma. (7)
5. Australian captain, including Ian initially, is giving indication about the field-placing, perhaps. (8)
6. I swear off aggressiveness, after coming to rue jab, unfortunately, that I gave someone. (6)
7. The MCG, for instance. (7,6)
8. Mysterious centre-gate? By no means! Fielding position on the far leg side. (4, 3, 6)
9. Estimate the number of donkeys running south. (4)
16. Well-washed striking implement, or well-presented to the oncoming ball? (5, 3)
17. Linger longer? No! Change another letter for the batsman. (6)
18. Most proximate and perhaps most dear. (7)
19. When he coaxes his young patients, medical specialist uses sweets. (7)
21. Equivalence of meaning in some par I type or write. (6)
24. Go for a six over this. (5)

Solution to Crossword no. 130, Jan-Feb 2005



EUREKA STREET

This subscription is:

- New  Renewal  Gift

Length of subscription:

- One year (10 issues for \$70, \$60 concession for pensioners, students and unemployed. Inc. GST.)
- Two years (20 issues for \$125, \$110 concession. Inc. GST.)

overseas rates on application:  
tel +613 9427 7311  
email: subs@jespub.jesuit.org.au

Send to:  
Eureka Street Subscription  
Reply Paid 553  
Richmond VIC 3121  
(No postage stamp required if posted in Australia.)

Your Contact Details:

Mrs/Miss/Ms/Mr First Name \_\_\_\_\_

Surname \_\_\_\_\_

Street No. \_\_\_\_\_ Street Name \_\_\_\_\_

City/Town/Suburb \_\_\_\_\_ State \_\_\_\_\_ Postcode \_\_\_\_\_

Daytime Telephone No. \_\_\_\_\_ Fax/email \_\_\_\_\_

Gift to: (Please also fill in your own contact details, left)

Mrs/Miss/Ms/Mr First Name \_\_\_\_\_

Surname \_\_\_\_\_

Street No. \_\_\_\_\_ Street Name \_\_\_\_\_

City/Town/Suburb \_\_\_\_\_ State \_\_\_\_\_ Postcode \_\_\_\_\_

Daytime Telephone No. \_\_\_\_\_ Fax/email \_\_\_\_\_

Payment Details

Visa  Bankcard  Mastercard

I enclose a cheque/money order for \$ \_\_\_\_\_ made payable to Jesuit Publications

Please debit my credit card for \$ \_\_\_\_\_

Cardholder's name \_\_\_\_\_

Signature \_\_\_\_\_ Expiry date \_\_\_\_\_

Mailing list: I would like to remove my name from the mailing list when it is used for outside advertising.

## Earthquake Tsunami

The need continues

The year 2005 has been shadowed by the Tsunami.

We were overwhelmed by the scale of death and loss, brought together in compassion, inspired by the courage and dedication of survivors and volunteers, and heartened by the generosity of our fellow human beings.

The tragedy is now distant. But the need of people in Indonesia, Thailand, Sri Lanka, India and elsewhere for shelter, food and the resources to start their lives again remains great. And those affected feel wounds of the spirit all the more strongly as the physical effects of the wave recede.

Many agencies have opened appeals, including **Jesuit Refugee Service Australia** and the **Jesuit Mission**, to work with the communities affected by the Tsunami. Tax-deductible donations can be made to them.

Cheques made out to 'Jesuit Refugee Service' can be mailed to **JRS Australia, Tsunami Appeal**, PO Box 522, Kings Cross, NSW 1340. For other forms of donation, ring 02 9356 3021.

Cheques made out to 'Jesuit Mission' can be mailed to **Jesuit Mission, Tsunami Appeal**, PO Box 193, North Sydney, NSW 2059. Telephone 02 9955 8585.

The Catholic agency Caritas is also extensively involved in Aceh. Cheques may be sent to **Caritas Australia, Tsunami Appeal**, GPO Box 9830, in your capital city. 1800 024 413 or [www.caritas.org.au](http://www.caritas.org.au)

**Austcare** provides relief in Sri Lanka and Aceh. Visit [www.austcare.org.au](http://www.austcare.org.au) or call 1300 66 6672 or donate at any branch of St George Bank or Bank SA.



## THE INSTITUTE *of* RELIGIOUS FORMATION AT CATHOLIC THEOLOGICAL UNION, CHICAGO

*Those in charge of formation must be very familiar with the path of seeking God to accompany others on this journey...But above all they will disclose the beauty of following Christ and the value of the charism by which this is accomplished.*

VITA CONSECRATA, 1996



*Companions*

ON THE JOURNEY

**D**esigned for formation directors and others who prepare women and men for life and mission in the church, the Institute of Religious Formation challenges participants to a spirituality that adapts to the needs of our complex global village. The Institute features a collaborative learning environment guided by the excellence of Catholic Theological Union's renowned faculty and other leading experts, and an emphasis on issues specific to formation in the 21st century. Drawing participants from around the world, this outstanding program is enhanced by theological reflection and weekly scripture and spirituality courses.



CONTACT: Sr. Barbara Doherty, SP Director  
Ph: 773.256.4256 Fax: 773.667.1250 Email: [bdoherty@ctu.edu](mailto:bdoherty@ctu.edu)  
Web: [WWW.CTU.EDU/RELIGIOUSFORMATION.HTM](http://WWW.CTU.EDU/RELIGIOUSFORMATION.HTM)

ISSN 1036-1758



9 771036 175017