

# Democracy, American-style



**Thomas Stahel** on what makes  
Americans different

**Bruce Williams** on what makes them  
different from each other

**Christine Burke** on American bishops  
and the big difference

**Jack Waterford** asks who loves  
the Australian Public Service

*The Evatt-Wren  
letters, part II*



Published along with the victory hurrahs for Australia's Olympic champions were the sloth statistics: we are becoming a nation of sluggish, slop-nourished spectators. So they say.

**Andrew Stark** saw us differently. With a documentary photographer's gift for being in the right place at the right time, he was shooting away when the tidal wave of youth ran him over. 'I almost got killed!'

Between accidental homicide and the masochism of the long distance runner in Barcelona humidity there has to be a middle way. A brisk stroll in the spring sunshine?



# EUREKA STREET

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*A magazine of public affairs, the arts and theology*



COMMONWEALTH OF AUSTRALIA.

*Personal*  
*Lee Ann J. W.*  
*Jimmy Amey*  
*Becknell*

*The Evatt-Wren correspondence  
see p22*

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## Rights of spring

THE 'BILL OF RIGHTS' DEBATE is back on the agenda of constitutional reform. In 1988, Sir Anthony Mason, Chief Justice of the High Court of Australia, informed a national conference of barristers that his previously adverse view had changed, 'not to the point of enthusiastically embracing a bill of rights, but at least to the point of recognising that it has much more virtue' than he had perceived initially. He thought a bill of rights could deter Parliament from abrogating the rule of law, and that it could help stop the majority in Parliament from overriding the rights of minorities and individuals.

Appreciating that individual and minority rights can be infringed by institutions and pressure groups that enjoy access to government, Mason now sees a bill of rights as providing a basis for principled and reasoned decision making, as reinforcing the legal foundations of society, and as enhancing the role of law and educating citizens about human rights. Having been Solicitor-General of the Commonwealth, and a High Court justice for 20 years, Mason has considerable experience of the common law's limited capacity to protect the citizen from excesses of the state. For him, the political question is whether the added protection for minorities through a bill rights is worth the price to be paid for it by the majority. Like other High Court justices who have contributed to the debate, he expresses no definitive view on such a political question.

Sir Ninian Stephen, having been a High Court justice and later Governor-General, now chairs the Constitutional Centenary Foundation. He believes that, in this decade leading up to the centenary of the constitution, the Foundation provides an opportunity for Australians to consider whether some of our legal and government institutions can be improved, or made more relevant to the approaching 21st century.

Now that British citizens can protect their rights by appealing to the European Commission on Human Rights, that Canadians can invoke their Charter of Human Rights and Freedoms, and that New Zealanders have some protection from a legislative Bill of Rights, Stephen says: 'Australia seems to be becoming increasingly isolated from the rest of the world in failing to have any broad-ranging constitutional guarantee of rights.' Sir Ninian has detected growing support for a bill of rights 'even among those once inclined to defend the adequacy of the common law.' For him, the question is 'whether rights and freedoms can best be protected through the political process, or through the courts.'

*Those opposed to a bill of rights and judicial creativity in constitutional development are likely to discount the value of minority rights, seeing them as an unnecessary cost to majority self-interest. As we review the constitution, the choice is between right according to law and right according to might. We have to debate the need for, and the cost of, a bill of rights as a new legal device to be honed by judges committed to justice for all.*

Some High Court justices, led by Sir William Deane, have been expanding the scope of existing rights and freedoms in the Australian constitution. Increasingly, the court is turning to international human rights instruments to inform developments in the common law. At the human rights conference at the Australian National University in July, a member of the court, Sir Gerard Brennan, responded to a Canadian professor who spoke about the effect of a bill of rights on the role of the judiciary.

Sir Gerard declined to answer whether Australians would wish a bill of rights to be introduced, and then administered by the court.

This, he thought, was an essentially political question that should not be answered by judges but by other citizens, through 'reference to the political needs that might be satisfied by an entrenched bill of rights and the burdens which might be imposed by its introduction'. He thought it a matter of speculation whether Australians wished to alter the role of the judiciary, but expressed the hope that Australian courts would enjoy community respect if the community should give them the responsibility of administering a bill of rights.

These measured judicial utterances were too much for the newspaper columnist and ex-Queensland senator, John Stone. Opening the doors of his East Melbourne home, he there and then established the Samuel Griffith Society to promote discussion of constitutional matters and 'to defend the great virtues of the present constitution against those who would undermine it'. Though the society espouses 'the need to safeguard judicial independence in light of increasing executive encroachments' its founder and landlord announced the society's establishment by launching an attack on the High Court.

In his free-wheeling column in the *Australian Financial Review*, Stone claimed that Australians 'already had a stomach-full of having their existing constitution torn up by a succession of increasingly arrogant judicial decisions in Canberra'. He expressed his fear that 'the High Court has been doing a great deal of wrong. It is high time the Australian public started to take a much closer interest in their regrettable activity.' He then invited Chief Justice Mason's predecessor, Sir Harry Gibbs, to deliver the society's inaugural address. Sir Harry, when on the court, usually took the minority view against Justices Mason, Stephen and Brennan in

significant human rights and constitutional cases relating to the external affairs power, such as *Koowarta v. Bjelke-Petersen*.

In his speech to the society, Sir Harry conceded that the constitution contains only a rudimentary guarantee of rights, but warned that a bill of rights would have disadvantages as well as advantages. The greatest disadvantage, he thought, was that 'no human mind can foresee the effect which a court may ultimately give to general words intended to guarantee a right'. He was worried that a bill of rights could politicise the courts, frustrate criminal proceedings for purely technical reasons, and place additional burdens on the

community or some section of it.

John Stone followed this up by stating that a bill of rights would put judges in charge of society, leading to 'a decline in quality both of our judges and of our society'. He lamented that in cases such as *Koowarta* the High Court had 'betrayed the trust Australians have reposed in it by giving Canberra such authority via perversion of the external affairs power'.

Ironically, it has been the High Court's creativity, so decried by Stone, that has maintained the constitution's relevance and reduced the need for a bill of rights. Without a bill of rights, even more creativity may be demanded of future High Court justices if they are to protect minority rights from majority prejudices, thereby administering justice according to law. Those opposed to a bill of rights and judicial creativity in constitutional development are likely to discount the value of minority rights, seeing them as an unnecessary cost to majority self-interest.

As we review the constitution, the choice is between right according to law and right according to might. We have to debate the need for, and the cost of, a bill of rights as a new legal device to be honed by judges committed to justice for all. No service will be done by shooting the messengers. We need to analyse judicial and other views—not with a yearning for a return to 19th century liberalism but with an understanding of the complexity of modern states, which need to regulate individual behaviour in ways that the 'founding fathers' of our constitution never imagined. ■

**Frank Brennan SJ** is the director of Uniya, the Jesuit institute for social research and action, and a council member of the Constitutional Centenary Foundation.

## The cost of health

From Dr Paul Dignam

Perhaps it is just the title, 'Doctors in Glass Houses' (*Eureka Street*, July 92) that makes me wonder about Jan Donovan's biases and her fears about inequities in future health-care systems. Many suspect Jenny Macklin of the same views. The dilemma for any future health-care system is that almost two decades of socialised medicine it is almost impossible to change without at least temporary chaos in which some will inevitably suffer.

Many are already suffering in the current system, and it is a little one-eyed to put the blame for that on the medical profession that argued against it from the start, correctly anticipating the inefficiencies and loopholes for which we are now so often blamed.

Jan Donovan in fact highlights just this. First she alludes to the apparent success of the system in keeping costs down; then she notes that even low-



income earners are for some reason needing private health insurance; and then she reflects on the discrimination of private over public patients 'uncovered' by the Macklin inquiry—hardly a secret!

*Eureka Street* welcomes letters from its 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.



One can interpret this situation as due to the capitalist medicos out for their quid, and no doubt for some it is true. An alternative view would be that in an inherently inefficient and underfunded system, even the low-income earners realise that the government can't afford to treat them, and are taking advantage of loopholes themselves. This is where the idealistic search for equity has taken us in the past 20 years—I am not sure it is the best we can do.

**Paul Dignam**  
Modbury, SA

*Jan Donovan replies:*

The title of the article was not mine and I wonder whether the article might not have provoked a reaction from Paul Dignam if the title had more closely reflected the content of the article. I sought to give readers an overview of the debate taking place in Australia regarding future changes to the Australian health-care system.

First, Paul Dignam does not explain what he means by 'socialised' medicine. If he means that Australians receive their health care for nothing, the work of the national health

strategy clearly demonstrates that this is not the case. My article explained that Medicare had contributed to keeping the costs of health care to manageable levels for most Australians. However, there are low-income earners needing hospital and medical care who are not always aware of their entitlements to hospital treatment, and who spend a disproportionate amount of their income on private health care.

Indeed, the Australian health-care system is a mixture of public and private provision. On the whole, when measured against social justice principles the system serves Australians well, although there are groups who remain disadvantaged because of their geographical location, their health status and low income.

I agree with Paul Dignam that there are inefficiencies, but I disagree that the inefficiencies necessarily stem from lack of funding.

Issues Paper 2 of the national health strategy, *Hospital Services in Australia—Access and Financing* (September 1991) comprehensively outlines factors contributing to the present inefficiencies, such as the structure of the medical benefits schedule, and poor management structures typified by the lack of comprehensive information systems and productivity indicators. Inefficiencies also stem from lack of responsiveness to the customer/client—for example, in relation to admission and discharge procedures in some hospitals.

The alternative to our system is a more market-oriented medical system. But the outstanding model of this is the US, which is far more inefficient. The reality of the system in the US is that 37 million people do not have access to basic medical care, because they are not insured.

Yet the US health-care system costs twice as much as Australia's, as a proportion of gross domestic product. Many more Americans struggle to pay for necessary health care and drugs that Australians have access to because of this country's universal health insurance and pharmaceutical benefits schemes.

It would be a great pity if the only solution to making improvements in our health system were to be found in market forces.

## Off the agenda

From Michael D. Breen

In your June edition Peter Steele looked at two people who have lived with regimes which restricted human freedom. One was the Dalai Lama and the other was Adam Michnik. 'Michnik said he and his friends had resolved to behave "as if we were living in a free country". It is a haunting sentence, and not only because he has paid dearly for following its logic.'

Meanwhile, during that same month of June, in Rio de Janeiro, a conference of global importance was taking place. However, as Malcolm Fraser said on SBS TV, 'At that conference the most important issue wasn't officially on the agenda. You can't have sustainable development if you don't do something about the massive explosion of population—that was not on the agenda. And the way it got off the agenda was shameful'. Shameful, I guess, because of the activity of Vatican officials who got it off the agenda and shameful because the conference organisers colluded with them. This suggests we are not living in a free country or a free world.

Your magazine seems to have an important mission in convincing and encouraging people to live and behave as if they were living in a free world. Someone once said that when people were weighed in the balance of history for crimes against humanity Paul VI with *Humanae Vitae* may have caused more suffering than Hitler. What might be the position of the current pontiff? For sustainable development, for managing continuance of the planet, for inter-generational equity, you will need to work hard to convince people that they need to act as if living in a free country. And you may have to pay dearly for the logic.

Michael D. Breen  
Shenton Park, WA.

## Calwell's legacy

From H.J. Grant

The extravagant publicity—press, radio and television—that preceded the screening, earlier this year, under ABC *True Stories* guise, of the Film Australia documentary *Admission Impossible*, measured, on viewing, its

worth. Paradoxically, presentation and treatment seemed to have evoked in spirit Jack Lang venting spleen on the Chifley government, especially Arthur Calwell.

Latter day saints and hindsight moralists often tend, in the self-proclaimed purity of their motives, to deny balance, let alone bias, in judgment. When this occurs through cinematically structured timeframes that selectively angle both dialogue and participants (dead as well as living) credibility can be a casualty.

With all its warts and blemishes Australia's postwar immigration program has been an outstanding success due in no small measure to the courage and vision of Arthur Calwell. Libraries and other reference areas abound with material, pre and post Federation on the 'White Australia Policy'. Why, when and how that policy evolved and survived in varying degrees until 1973 invites study and appreciation not only of the origins and mould of Australia's European population prior to 1945 but also of the material, environmental and security factors influencing those migrants and their descendants.

The art of the possible enabled Calwell, with Cabinet endorsement to implement a displaced person's scheme that had regard, in criteria and numbers, to what the people of Australia generally at that time were prepared to accept. Notwithstanding, Calwell was vilified in Parliament, in press and cartoons for being too sympathetic to those who had suffered most grievously from the Holocaust years.

Those immigration offices who actually participated (as did the writer over four years from March 1949 to March 1953 in West Germany, Austria, Denmark and Italy) in the interviewing and selection of displaced persons were keenly aware of their responsibilities: not chronicled were the opportunities taken by officers, within professional constraints, to accept people from specially disadvantaged groups.

Professor Louise W. Holborn's authoritative history of the International Refugee Organisation (IRO), published in 1956 by the Oxford University Press, details the policy, attitude, criteria of each country, includ-

ing Australia that accepted displaced persons. She also indicates the resources including the type of shipping available: in the main and in short supply, converted wartime US Liberty ships. What Calwell did to obtain a fair share of that scarce shipping as well as transport for British migrants is a story yet to be filmed.

Arthur Calwell, one of Australia's most passionate nationalists, has justly earned a noble place in history. In his biography *Calwell* (1978), Professor Colm Kiernan says: 'Few men in a lifetime can change the face of a country as Calwell changed Australia'... '*Si monumentum requiris circumspice*—If you seek his monument, look around'. On 1 August 1973 in 'A Tribute to the Memory of the Right Honourable Arthur Augustus Calwell', Senator Justin O'Byrne read to the Senate a poem, *Arthur*, written by Leslie Haylen, a long time parliamentary colleague. The first verse says:

*When a man dies and his friends weep,  
That is life and death in their order.  
But when a man dies and his enemies weep,  
That is greatness crossing the border.*

H.J. Grant  
Campbell, ACT

### Australia and Papua New Guinea Towards 2000

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# Reinventing the Promised Land

**A**T A FRIENDLY LUNCH in New York a few years ago, an Australian sophisticate said to me about the United States: 'Don't you realise this country of yours fairly reeks of religion?' I had never put it to myself in quite that way, but I knew what he meant—as a Southerner I had grown up in the reekingest region of them all.

That Australian's words came to mind on the evening of 16 June, the last night of the Democratic convention. I watched it on television, like most Americans, despite being just a few blocks from Madison Square Garden. Viewing the raucous but nonetheless civilised proceedings with me was a Canadian. The presence of his objectivising eyes and ears made me see and hear again my sardonic friend from down under.

There on the tube were two Southern white boys, Al Gore and Bill Clinton, giving their formal acceptance speeches as vice-presidential and presidential candidates for the Democratic Party. From time to time and quite naturally, their words took on the cadence and fervour of the Baptist preachers they have heard throughout their lives in two neighbouring states of the Bible Belt, Tennessee and Arkansas.

Al Gore dwelt on the near-fatal accident of his youngest child, Albert III, who was hit by a car as they left a ball game in Baltimore three years ago: 'I ran to his side and held him and called his name, but he was limp and still, without breath or pulse. His eyes were open with the empty stare of death and we prayed, the two of us, there in the gutter, with only my voice ... When you've seen your reflection in the empty stare of a boy waiting for his second breath of life, you realise that we're not put here on earth to look out for our needs alone. We are part of something much larger than ourselves.'

Bill Clinton's acceptance did not have anything so dramatic to report in the religious line. It was 53 min-



utes long and, as one television commentator remarked, it was a fine speech if you like reading the Sears catalogue. Nevertheless, it included an appeal for what Clinton called a 'New Covenant', and the last third of his catalogue sprinkled this scriptural language lavishly, with a coda almost as eschatological as the *Book of Revelation*: 'A country of boundless hopes and endless dreams, a country that once again lifts its people and inspires the world. Let that be our cause, our commitment and our New Covenant. My fellow Americans, I end tonight where it all began for me: I still believe in a place called Hope.' [Clinton grew up in the town of Hope, Arkansas.]

On previous nights of the convention two more Southern Baptists, Jimmy Carter and Jesse Jackson, had contributed their own preachments. Carter, with modest and moving authority, said that 'America should be great in peace, not war.' The Rev. Jackson, more befuddling than modest, offered an oblique attack on Vice-President Quayle's version of 'family values' by alleging that Jesus was the son of a single mother who would no doubt have been judged unfit by certain people (the invidious Dan Quayle), and that Mary and Joseph were a homeless couple. Jackson was on a religious roll at that point, but those who thought about it later remembered that Joseph and Mary did indeed have a home, in Nazareth, and that no one could have judged Mary unfit, since only she and Joseph knew that she was a single mother. Details.



Governor Mario Cuomo of New York formally placed Bill Clinton's name in nomination. Cuomo is the best public orator in America today, and in his indictment of President George Bush he showed himself to be the formidable trial lawyer he is by profession. Cuomo dropped an occasional reminder of his Catholicism—noting at one point that prayer for the nation's welfare must be accompanied by the good works of political deed, and exclaiming *'mirabile dictu'* at one of the more egregious ironies in the sorry Bush record.

Catholics and others who had hoped that Cuomo might offer himself for the nomination still wonder why he held back. We'll never know unless he tells us. Perhaps he just miscalculated, never supposing the Democrats would have such a good shot this year. He wastes no time fretting, however. His nomination speech, with its explicit reference to justices of the Supreme Court who respect Americans' rights to 'make their own moral and religious judgments', was a bid to be named to the court when (and if) Bill Clinton comes into his kingdom.

Cuomo's audacious bid brings us to the most neuralgic Catholic issue of this campaign—abortion. Two weeks before the convention, on 29 June, the Supreme Court handed down a long-awaited decision in the case of *Planned Parenthood v. Casey*, in which Planned Parenthood of South-eastern Pennsylvania was trying to overturn legislation promoted by Pennsylvania Governor Robert Casey, a Democrat and a Catholic. The Pennsylvania law, which the court upheld, restricts abortion in piddling ways, requiring such things as a 24-hour waiting period and parental consent in the case of a minor. Even so, the legislation is looked upon as noxious by the 'prochoice' side. 'Prolifers', who include many but not all Catholics and most of the Catholic hierarchy, were disappointed that the Supreme Court, in upholding the Pennsylvania legislation, also upheld what the court said was the 'central holding' of *Roe v. Wade* (the 1973 Supreme Court decision that in effect resulted in abortion on demand), maintaining a woman's constitutional right to an abortion before the foetus is viable outside the womb.

**P**ROCHOICERS, STRONG IN THE DEMOCRATIC PARTY, were very much in our collective Catholic face during the convention. Governor Ann Richards of Texas, the chairwoman, opened the proceedings by saying, 'I'm prochoice and I vote.' Governor Casey asked repeatedly to address the convention and was turned down—a shameful muzzling that contradicted Bill Clinton's desire to bring his party closer to that 'middle' where he thinks the presidential election must be won. Democrats in Congress now say they will push to pass a Freedom of Choice Act that overrides the Casey decision. The burden is on them, and people like Bill Clinton, to explain why even that decision's precarious protection of unborn life should be done away with.

But Clinton has embraced the NARAL (National Abortion Rights Action League) and is also making

friends with the NEA (National Education Association). Those alliances put him squarely in opposition to any regulation of abortion and any financial aid to Catholic schools. The question, then, of why Catholics would vote for him and Gore—and many would, including me in all likelihood—cannot be understood without considering the alternative.

One must say 'the alternative' rather than 'the other choices' because on 16 June, the day that Clinton and Gore gave their acceptance speeches at the Democratic convention, Ross Perot withdrew. The complications of a three-man race could have been considerable. In the first place, each state has a number of electoral-college votes proportional to its population, but rules vary from state to state as to the assignment of electoral votes in case no state gets a majority of the popular vote. In some states, the winner takes all. In others, electoral votes are divided proportionally. If no candidate gets a majority of electoral votes nationwide, the presidential election is transferred to the newly elected House of Representatives, where each state delegation gets one vote and works out its own rules for deciding how to cast that vote. Here the Democrats would be favoured

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if they retained their present control of a majority of the House delegations.

As anyone can see, the possibilities for crying 'Foul!' would have been endless. This is just what Perot pleaded when he quit: he did not want to impede a smooth election. But no one believes that. Rather, the little billionaire with the big ears decided that it would cost too much money and sweat, and in the end he not only looked like Alfred E. Neuman (the sappily grinning boy on the cover of *Mad* magazine) but sounded like him too: 'What, me worry?'

Now that we are back in a traditional two-party election—in which all the electoral votes of each state are assigned to whichever candidate gets a majority of its popular vote—the spotlight shines all the more glaringly on the two candidates and their running mates. This is unfortunate for the incumbent Vice-President, Dan Quayle. He was already the national butt when, just as the presidential race was heating up, he tripped again—this time, at a student spelling bee. As the presiding eminence, the Vice-President corrected one of the schoolchildren, telling him he had misspelled 'potato' by leaving off the 'e' at the end, as in 'potatoc'. Quayle will never hear the end of it. At the Democratic convention Jesse Jackson had malicious fun, reminding the

cheering conventioners that Al Gore, by contrast, can spell 'chlorofluorocarbon'—which makes the more important point that Gore has a substantial environmental interest and record, whereas Quayle has not a whit of either.

The only drama the Republican convention [underway as *Eureka Street* goes to press] offers is the possibility that George Bush may pick a new running mate. After all the protests to the contrary, such a manoeuvre would have to be done with Machiavellian finesse, lest it seem like what it would be in fact—dumping Quayle. Bush has sworn a thousand times that he would never think of such a thing, that it is the furthest thing from his mind. Nevertheless, prominent Republican voices, including the editorial page of the *Chicago Tribune*, have urged Dan Quayle to do the noble thing. Quayle has said 'no' a thousand times. Meanwhile, whenever his head appears on television, the nation looks into those bland, childlike eyes and thinks ... 'potato'. Certain pundits are beginning to speculate that the Republicans would have a better chance if both Bush and Quayle stepped aside—with dignity, of course, though this is hard to imagine unless, for example, there were some as yet undisclosed question about Bush's health.

That Catholics should be lining up to vote for Clinton and Gore—despite the fact that the Republican ticket and platform are much friendlier to Catholic views on abortion, and in principle will be more generous to Catholic education—is explained by the fact that so many people, Catholics included, are disgusted with the Reagan-Bush legacy. They might not put it in such a

The Vice-President corrected one of the school-children, telling him he had misspelled 'potato' by leaving off the 'e' at the end, as in 'potatoe'. Quayle will never hear the end of it ... whenever his head appears on television, the nation looks into those bland, childlike eyes and thinks ... 'potato'.

high-minded way, but they know the economy stinks. And by now they know they have been lied to about it for a long time.

Americans are more tolerant of George Bush's foreign adventures than of his domestic lethargy. It seems not to matter that the administration lies about the number of people who died in Panama because of the December 1990 operation called 'Just Cause'. Where else but in churchgoing America could such a murderous little invasion be given such an exalted title? Where else would securing an oil supply in Kuwait be dubbed (turn up the Dvorak, please) the 'New World Order'? It was not about oil, said Bush, enraged that wicked people could suggest such a thing. We must face up to aggression, stop a new Hitler, etc. Meanwhile, Bosnia somehow gets left out of the New World Order as aggressors

overrun it with impunity. Clinton has gamely stepped forward to say that the aggression in Bosnia is not a civil war, that we have recognised its existence as an independent state, and that therefore we ought to be willing to help it stave off bullies. Bush and his people jumped on this commonsense observation, which is totally consistent with the so-called New World Order, as 'reckless'.

**B**UT CLINTON WILL NOT FOLLOW UP hard on this argument because he knows Bush's vulnerability is not foreign but domestic policy. Clinton will keep punching away at such weaknesses as America's lack of universal health care and its inequitable tax structure—points that serious Catholics can chalk up in his favour to counterbalance his seemingly anti-Catholic positions on abortion and education. Polls now give him a surprising 20-point lead over Bush. If this advantage continues, even after the Republican convention, which traditionally evens out the Democratic lead, Bush can resort to a number of stratagems:

1. He can reassume the mantle of warrior king, getting voters to rally round the flag (and himself wrapped in it) in time of crisis. Who knows what this might portend? There's always Saddam Hussein, that old fake nemesis, to be got rid of.

2. He will recall his old friend Jim Baker from the State Department to run his campaign. Baker was the brilliant lieutenant who ran a truly nasty, no-holds-barred campaign against Michael Dukakis in 1988. As Jimmy Carter has pointed out, it would be a travesty to yank the Secretary of State to run a campaign—particularly at a time when Eastern Europe, the Middle East and the Horn of Africa need attention—but everyone knows that Bush will do whatever is necessary to win, and in any case Baker won't be Secretary of State for long if Bush loses the election.

3. If all else fails, and I suspect, even if it doesn't, the President will GET DIRTY and attack Clinton's character—directly and indirectly, frontally and through surrogates. If it can be proven that Clinton has broken the commandments, especially the sixth or ninth, or if he can be labelled a draft dodger for not having marched off willingly to Vietnam, that's big stuff in the Bible Belt.

For the moment, all the earlier fuss about Clinton's character seems to have died down, but a new revelation—and dirty tricksters are surely digging like mad to see what they can find—could be pay dirt for the Republicans by putting Clinton on the defensive. While Clinton defends his character, Bush has the more difficult task of defending his record.

Count on two things. When the battle is joined in earnest, it will not be pretty; and the battle will never be more earnest than when religion is invoked. That's the way it has always been here: praise the Lord and pass the ammunition. ■

**Thomas H. Stahel SJ** is the executive editor of *America*.



## T Words across the divide

THAYER STREET IN PROVIDENCE, RHODE ISLAND, is the hang-out strip for Brown University. It provides abundantly for the day-to-day needs of young Ivy Leaguers. There are lots of fast-food places, including one where the future alumni of the Johnson and Wales University (catering, the hotel trade) wait upon the future alumni of Brown (liberal arts, medicine). People move briskly along Thayer Street, bobbing in and out of the stores because time is always short, and they talk quietly, seriously and politely. Over a croissant in Le Bon Pain, a professor and his graduate student are devising a letter of application: 'Be sure,' says the professor, 'to run a spellcheck on it.' They pause. Four young black men are cruising by in their rusty boombox, the sound turned way up. Rap jolts the sidewalk like a pneumatic drill. For half a minute, the air is filled with manic accusations. Then the lights change, the sound fades, the genteel flurry resumes.

'One black man is in prison for every two black men in college; homicide is the leading cause of death for young black men, and it is estimated that three out of four black women will be pregnant by the age of 20. Add to this the functional illiteracy rate and the unemployment rate, and the 'two nations' predicted by the Kerner Commission in 1968 seem now to be upon us.' (Henry Louis Gates jun., *Loose Canons: Notes on the Culture Wars*, OUP, New York, 1992, p124).

To understand the Rodney King riots, you need to know that in the United States today the issue of race

relations is as torturing as ever. Those riots shocked even liberal optimists into the realisation that the gains of the 1960s seem to have brought the country no closer to its ideal *e pluribus unum*. Civil-rights reforms and advancement programs have certainly produced some improvements—their exact extent is bitterly disputed—but the structures of racism remain.

Worse, there appears to be a new separatism, on both 'sides'. Everybody has heard about Los Angeles, about New York and Washington DC. Then there's Worcester, Massachusetts, where junior college students going out on the town are escorted there and back by security police. Where I live, on the leafy East Side of Providence, the locals refer to the boundary street of their district as 'the moat'.

The reformist movements of the 1960s were impelled by religious faith and a religious imagery of bondage, liberation and redemption. At the constitutional level, the movement invoked what the historian Arthur M. Schlesinger jun. calls 'the American Creed': tolerance, reason, an ideal of democratic citizenship founded on the principle of equal respect. These are the ideals enshrined in the Declaration of Independence, the constitution and the Bill of Rights.

Despite groups like the Black Panthers, the central actions in the '60s were played out inside a consensus about the ground rules: the goal was a coming together of black and white people in a new community of reconciliation.

It is difficult to imagine that happening today. The increasing divisions and hostilities in American life have produced (and to some extent are produced by) a new ethnic politics. (This is one reason why Bill Clinton's stuff about an America in which 'there is no more Them but only Us' went down so well at the Democratic convention.) The many different groups of African-Americans, Hispanics, Asians and Native Americans have positive aims that are neither easily summarised nor, probably, compatible one with another. According to conservatives, however, their negative aim is clear: it is to destroy the principles of the Declaration of Independence, the constitution, the Bill of Rights and the tradition of citizenship they founded.

**S**UCH, AT LEAST, IS SCHLESINGER'S PERCEPTION in *The Disuniting of America: Reflections on a Multicultural Society* (W.W. Norton & Company, New York, 1992). The book begins with a brief history of the idea of the 'melting pot'. 'Here individuals of all nations are melted into a new race of men' wrote Hector St John de Crèvecoeur in 1782, thus starting a metaphor that ran and ran. What was to bind an inherently unstable, multi-ethnic society together was the willingness of each individual to forego the old ways and the old allegiances, and to take part instead in the creation of a new person—the American.

Throughout this century, there has been plenty of opposition to the melting-pot notion. For Schlesinger, the turning point was reached in 1974, when 'Congress passed the Ethnic Heritage Studies Program Act—a statute that, by applying the ethnic ideology to all Americans, compromised the historic right of Americans to decide their ethnic identities for themselves' (p43). Schlesinger's way of posing these issues seems tendentially polarised: either the melting pot or anarchy; join 'us' or tear the place apart. But in fairness to him, some of the proponents of ethnicity in this country might provoke even moderates into a little flag-flying. Whether their extremities are their own, or those of their communities, remains an unsettled and unsettling question.

Take, for example, the views of Moli Kefe Asanti, a black scholar who has written several books on what he calls 'Afrocentricity'. Debating educational issues in the decorous pages of *The American Scholar*, Asanti can sound like a mild-mannered multiculturalist who just wants a fair go. There is no common American culture, he will say, and what passes for it is imposed on his people. Eurocentric culture should take its place along-

side all the others, and be taught simply as one version of the way things are.

His book *Afrocentricity* (Africa World Press, Trenton, 1988) yields a different picture. Here, Asanti addresses what he takes to be his own constituency. And here the cultures of Europe and Asia are described as 'junior variations on the original African theme'. The Afrocentric mission is to humanise the universe. Civilisation began in Africa; the ancient Egyptians were black; we owe what is valuable in Greek culture to the influence of Africa, and this would have always been obvious had it not been for an Aryan historiography that deliberately concealed the traces. It is a mistake for black Americans to seek salvation in Islam, or to think of themselves as Americans.

What they should do is to find the African centre of their true identity, and to embrace 'Nija, the ideology of victorious thought'. Nija has evolved in the minds of a succession of prophets, from Booker T. Washington through to Stokely Carmichael, until its final flowering in the 'The Way that came to Molefi in America'. At the end of *Afrocentricity*, The Way is set out in numbered texts, divided into 10 'Quarters'. Both these texts, and the book as a whole, are rich in the kind of inconsistency and self-contradiction that those desperate for a faith never seem to notice, and which always prove so useful to demagogues. But then, who am I, a white man, to make this judgment? For: 'There can be no good intelligence except as it is reflected in the nature of things. All propositions, statements about good, truth, falsehood and evil, rest with the Afrocentric concept of nature' (p38).

Henry Louis Gates jun. is W.E.B. Du Bois professor of the humanities and chairman of the Afro-American studies department at Harvard University. In his new book, *Loose Canons*, Gates agrees with Asanti that 'only a fool would try to deny continuities between the Old World and the New World African cultures' (p125). That's about all the two authors have in common. *Afrocentricity* and *Loose Canons* show two extremes of African-American studies. The one is unmistakably the document of a provincial cult, aiming at charisma and managing only bathos; the other is written in a lucid, supple, urbane prose. Gates writes about contemporary literary theory—not the most translucent of studies—with vernacular ease. He writes simply and personally about some of his own experiences of growing up black—and why he came to prefer 'African-American'. He is funny, and agreeable and liberal, yet not in the least anodyne, and his book is far more challenging than Asanti's.

**G**ATES' BOOK IS AN African-Americanist's contribution to the debate about the cultural canon. Here in the US, this is not a cloistered topic. William F. Buckley, no less, summoned two of the country's most distinguished critics to his *Firing Line* program and gave them hell. *Time*, *Newsweek* and numerous daily newspapers have run stories—usually alarmist pieces about how Ameri-

*We inhabit one world, Gates argues, which can no longer be understood in metaphors of 'centre' and 'margins', of America as 'a force of reaction in a world of daisy-fresh revolutionary ferment', nor yet as a new pax Americana.*

ca's heritage is under threat. The reason, I think, why a debate that in Australia tends to occupy only specialists becomes so general in the US is the strong American tradition of liberal arts education, the belief that there ought to be a core, a foundation, a minimum culture which everyone should know, combined with the belief that education is the crucible of citizenship. Throw out Hawthorne? Replace him with Toni Morrison? The republic is in danger!

**T**HERE IS AN EXCELLENT GUIDE to the battlefield in Paul Berman's anthology *Debating PC: The Debate over Political Correctness on College Campuses* (Dell, 1992). I recommend particularly Berman's own introduction, and the essay by John Searle. What is germane here is that '80s 'oppositional' criticism from the 'cultural left' has proved to be another impetus towards doctrines of racial separatism. Searle sums up the line: 'The so-called canon of Western civilisation consists in the official publications of [a] system of repression ... So you cannot reform education by admitting new members to the club, by opening up the canon; the whole idea of the canon has to be abolished' (p93).

One after another, in the '80s, the custodial figures of the West have been exposed and denounced for their racist, sexist and genderist views. Gates is very good on this 'turn to politics' which he sees as quite unhelpful to a humane multiculturalism. In the 1950s, he says,

the reviews in the learned journals would spot the gaps in your citations; nowadays, you are taken to task for 'colluding with perpetrators of injustice'.

'The culprit, some fresh-faced young academic from the Midwest, stands exposed for what she is ... a woman who silences entire populations with a single paragraph, who, in view of fatal analytic conflation, has denied agency to all the wretched of the earth. Politics never felt that good' (p180).

It was—and is—as Gates says, a marionette theatre.

One of the shibboleths by which you will know radical critics is their rejection of each and every offer on the part of a male to understand a female, or a white to understand a black, or a member of the imperium to understand one of the imperialised. All these are attempts to 'reinscribe' oppressive ideologies. The mutual incomprehensibility of absolutely everyone somehow fits into a scheme of rigid moralism: the deconstructionist bit is wedged into Foucault's brace.

**A** GAINST THIS, GATES DECLARES: 'Any human being sufficiently curious and motivated can fully possess another culture, no matter how "alien" it may appear to be.' But this belief does not lead him, as conservatives might hope, to a sunny restoration of the traditional canon. On the contrary, allied to the recognition that one's own identity is indeed shaped by a particular cul-



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tural history it means (as I read Gates) that no one is exempt. You cannot defend yourself from the task of understanding the Others either by deprecating their achievements or by bogus reverence for them. The difference between Gates and a lot of the people who write on these subjects is that he makes the challenge sound necessary, exciting and possible, while not stinting any of the pain of the past or present.

We inhabit one world, Gates argues, which can no longer be understood in metaphors of 'centre' and 'margins', of America as 'a force of reaction in a world of daisy-fresh revolutionary ferment', nor yet as a new *pax Americana*. What we confront (he quotes the anthropologist Arjun Apparadai) is 'a complex, overlapping, disjunctive order'. To teach only the traditions of the West is as foolish, faced with this, as not to teach them at all. So Gates, like Asanti, is a multiculturalist who wants, make no mistake about it, drastic changes in the curriculum and the canon:

'Ours is a late-20th century world profoundly fissured by nationality, ethnicity, race, class and gender. And the only way to transcend those divisions—to forge, for once, a civic culture that respects both differences and commonalities—is through education that seeks to comprehend the diversity of human culture. Beyond the hype and the high-flown rhetoric is a pretty homely truth: There is no tolerance without respect, and no respect without knowledge' (p xv).

**A**T THE FOOT OF ANGELL STREET, where I live, is the First Baptist Church of America, founded by Roger Williams in the 17th century. It is a liberal, progressive church, with a dual pastorate (one woman, one man) and when they say all are welcome, they mean it. In six months of Sundays I've noticed just one African-American among the regular attenders. One Sunday, just after the Rodney King riots we all joined hands and sang:


Peace is flowing like a river  
 Flowing out of you and me  
 Flowing out into the desert  
 Setting all the captives free.

Around the corner, 200 metres away, is an all-black congregation, also of Baptists. Just up the hill from there is another all-black Baptist congregation. All three churches are members of the same larger organisation of American Baptists. Their ministers are friendly and meet on committees. What seems like a stark illustration of racist divides is also a reminder that not all divisions are brought about by race, and, perhaps, that not all is division that seems so.

We are all, it seems, in a phrase used by Maria W. Stewart, the black woman writer of the last century, prisoners of hope. ■

**Bruce Williams** is senior lecturer in drama at La Trobe University, Victoria. He has been taking sabbatical leave at Brown University, Providence, Rhode Island.

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## All dressed up but nowhere to go

**P**AUL KEATING, PRIME MINISTER, always knew that he would need at least 12 months to have a chance of winning the election. He has also known that the odds are against him, and that he can only win by taking risks. Several distinct styles of Keating government are emerging.

One is a tendency to throw hand grenades into policy vacuums, not necessarily with any interest in what the outcome might be but simply to get things moving. His June adventures with pay television, airlines and TAFE are good examples.

Another is to run the most centralised and most politicised government Australia has ever known. Virtually all policy is made by Keating himself or by his closest political advisers, the most senior of whom, Don Russell, is an old Treasury hand who now wields more power than any bureaucrat, and more power than any politician except Keating. The Prime Minister does not have time to read briefing papers, and relies entirely on oral briefings from his close staff. That staff has few dealings with public servants—they deal with *other ministers'* political staffs.

The public service is almost entirely frozen out of the final stages of policy development, which may include quite substantial changes from initial policy proposals. The secretary of the Prime Minister's Department, Dr Mike Keating, has some influence, but only as a loner and because, as secretary to the Cabinet, he cannot be left out. Cabinet is almost a joke, although, oddly, its expenditure review committee—the engine room of government finance during the past decade—has worked smoothly through most of the budget process, with Keating mostly absent.

This has left many public servants and public service heads resentful, the more so because Keating, when his style is commented on, ripostes that the government is running the country, not the bureaucracy. Some old hands see this animosity between the government and the bureaucracy as reminiscent of the dying days of the Whitlam government. Not a few public servants, believing that the government is collapsing and that they are ignored, are quietly preparing for the next administration.

Now contrast Dr John Hewson, Leader of the Opposition. He has little experience of running anything (having served as an adviser is not quite the same thing) and surprisingly few politicians with him have much practical experience of government either. Only two experienced people, John Howard and Jim Carlton, seem committed; Andrew Peacock has experience but seems only to be along for the ride, and three others with experience and nous—Fred Chaney, Peter Durack and Wal Fife—are getting out.

But the Opposition's distrust of the bureaucracy seems to be even more profound than the Government's.

Those in the Opposition who are devising strategy for an incoming Liberal government have created next-to-no room for bureaucratic advice. The essential elements in the *Fightback!* package—particularly the goods and services tax and its industrial relations policies—are being drafted by committees of advisers the Liberal Party has taken on: businessmen, lawyers and accountants, Opposition staff and some retired bureaucrats such as Sir William Cole. The draft legislation will probably be in shape before the election, and lobbyists who want to influence that shape should be at work now.

Much more than a legislative package is being prepared. A complete program of government through a full term, fairly detailed in what would happen over the first 12 months, is being drafted. Some of the documentation bears all the hallmarks of naiveté and inexperience—the sort of stuff that any competent Sir Humphrey would be dying to polish up—but whether such polishers would get a look in remains to be seen. The Opposition seems to think that the bureaucracy would be obstructive.

It is important to remember that the Liberal Party's dominant radical wing, which is ideologically driven, wants results, not doubts, due process, long analysis, or explanations of why things can't be done. The ideologues are prepared to face the ethical dilemmas themselves, expecting the bureaucrats simply to knuckle down and do what they are told. Many secretly believe that any of the jobs that will be assigned to bureaucracy could be done more quickly and efficiently by a private-sector manager with one arm twisted behind his or her back. Few realise how fundamentally the service has changed in the past decade, shifting into just the sort of mechanistic efficiency the Liberals admire. Nor do they realise how much contracting out of services there has been, or how little will be saved by most of the efficiency measures described in *Fightback!*

The irony is that the public service, for which the Liberals seem to have so much contempt, is now precisely of the flavour one might expect them to like. Two or three secretaries, at most, could be criticised for being close to Labor. The remainder are mostly professionals whose views are closer to the Opposition's than to the Government's anyway, and who would certainly serve either side with loyalty and enthusiasm. Their management skills are of a higher order than one would find in any company or bank in the land, their political skills are formidable, and most are just the sort of moral vacuums that everyone nowadays admires. Alas for them, now that many have mentally transferred their loyalties because they believe Keating cannot survive, the Opposition doesn't seem to want them. Anyone want a good second-hand public service? ■

Jack Waterford is deputy editor of *The Canberra Times*.



Photo: Bill Thomas

## Country court

**M**IST BLANKETED THE MORNING, then dissolved. Outside, the dew was forming on the police cars. There were nine of us in the court house: the magistrate and his clerk, the police prosecutor, the defence lawyer, two town gossips, and myself, the professional gossip. Then there was the witness, wearing woollen working socks with his wide-lapelled suit, and the accused, brown-eyed and round-shouldered.

The accused was said to have driven recklessly and on the wrong side of the road down the main street of the town, past the war memorial, the Tidy Towns sign and the Coles supermarket, and to have collided with a Commodore, killing two local women. Because of the seriousness of the case a transcript had to be taken, but the magistrate's clerk did not take shorthand. She sat at her typewriter, and the defence lawyer and the witness were told to speak slowly.

'How did you know the speed my client was driving at?' the lawyer asked.

'How did I know the speed?'

'Hold on, hold on.' said the clerk. She was typing madly. 'Who asked the question?'

The witness and the lawyer spoke at once. 'I did.' She glared at them both. 'One question at a time.'

The lawyer began again, keeping time with her fingers.

'How ... did ... you ... gauge ... the speed?'

The witness waited for the carriage to return.

'I ... observed the car coming up behind my car and' 'Hold on. More slowly.'

'Coming ... up ... behind ... my car ...'

Clack, clack. Halt.

'I'm sorry. I've forgotten what I was saying.'

The magistrate sighed. 'Perhaps we can begin again.'

His clerk tore the sheet of transcript from her typewriter, screwed it up, and whipped in a new sheet.

'We're beginning again?' said the lawyer.

'So we can get it all down quite accurately.'

'Ah. Yes.' The lawyer looked at his notes, paused, then began to speak, the typewriter keeping pace. 'The speed ... how did you judge ... the ... speed of the car?'

'The speed?'

'Yes.'

Clack, clack. A record was created. Correct, without being truthful. Everybody cooperated in creating the proper kind of fiction: witness, prosecutor and defence lawyer.

In the city, where driving on the wrong side of the road causes immediate collisions, social order seems unremarkable. It is the deviations—the random violence and the rebels—that draw attention. But in the country, where the policeman drinks alongside you in the bar, the mayor is your best friend's cousin and you can drive all day without seeing another car, it is harder to understand why everyone drives on the left; why everyone, even those who always lose, generally observes the rules.





## Onya, left-footers

**N**OW THAT IT IS grand-final time, an issue of great moment might again be raised. The question is this: 'Whether science could (at some stage in the future) become football?'

I say 'again be raised' because this issue already has been pondered several times. Gary Gutting first put it on record during the Guy L. Leonard Memorial Conference in Philosophy (where else?) in October 1978, at which the topic of discussion was 'scientific discovery'. Dudley Shapere and Ernan McMullin, however, replied in the negative: 'No, science could not (at some stage in the future) become football.'

According to McMullin, science is a practice, whereas football is a process leading to a product. Practices, in this sense, are free-ranging and open-ended, while, on the other hand, football entails a process of scoring more points than the opposition team so as to win the flag, fame, fortune, etc. (see Ernan McMullin's opening essay 'The Shaping of Scientific Rationality: Construction and Constraint', in the 1988 collection, *Construction and Constraint*, p19).

Bruno Latour, on the other hand, in his *Science in Action*, argues with considerable evidence that in the practice of science, 'everything else being equal, the winner is the one with the bigger laboratory or the better article' (p103). Science thus may indeed be a game with teams and scorelines and champions, even if it is not always as much fun as football.

Niels Bohr and his brother Harald, a great mathematician, were both keen soccer players; Harald representing Denmark while Niels was a reserve. When the young Niels Bohr went to work with Sir Ernest Rutherford in Manchester, nobody could understand why Bohr and Rutherford got on so well. Rutherford was renowned as an experimentalist, whereas Bohr was the most abstract of theoreticians. When Rutherford was quizzed on this anomalous friendship he replied, 'Bohr's different, he's a footballer.'

But we are left with one abiding question. Consider the 'torpedo' or the 'screw-punt', when the kicker sends the ball spinning through the air like some rifled projectile. Kicked with the left foot, the ball spins round its longer axis in a counter-clockwise direction. Kicked with the right foot, the ball spins in a clockwise direction. The angular momentum due to this spin is at right-angles to the plane of spin and 'right-handed'. That is, the ball kicked by the right foot has its angular momentum heading in the direction in which the ball is moving, while the ball kicked with the left foot has its angular momentum heading in the opposite direction to which the ball is moving.

Does this make any difference to the distance a football travels? If so, why is it that left-footers seem to kick the ball further? ■

—Bernd Bartl and John Honner SJ

I am not a member of the town club, yet I walk in and drink without signing myself in, and without being questioned. Three young men approach the bar after me. They have long hair and leather jackets, and are asked to sign before they are served. They complain but they do it. They play their role. I play mine. They are the town yobs. I am a professional. And what would we be without each other?

Drinking is also done outside, on the banks of the river. Now that spring is coming and the air is warmer, that is where the Aborigines drink.

I lived in the city for 10 years, and never went west of the river that divided my kind of suburbs from the ones where other kinds of people lived. I never drank in the pub with the policeman. My friends did not wear clothes bought at Target, and the men wore thin cotton socks with their suits.

The court cases I covered were meticulously transcribed. One lawyer spoke so fast that the shorthand writers said he used up an extra 10 pages of transcript per half hour.

I wore pantyhose, though I hated them. One did not go to work without one's pantyhose. One did not make racist jokes, or wait to have the door held open.

Visiting the city recently, I sat in an inner-suburban cafe on a Sunday morning with a friend, and saw myself in a mirror. Fat. Jeans. Jumper. Unremarkable face and hair. All around me were the brightly coloured and gelled, and the noise of their laughter and their confidence.

'Am I boring? God, I look boring.' I said to my friend. He looked at me. 'No you don't.'

But I felt that I was. I looked dull. Invisible. I was no longer the sort of person who came to this kind of place.

It is said that country people are less tolerant, and it is easy to see why that is said. Yet they do not have the awful, dreary intolerance of the trendy. People mix and mingle, classes rub shoulders. One is allowed to hold unconventional opinions and to dress differently. Dags are tolerated, even loved; they're *our* dags.

From the air, the little town I live in is almost nothing: a few green squares in the middle of a great slab of pink, connected to other towns by a pencil line of highway and the snaky green river. One can imagine an earthquake, a shrug, that would eliminate it. Flying towards the city, one sees the smog first—the yellow pall of people and their cars. It is harder to imagine the land shrugging that off.

In the country the rules are more apparent, but only because they are more fragile. Now, in spring, in the mist-covered mornings and the blue days, it is possible to see how easy it would be to shrug off expectations and create a new self. A new fiction.

But of course, one doesn't. Or only occasionally. And I am moving back to the city. ■

**Margaret Simons** is a regular contributor to *Eureka Street*.

# 'All things to all ... er,'

*An Australian woman looks at the efforts of American bishops to address 'the concerns of women'.*

**F**OR AS LONG AS the official leadership of the Catholic Church is exclusively male, its attempts to talk about women will founder on a kind of Catch 22. The third draft of the US bishops' pastoral letter on the concerns of women, *Called to be One in Christ*, neatly illustrates the problem. Of course church leaders should respond to the changing self-awareness and social role of women; but when men have to speak 'on the concerns of women' the contradictions are obvious. Until the basic problem is tackled, words will achieve little. In the meantime, bishops are damned when they do speak and damned when they don't.

The pastoral has three chapters—on equality in creation and redemption, on personal and social relationships, and on the implications for the church. Each chapter begins with a report on the views of women, who were invited to contribute comments before the draft was prepared. These comments are then developed into a theological and pastoral reflection.

The main theme of chapter one is the 'sin' of sexism. It is heartening to find sexism so described, since it is not a sin that has hitherto got much attention in church documents. The fundamental error of sexism, the writers argue, is its assumption 'that one sex is superior to the other ... in the very nature of things.' This assumption contradicts a central tenet of Christianity—that *all* human beings are created in the image and likeness of God.

The document asserts that men and women are equal in dignity and rights, but this leaves its writers in a quandary. They also want to link equality to sexual difference, so the church can continue to exclude women from its leadership. The pastoral rejects both the view that, apart from biology, sexual differences are cultural constructs, and the separatist view that men and women are radically different; but the 'one human nature' that it asserts offers no convincing argument for differential treatment. There is no analysis of a system that has benefited from relegating women to a second-class role, and no admission that the church has helped foster the belief that women are inferior to men.

The chapter on social and personal relationships describes the unequal position of women in almost every aspect of society: the double burden of racial and sexist exploitation; the feminisation of poverty; sexual violence and domestic abuse; the exploitation of undocumented working women and the exploitation of women as sex objects. The document deplores these things, and endorses legal changes to remove discrimination, such

as just wage-fixing procedures, and access to flexi-time and job-sharing. But it also recognises that sexism is so ingrained in society that a fundamental change of awareness is also needed—in traditional Christian terms, a conversion. The church, they concede, needs to examine its own 'practices, possessions, power structures and lifestyles ... to see if they prevent the proper advancement of women.'

The document then moves to relationships, and to suggested changes in pastoral attitudes. Two welcome aspects of this chapter are a recognition that victims of domestic violence may need help to end their relationships, and an affirmation of the tremendous efforts that single parents make to care for their children. But there is no recognition of the fact that Catholic men must be equally represented among the abusers, nor any admission that confessors have sometimes urged women to remain in violent relationships.

On birth control, *in vitro* fertilisation, abortion, divorce, and lesbianism, the document reiterates existing church teaching. It calls for pastoral care for those who feel excluded from church, but does not discuss the views of those who argue that, since the church's teaching on these issues has been formulated by men, it can only reflect a male ethical perspective.

In chapter three, the responses of women highlight the exclusion or underrepresentation of women at all levels of church government; the use of non-inclusive language in the liturgy, which thus fails even to recognise the presence of women among the people of God; the failure to recognise contributed services, or to recompense church workers with a just wage; the ordination question, and the claim that the Scriptures do not settle the question. Many women are disheartened by the 'patronising, condescending, ridiculing, self-serving or ungrateful attitudes of some clergy', and by clerics who treat women as 'threats or competitors'.

**S**EVERAL PARAGRAPHS REFLECT upon the early church, especially Paul's co-workers, although Junia the apostle (see *Romans* 16:7) is not mentioned, and the roles the document assigns to these women are much more homebound than many scripture scholars believe was the case. (The document's use of scripture draws on the pioneering work of feminist biblical scholars, although this is only acknowledged in a footnote.) But, after reflection on the church as a communion, on Mary as the model disciple, and on the role of sacraments in fos-

tering awareness of equality, the document reiterates the teaching of *Inter Insigniores*, the Congregation for the Doctrine of the Faith's declaration in 1976 'on the question of the admission of women to the ministerial priesthood'. There is no reference to the theological objections that have been raised to *Inter Insigniores*.

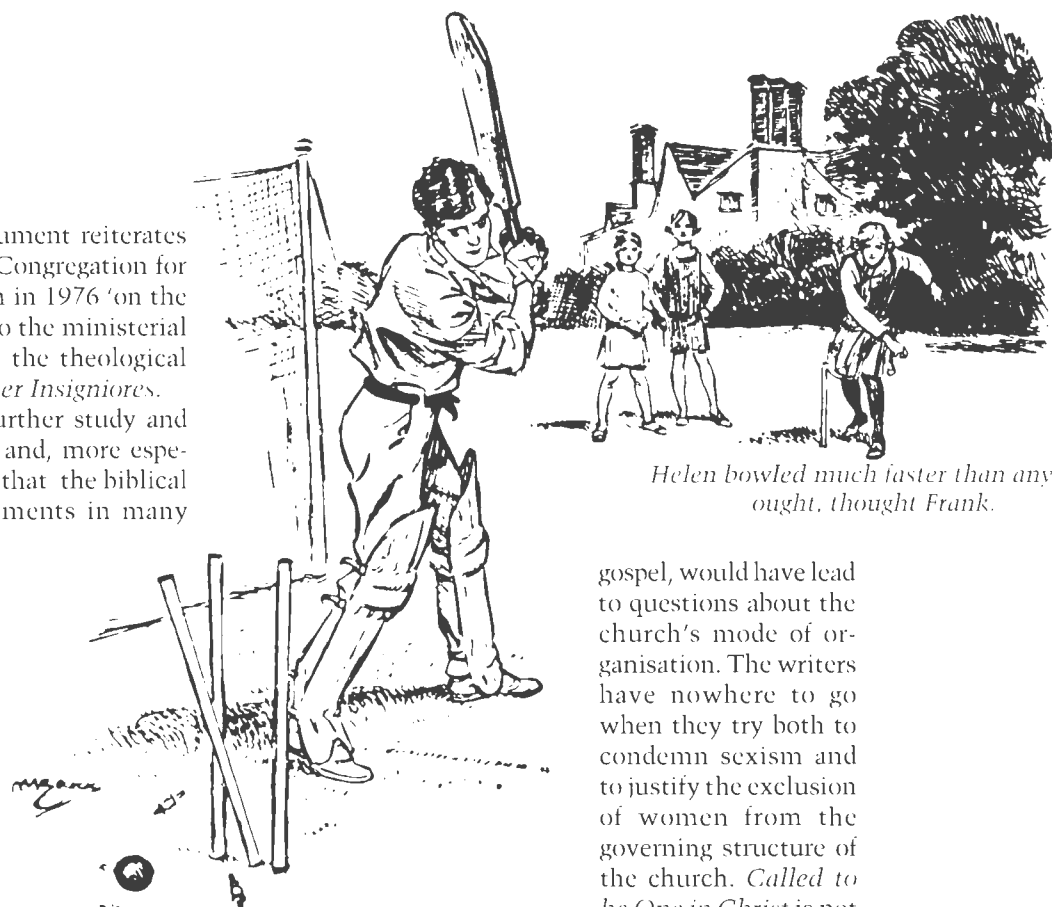
The writers do, however, urge further study and debate on the theology of priesthood and, more especially, of the diaconate. They concede that the biblical symbolism used to bolster the arguments in many church documents has not always been appropriate. In effect, they are saying that although the Roman document appears to be normative it does not close the case. That they are unable to state this more directly reflects the realities of power in a patriarchal church.

The document affirms the growing variety of roles women fill in the church, new models of collaboration, and the role of women in spiritual leadership. It states that the training of clergy should include working with women, since 'incapacity to treat women as equals ought to be considered a negative indicator for fitness for ordination.' Inclusive language should be fostered, although the profound theological truths at stake urge caution in Trinitarian theology. The document urges full implementation of the new code of canon law, which gives laypeople an administrative role at diocesan and parish level.

**T**HERE IS GOOD NEWS in the document. It is evidence that bishops listen to women, even when they are saying things that the bishops cannot deal with at this time in the church's history. The branding of sexism as sinful is welcome, as is the condemnation of domestic violence and the insistence that victims be helped to end it. So too are the call for pastoral sensitivity to those whose lives conflict with church teaching, and the recognition of the need for changes in seminary training. The recommendations, so far as they go, are all fair enough.

The bad news is in what is absent. How is it possible to speak about the 'sin' of sexism without mentioning patriarchy—by which I mean a form of social organisation based on the role assumed by or assigned to adult male household heads. Patriarchy connects maleness, property and power, opposing them to femaleness, economic dependence and powerlessness; it has strong links with other dualisms of domination and subordination that underpin Western culture—spirit *v* matter, intellect *v* emotion, logic *v* intuition, humanity *v* nature.

The writers of *Called to be One in Christ* hint at these dualisms when they speak of how women have been stereotyped as emotional, passive and weak. But to name patriarchy, and to judge it in the light of the



*Helen bowled much faster than any girl ought, thought Frank.*

gospel, would have led to questions about the church's mode of organisation. The writers have nowhere to go when they try both to condemn sexism and to justify the exclusion of women from the governing structure of the church. *Called to be One in Christ* is not

an open inquiry—the limits to discussion have already been set. Although the first two chapters are titled 'Called to Equality in Dignity' and 'Called to Equality in Relationships', the fact that the third chapter is not titled 'Called to Equality in the Church' indicates that the writers themselves see the contradiction.

The document offers no reflection on the numerous women who have walked out of a church that in its symbols, its basic documents, its history and its present practice ignores or excludes women. The writers seem unable even to apologise for the church's well-documented role in 2000 years of oppression. Through a symbol system that 'by making God male made men gods'; through theological formulations that insisted on the inferiority of women (Thomas Aquinas is only one example); through pastoral practice (advice to remain in violent relationships, and to try harder to please); through the excesses of the Inquisition, which burnt women as witches; and through the decisions that obstructed and dismantled the efforts of women founders of religious orders, the church has contributed to the existence of sexism.

In church documents, prophetic stances are the exception. Caught between their own divisions, their changing perceptions, and the unchanging position of many in the Vatican bureaucracy, the writers of *Called to be One in Christ* are addressing a faithful that is also divided. The US bishops considered the draft document at a meeting in June, and its final form will be known later this year. It continues the discussion, but it is unlikely to bring much comfort to women on the margins of the church. If the bishops write a pastoral on patriarchy, their credibility will be higher. ■

**Christine Burke IBVM** is studying at the centre for religion studies and theology, Monash University.

# Out of Iraq

**G**EORGES AND HIS EIGHT COMPANIONS had no idea which way to go. Separated from the rest of their group after car problems, they had been obliged to attempt the desert crossing on foot. Then they lost their guide. After hours of wandering in the dark, they chose a road, unsure whether it would lead them into Syria or back to Iraq, the country they were fleeing. In the confusion, Georges could not find his son. The next morning, 15 April 1991, they realised they had made it, and later that day Georges, 36, was reunited with his son. They made for a UN refugee camp near the village of Hol, in north-eastern Syria. It was, they hoped, their first step to a new life in the West.

They have been disappointed. A year later, almost 5000 Iraqis live in or near the camp, which was set up at the outbreak of the Gulf War in January 1991. Those who brought enough money or valuables with them live in nearby towns, particularly the provincial capital, Hassakeh. Some have family in the area, others rely on help from relatives abroad.

The UN High Commission for Refugees' director in Damascus, Dr Hafid Alaoui, says the camp costs about \$US50,000 a month to operate. It is the only one run by the UN in Syria, apart from the long-term UNRWA camps in the country's south-west. The Hol camp has a 24-hour medical team and UNHCR also tries to provide sanitation and education; but the refugees, who live five to a tent, take little consolation from this. When I met some of the refugees, Miriam (none gave their real names, for fear of reprisals if they are forced to return to Iraq) held out a large jar of jam: 'This is what they give us instead of rice now.' The camp's main source of provisions, the World Food Program, ran out of rice and lentils earlier this year. Asked about the complaints, Dr Alaoui became annoyed; new supplies were expected soon from Turkey, he said, and the refugees should have spoken to him first.

But complaints about food, although widespread, are not the main source of discontent. Most of the refugees are Christians, who say that life in Iraq became unbearable for them during the war, and that the allies and the UN had all but promised them resettlement if they left the country. Dr Alaoui said claims by some that allied planes had dropped leaflets to that effect were

'clearly absurd'. Only a handful of the Iraqis have gained entry visas for other countries, and the sense of betrayal by the West is palpable in Hassakeh. The refugees work in food stalls to scrape together a living or, if they are more fortunate like Miriam or Georges, live on savings or get help from relatives abroad.

'Our position is unclear,' said Georges. 'I am sure I will be jailed if I return to Iraq. The only kind of work we can get here is menial—I am a scientific researcher, I can't do that. In any case, it is impossible to live on. My children cannot go to school or university here, only to the Hol camp school. So we are just sitting here, spending.' Not everyone is that lucky. A friend of Georges decided to return to Iraq but 'he was killed within five days—by the Kurds. The government distrusted us, and the Kurds thought we were with the government.'

According to the last reliable statistics, Iraq has a Christian population of about half a million, making them the country's third-largest ethnic bloc after Arabs and Kurds. Like the Kurds, they are concentrated in the north of the country. Four-fifths of the Christians are Chaldeans, an Eastern-rite church in communion with Rome, and the rest are mostly Nestorians, or as they prefer to call themselves, 'Assyrians'. Although many of Iraq's high functionaries are Christian—including Saddam's deputy, Tariq Aziz—their position has always been a delicate one. When the going gets rough, it usually gets roughest for them. They were the subject of massacres in the 1930s at the hands of Arabs and Kurds, and waves of repression of varying intensity have continued ever since. More Iraqi Christians now live outside the Middle East than in it.

**A**FTER MIRIAM FLED TO SYRIA, her husband stayed behind in Baghdad to sell the family's house and belongings. She has applied for resettlement in Australia but, even though she has relatives in Sydney who would sponsor her, the application has been refused. One of the reasons given for the refusal was that because she has been allowed to settle in Syria there is no reason for her to move to a third country. This appears to be a generous interpretation of the Syrian government's intentions: according to Dr Alaoui, 'Syria has extended only temporary asylum.'

Permits, generally granted without difficulty, are required to leave the camp and then again to leave Hassakeh province—to visit western embassies in Damascus, for instance. An Australian diplomat there said: 'These so-called refugees do not meet UN guidelines of having a "well-founded fear of persecution" from

*Although many of Iraq's high functionaries are Christian—including Saddam's deputy, Tariq Aziz—their position has always been a delicate one. When the going gets rough, it usually gets roughest for them.*

their own country. That is what we have been advised by the UN. I'm willing to admit they (Iraqi Christians) have been hassled since the war but they were essentially economic refugees and, some of them, deserters. All Iraq is having economic difficulty, trouble feeding itself. That's the aftermath of war.' Which, the diplomat implied, was insufficient cause for fleeing.

Dr Alaoui, on the other hand, said the UN considered all Iraqis who had fled their country as a result of the war and its aftermath to be *'prima facie refugees'*, although individual assessments would not be made until conditions in Iraq had stabilised. He stressed that UNHCR was only obliged to organise resettlement in third countries for refugees not allowed to remain in neighbouring countries, and that was not an issue for the Iraqis in Hassakeh. 'Resettlement is not my affair,' he said. 'My concern is to prevent deportation to Iraq, although some have chosen to return.' Georges describes the returnees as people who have decided that it is 'better to die there than here'.

Hassakeh has a big Christian population, and local Christians have done what they can to help the Iraqis. Archbishop Eustathius Matta, the 36-year-old metropolitan of the Syrian Orthodox Church in Hassakeh, shares the refugees' belief that they were duped by western governments. And he accuses the UN of providing inadequate aid, leaving the Syrian government and the local population to make up the shortfall.

According to the archbishop, the western nations' motive for refusing entry to the Iraqis is clear: to discourage a further flood of refugees clamouring at the gates of Western embassies. 'I think most will eventually have to go back,' he said, 'if Saddam is taken out of the game. They are not hostages.' Some have managed to get out by circuitous routes. For a while Turkey was granting 10-day visas to Iraqis coming from Syria, and many found a warmer welcome from Western embassies there. The Turks have since closed off that avenue.

The Australian diplomat I spoke to in Damascus was at a loss to explain the different attitude taken by western embassies in Turkey, including the Australian mission in Ankara. In Damascus and in Amman [Jordan], he said, the Australians had followed 'guidelines from Canberra' whereas the Ankara embassy seemed 'to have wider guidelines'.

There is some feeling that the Christian refugees complain too much. A Muslim Iraqi in Amman said: 'The silly bastards. They believed all that nonsense and left. Now look what's happened to them.' Syrian Muslims in Hassakeh are equally unmoved: 'They had a good life there' is the most common remark. And there is no doubt that, whatever difficulties they experienced during the war, people like Miriam and Georges were comparatively well off. Yet that is little help to them now, for the prospects of a change of heart on the part of western governments appear remote. ■

**Damien Simonis**, *Eureka Street's* European correspondent, is writing a book about Syria and Jordan.

## IN THE FOOTSTEPS OF IGNATIUS OF LOYOLA

Striving for  
a faith  
that does  
justice



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Sean. J. W.

**R**OSS McMULLIN'S CENTENARY HISTORY of the Australian Labor Party, *The Light on the Hill*, has a sprinkling of references to John Wren, whom McMullin calls 'a sinister figure behind the scenes for half a century', though the extent of Wren's influence 'is difficult to specify' (p38). There is little documentation or reliably recorded oral testimony on Wren. Even the occasional royal commission concerned with his interests revealed little about the man or his enterprises. Wren kept no diaries, few of his letters have survived and few of his business records have, either. Of his family, only John Wren jun., who died recently, supplied any reminiscences; their limitations can be gauged from his assertion that he did not know his father ran the Collingwood tote until *Power Without Glory* came out in 1951.

Wren's notorious taciturnity and lack of ostentation did not stimulate contemporaries to reminisce about him, and one can ignore much of the wowsers and ethnosectarian polemics against him. These qualities cloaked him in a sinister mantle. There has never been much evidence to attract a scholarly biographer. Sleuthing about, one can find snippets in obscure places such as Fred Archer's *The Treasure House: Some of the Story of the Menzies Hotel* (Melbourne, ... 1976?). Fred was at the desk one night ('in the depressed thirties',

# The Evatt-V

*Part II of 'A Vaudeville of Devils', a co-written by 'Doc' Evatt and John Wren. grandson, Mr Christopher Wren, in the two men was much closer*

he says, but I think it has to be 1928) when, at nine o'clock there arrived:

this small man with thin lips wearing an Australian-made hat. 'I wish to see Cardinal Ceretti.' 'Your name, sir?' 'Wren, John Wren.' He gave me an assessing look and waited. I'll bet this is no believer, I thought. 'Will you please go up, sir, the liftman will direct you.' I never saw him again but it made Frank Hardy's book *Power Without Glory* all the more interesting (p23).

No doubt it did to Fred, who dedicated his own book to Brian Fitzpatrick and fell in love with Mao's China, which, he said, had in 1973, 'the best of Christianity blended with a planned society.' (p128). But I forebear for the moment pondering why Wren was calling on Ceretti and balance it with the curious titbit in Edgar Ross' memoir of his father, *These Things Shall Be! Bob Ross: Socialist Pioneer* (West Ryde, 1988, p127), in which he says that Wren procured a 'forged passport' for Paddy Lamb to attend the Third International in 1921. Perhaps Frank Hardy can interpret that. Perhaps John and Paddy played in the Collingwood Cubs together in the 1880s.

However, this is just a preface to the major items in the papers now made available by Wren's grandson, Christopher Wren. These are the letters to Wren from Dr H.V. Evatt, which for many people will as much confirm certain suspicions about Evatt as about the so-called 'sinister' influence of Wren. One avenue of investigation it does open up is whether Wren had influence in NSW in any way comparable to that which he seems to have had in Victoria and Queensland.

Jack Lang tells (*I Remember*, Sydney, 1956) of meeting Wren in 1922, just after he was elected NSW Labor leader. E.J. McTiernan had asked Lang 'to meet a man who could do him and Labor a lot of good'. They met in the Criterion Hotel, next to the Criterion Thea-

# Wren letters

Commentary on recently discovered letters  
 The letters, made available by Wren's  
 indicate that the relationship between  
 than has so far been recorded.

tre, both of which Wren owned. They 'spurred', says Lang. Wren was 'small, shrewd ... taciturn'. Lang could not work out what Wren wanted: 'He must have decided there and then he couldn't get anywhere with me' (p332). 'A champion wire puller', Lang dubbed him, and later suggested that Wren was responsible for getting Evatt and McTiernan onto the High Court in December 1930, to cover a prospective E.G. Theodore appeal if the December 1930 Mungana royal commission should lead to a conviction for corruption. (Lang, *The Great Bust*, 1962, p315; K.H. Kennedy, *The Mungana Affair*, 1978, p93). That Senator J.J. Daly (South Australia), then Acting Attorney-General, and regarded by Lang as Wren's 'pea' (*The Great Bust*, p157), 'reputedly engineered the appointments' (*Australian Dictionary of Biography*, Vol. 8, p201) fuels the suspicion that Wren and Evatt knew each other in the 1920s.

Evatt was, after all, Labor MLA for Balmain (1925-27) and then, until 1930, after falling out with Premier Lang, Independent Labor. As a brilliant young barrister he may have appeared for Wren in business litigation. But possibly E.G. Theodore introduced them to each other. Theodore was Labor Deputy Premier of Queensland when in 1915 Wren founded the Brisbane *Daily Mail* with Benjamin ('Maples store right near your door') Nathan (later merging it with Sir Keith Murdoch's *Courier* in 1932 to become the *Courier-Mail*). Wren also came to own six racecourses in the Ipswich-Brisbane area as well as speculating in other Queensland ventures such as Roma oilfields with his friend Archbishop (Sir) James Duhig. Theodore became Premier (1919-25) and, after being rejected for a federal seat in Queensland, repaired to Sydney where in 1927 he was alleged to have caused a bribe to be given to the Labor MHR for Dalley to stand down for him. The money was popularly supposed to have come from Wren but a royal commission found nothing against Theodore or Wren. Evatt probably met Theodore not later than 1925, when the



*John Wren jun. sincerely  
 Best love*

latter was in Sydney to help with the election.

Supposition aside, however, before the release of the Wren papers I found only two other snippets suggesting that Evatt and Wren were friends. Arthur Calwell, in *Be Just and Fear Not* (Melbourne, 1972, p194), records that he met Evatt for the first time at a Collingwood-North Melbourne football match in 1932. Evatt was Wren's guest. And there is John Wren jun.'s claim, in his preface to Hugh Buggy's *The Real John Wren* (Melbourne, 1977, p?) that Wren and Evatt were friends. While John jun., in four interviews (1986-90), did not let on that any correspondence existed, he did tell me that he was once with his father at the High Court in the 1930s, during a case at which Evatt presided. When it was over Evatt, still robed, ran down the corridor after Wren and said, 'I daresay you were satisfied with that result, Mr Wren', or words to that effect. Geoffrey Browne looked into this and found only one High Court case involving Wren. Evatt presided, but with his fellow justices. Wren lost and had to pay up some £12,505 plus costs (*The Argus*, 18 April 1955). So there's no evidence of skulduggery, unless Wren could be deemed to have got off lightly. The episode sounds bizarre—until you read what follows and then consider the tragic story of Evatt's post-1954 years.

HIGH COURT OF AUSTRALIA.

JUDGES' CHAMBERS.

Tuesday 29<sup>th</sup>

Dear Mr Wren

Many thanks for the

note. It is a result partly of your own and partly of my intervention.

But R. G. M. should not have

practically invoked litigation, as he did: how late it is up to the Vic.

Premier to see to it when the Labor

nominee gets the vacancy as if

he does not — whether he is Red

or Black or Tan or Brindle —

Dunstan will get the blame.

I am very concerned about

the other matter we discussed. I

leave Sydney by the Franconia

for England via New York on

April 17. (Later Sunday). Before then

my mutual friend will be

out of Australia. The first time I

am visiting England — incidentally

I am delegate to the Imperial Cricket

Conference from Australia — should

make it easier to act: in a

month's time both of mine

on Admiral Bligh of the 'Bounty'

will be published in England — my

7th book

There are nine letters, and a cable from Wren to Evatt, which I shall label A-J. A and B are written on High Court note paper and can be dated 29 March and 30 March, 1938. Evatt and Wren have already been in contact and Evatt thanks Wren for his 'note'. 'It [undisclosed] is a result partly of your own and partly of my interventions'. These have obviously been to prevent a non-Labor person being appointed to replace the dead Victorian Labor senator, John Barnes—a preview of the Bjelke-Petersen/Bert Field problem. Apparently Evatt's archrival, Menzies, who was then federal Attorney-General, is involved because Evatt writes that 'R.G.M. should not have practically invited litigation, as he did.' The complication is that, although when a vacancy occurs before a senator's term expires the replacement is left to the relevant state parliament, Barnes had died before taking his seat. Evatt's opinion is that the Labor nominee should get the vacancy and, if he does not, Premier Dunstan (Country Party but supported by Labor) 'will get the blame', whether the new senator is 'Red or Black or Tan or Brindle'. Dunstan is notably a Wren man. (See A. Calwell, *Be Just and Fear Not*, 1972, pp 40-41 where Calwell says he gave the idea of a Labor-supported Country Party government first to Wren, who then persuaded Dunstan to create it.) Barnes' seat was awarded to a Labor man, J.M. Sheehan.

But the Senate imbroglio is only a small fraction of letter A. Now comes 'the other matter we discussed'. It is later referred to as 'the thing'. Evatt is leaving Sydney on the *Franconia* for England via New York on 17 April, and before that 'our mutual friend will be out of Australia'. Who? So far I have not had the opportunity to find out, or even to guess. But Evatt wants something and being a delegate to the Imperial Cricket conference 'will make it easier [for someone else?] to act.' Whatever it is, his scholarly works should help. His book on Bligh (*The Rum Rebellion*) will be published 'in a month'. It's his seventh! The one on Holman (*Australian Labor Leader*) will probably be published while he's abroad. So his claim to whatever it is is broader than 'mere judicial office for over seven years'. He's also president of the Mitchell Library, 'the most scholarly institution of its kind in the world'. And, apart from the law, he himself is 'one of the greatest scholars in the history of NSW'!

He realises that all this sounds 'd-d [sic] boastful' but he must have 'immediate action' while he's on leave. It'll be harder later. He points out that in the Holman book he has praised the Prime Minister, Joe Lyons, for his efforts during the conscription debates of 1916-17 (albeit that, as conservative PM, Lyons is now a turncoat, a twister) and especially those efforts of Tom Ryan (then Queensland Premier, and a Catholic) and Mannix. Frank Brennan (Scullin's Attorney-General, 1929-31) and John Curtin 'would work to help me' but he 'greatly fears to breathe a word to them'. So Wren has to do it 'on your own responsibility'.

A sweetener follows. Wren must give his daughter, Mary, 'fondest regards from my wife and myself'. They'll see Mary in London. The trip will do her good.





COMMONWEALTH OF AUSTRALIA.

ATTORNEY-GENERAL.

CANBERRA, 29th September, 1943.

*Confidential*

They're always at her service. Now Mary is the raging (in '90s parlance) red-headed Wren who allegedly shocked her father by smoking and acting worldly-wise in a Gregan McMahon play. She ran about with 'communists'. In *Power Without Glory* Hardy has West/Wren casting her out penniless, hounding her from employment, refusing communication when she was in London.

Evatt signed off letter A 'with very best wishes, yours sincerely, H.V. Evatt' but there's an exasperated postscript: 'Please advise me what to do about Curtin or Brennan. I hope it will not be necessary to see or write to them.' We saw last month that Wren could ring Curtin even when he was wartime Prime Minister. And Brennan would listen to him, at least. Read the memorable passage from Brennan's son Niall, who as an adolescent played bagman between Wren and his father at one election. (Niall Brennan, *John Wren, Gambler*, 1971, pp247-78). Brennan has always been regarded as a man of integrity (*Australian Dictionary of Biography*, vol.7). I believe he was.

Evatt's letter is obviously delivered by hand, and Wren replies by phone. But Evatt couldn't grasp everything he said. Now Evatt will try to see 'Joe' [Lyons] before he leaves. He's 'puzzled' that Joe hasn't done 'the thing' from here. After all, other people 'probably prefer something that gives their wives a handle' [i.e. a knighthood]. He's sure Wren knows what that means. Evatt's the only one going abroad and he won't go again for another seven years. So the only time is *now*. It would be 'a shocking thing' if Wren's 'kindly thought and action only resulted in other people getting everything'. But Evatt doesn't know Joe's movements. He'd much prefer Joe to send for him. While abroad he could do anything needed in return but there are others there for that. 'The delay and uncertainty are most provoking.' This time it's 'yours sincerely, B.E.'

So what is this *thing*? Two friends of mine, James Morrissey QC and Geoffrey Browne, came up separately with a probable answer: Evatt wanted to be a privy councillor. Browne developed the case as follows:

*Who's Who* describes a PC as 'historically the highest honour normally bestowed upon Australians'. It was unique among British honours because it bestowed 'no star, badge, ribbon or other decoration'. In other words a 'Right Honourable' for Evatt but no 'handle' for Alice Evatt. There were precedents. Justice Isaacs, became a privy councillor while on leave in Britain, more than nine years before becoming chief justice. And Justice Sir George Rich, who had 'a reputation for indolence' got it in 1936, represented Australia at the coronation of George VI in 1937 and sat as a member of the Privy Council's judicial committee (*Australian Dictionary of Biography*, vol.11). Perhaps there was a major constitutional case pending (re section 92?) on which Evatt hoped to sit while on leave. Hence the urgency?

Dear Mr. Wren,

As one of the two treasurers of the A. A. Noble Testimonial Fund I must thank you for your very generous donation. I am forwarding it to my colleague, Mr. Cusn, of the New South Wales Cricket Association.

A matter I wish to discuss with you is referred to fully in a Full Cabinet document, a copy of which I am enclosing. It emanates from Mr. Frost, Minister for Repatriation. But I am chiefly interested in it so far as it affects Sir Gilbert Dyett.

As you know, one of the greatest troubles this country has had has been in giving effect to the beneficial provisions of the repatriation Act. Cases occur, and must occur, where the soldier or his dependant is actually deprived of the benefit which Parliament intended that he should get. Tribunals were set up so that an appeal could be lodged against the decision of the repatriation Commission itself. The existing law permitted no lawyer on either side. Accordingly the appeals often became an appeal from Caesar to Caesar.

The business of putting the case of the soldier before the tribunal for obtaining a pension without recourse to the tribunal was often undertaken by the Returned Soldiers League. They appointed Pensions officers. Some of these were good; some were bad; some were indifferent. But cases occurred where wrong decisions were given, and in those cases the dependant or the soldier often appealed to his local Federal member to right the alleged wrong.

Since the war, under many regulations, soldiers and their dependants have been given special benefits such as moratorium, rent relief, hire purchase relief, and the like. In thousands of them knew nothing about their rights and accordingly I established a bureau in the Crown Solicitor's Office in each State of the Commonwealth for the purpose of giving assistance to soldiers and their dependants in the form of legal advice, for which no charge was made. A demand arose in the Parliamentary Labour Party that in such cases such matters should also be advised. This demand was so strong, particularly in Sydney, that I appointed a Mr. Roberts to the bureau in Sydney. Roberts had been pensions officer of the returned soldiers League, and was apparently fairly efficient.

The bureau in this respect has been quite successful and the press speak well of it. You will see that Frost objects to the Attorney-General having the right to argue the difficult legal cases before the tribunals. He also objects to the

- 2 -

Sydney .....

Sydney system being extended to the other States. Naturally you will ask why! The reason is plain. He is influenced by the repatriation Commission itself, chiefly a man named Webster who resents anyone else reviewing his decisions affecting these important rights of the persons to whom the country owes so much.

All this is plain sailing except that Dyett during my absence abroad, as you will see from the document, intervened in this matter to try and kill the whole idea. Why he should do so I am entirely at a loss to imagine. As a matter of fact, if he played his cards properly, these bureaux could co-operate with the returned soldiers League and assist the case of the members of the League before the repatriation Commission or the Appeal Tribunal. He supposes, I would say, that the bureau would adversely affect membership of the League. There is not the slightest evidence to support this, and again in the League and the bureau could work together it would be of distinct advantage to the League.

I deeply resent his action in holding this matter up while I was abroad. It seems to me an especially wrong thing to do. Even now he could be persuaded to co-operate with me in the work I am going to help the soldiers instead of standing in the back and helping the people whose object occasionally seems to be to put every obstacle in the way of the returned soldier.

I hope you will look into this matter urgently as I want Sir Gilbert to actively help in the task we have assumed instead of hindering it in the way he has done.

Please return me the Cabinet document when you have read it. I only use it because it conveniently sets out the story - one-sided though it undoubtedly is.

Yours sincerely,

*Ben Smith*

John Wren, Esq.,  
Shaftesbury house,  
76, Flinders Lane,  
MELBOURNE, VIC.

It will be investigated. Could this learned judge, later our greatest defender of political liberties, the man who, according to Manning Clark, 'had the image of Christ in his heart and the teaching of the Enlightenment in his mind', (*History of Australia*, vol.6, p497) have stooped to seeking the patronage of an alleged 'preyer on humanity' (*ibid.* vol.6, p304)?

**B**UT WOULD WE RAISE AN EYEBROW if, in a biography of Rich, we learnt that he had approached Keith Murdoch in similar vein? Or Essington Lewis? Evatt may have thought it was a standard game, and that Wren was a comparable and respected political broker. But remember that Evatt did not get his PC until 1942, even though Joe and Enid Lyons were visitors to Wren's home, Studley Hall—or so John Wren jun. said.

But this is only the start. For letters C-G we need to fill in some background. Evatt resigned from the High Court on 30 August 1940, to contest the federal election in October that year. The then Prime Minister, Robert Menzies, was unpopular, particularly with the Country Party. Kylie Tennant, in her authorised biography of Evatt, ascribes the highest patriotism to his decision to stand down from the court; it meant that in time of national peril he could help provide alternative leadership to that of the weak, disunited government. 'Certainly', she says, 'Evatt had ideas of being Prime Minister—why should he not? If Menzies (also born 1894, Evatt's great forensic rival) could be prime minister, then the position should be well within his grasp.' This sums up Evatt's motives unintentionally well.

The election resulted in Menzies' United Australia Party gaining 23 seats, the Country Party 13, the ALP (with the Lang group) 36, with two more or less conservative independents. Menzies wanted to form an all-party national government. Evatt was in favour; he desperately wanted to be in office, and he thought he should lead it.

Alternatively, he was exasperated by Curtin's timidity in not trying to overthrow Menzies. Labor agreed only to an Advisory War Council of eight (later 10) MPs, four from each side of the House. Evatt was not elected to it until March 1941. According to Calwell (quoted Tennant, p135), when the ALP did come

to power on 3 October 1941 it was due more to Evatt's drive than to anyone else.

But we need to go back a year. Two days after the 1940 election (6 October) John Wren wrote to Sir Gilbert Dyett (1891-1964), who had been president of the Returned Sailors and Soldiers' Imperial League of Australia, as the RSL was then officially known, since 1919. Dyett was also secretary of the Victorian Trotting and Racing Association, which Wren largely controlled. It is one of the few letters that we have in Wren's own hand, and he addressed Dyett formally: 'Dear Sir Gilbert'. Industrial disputes and strikes plus the sinking of our ships in the Pacific, Wren wrote, were driving Australia 'towards anarchy'. Perhaps Dyett could do something. At the RSL's last Canberra conference some representatives had 'actually talked of a dictatorship'.

For instance, Dr Evatt is now 'the most outstanding man in ... Parliament, not only has he the ability to think combined with industry and extraordinary energy with the added essential asset, plenty of guts'. The government has the legislation to suppress strikers but is 'too weak'. The time has come 'for some highly capable man ... such as Dr Evatt' to put Australia 'on a sound basis'. Wren is writing because he knows Dyett wants a national government. Please let Wren hear his views.

Letter C from Evatt—to 'Dear J.W.' now—is written on paper bearing the letterhead of the Advisory War Council.

Evatt did not become a member of the council until 18 March 1941, and on this letter there is a cancelling stroke through the word 'War'. He does not date these letters, only mentioning the place and day of week, in this case 'Sydney, Tuesday'. So if the paper is inappropriate, the date can be earlier than 18 March. It seem possible, Evatt writes, that Menzies may attempt 'closer political unity' through a more powerful War Council or a new executive war committee, but it's by no means certain. He will do so if Curtin agrees, but Curtin leans too much on Wren's 'great friend Scullin'. Evatt reminds Wren that 'Scullin failed as PM, admittedly in difficult circumstances. But now he is against almost every change', either a national government or a minority Labor government. He may favour a new executive committee, but Evatt himself 'can do nothing with him'. Perhaps Wren can. And the signature is now 'Bert Evatt'.

*Letter from Wren to RSL President Sir Gilbert Dyett. In the same letter, Wren noted that a conference of the league had discussed a dictatorship.*

Letter D should be dated between 12 and 18 March 1941 and is written under a parliamentary letterhead, but from 'Chambers' in Sydney. Evatt and Wren have been discussing 'ideas' with 'Gilbert', and the key to them is getting Evatt on to the Advisory War Council. 'The matter could be clinched by Forgan', who is obviously the Labor Premier of Queensland, Forgan Smith (1932-42). Forgan could prevent Labor's deputy leader, Frank Forde, from 'betraying' Evatt as he did at the last nominations by rallying 'the Queensland men'. Evatt names them. Scullin and Calwell, too, are 'important' and Gilbert can 'help with Curtin', but 'you and only you can persuade Forgan'. Evatt warms to his calling: 'I believe I can do a job for this country. They asked me to resign to help Labor win this terrible war—yet after I did so and we won so easily in NSW—they keep me powerless to do anything.' Finally Evatt says he has 'told Gilbert to tell Forgan that, in the event of a future adjustment, he can stand in [two illegible words] ... me.' He asks that Gilbert report to him. This letter he signs 'B. Evatt'.

Letters E-G can be dated 14, 17 and 26 May 1941. They are to 'Dear J.W.' and deal *inter alia* with a byelection in Boothby, South Australia, on 24 May. The UAP won the byelection but according to Evatt, with its 'effective majority' reduced from 20,000 to less than 8000. In letter E, Evatt says he wants to do what he did to win Barton [NSW] 'viz to deliver to the electors on Friday before the vote a letter through the post' signed by himself. But as there are 70,000 on the Boothby roll, he will not tell the party about it 'so that it will come as a bombshell on the Friday'. The cost will be 'somewhere near £150'. [Is Wren to pay this sum? Tennant (p127) says Evatt had to spend £1500 of his own money to win in 1940.] Although it may turn out to be a waste, it will 'at any rate ... tie the vote together, as Curtin seems intent on losing as he did in Swan' [WA], where Evatt was the only prominent federal MP to have campaigned in the previous December. But 'nothing is impossible in these critical days.'

Evatt intends to campaign personally in Boothby.

**L**etter F, from the Windsor Hotel, Melbourne, raises the 'imposition' to £200, and Evatt excuses himself because 'it' [?] was 'Ted Theodore's idea in Queensland'.



John Wren with his daughter, Margaret.

His wife 'sends her special love to Mary' and he'll 'be returning here on Thursday from Adelaide.' [Please contact?] Letter G says Evatt's circular, which he encloses, has done 'an enormous amount of good'. Labor could toss the Menzies government out, Evatt says, and he thinks the independent MP, Wilson, 'would support us. But the trouble is Curtin's complete lack of will-power. He'll not form a Labor government, nor will he allow us to join 50-50 with Menzies. That is why I am keeping closely in touch with Gilbert—we must be ready for every event. Menzies seemed somewhat truculent and overbearing towards his colleagues on Saturday when he arrived (from overseas?): but there may be a change after Boothby.' Letters E-F also have refer-

ences to Evatt's younger brother, Clive, who in 1938 was elected an MLA in NSW. Evatt says in E that he 'got the message from our friend [who?]. Clive will get into cabinet I think but McKell [NSW Premier, 1941-47] wants him to take Education not the law [almost illegible] job. I think this is a good idea personally.' Letter F tells that 'Clive got into the team and is very pleased to take Education'. It is impossible not to ask if Wren had a finger in this too.

Letter H, from the Attorney-General's office, is dated 29 September 1943. Evatt has written 'Confidential' on it and he encloses a 'Full Cabinet document' that 'emanates from Mr Frost, Minister for Repatriation'. He begins by thanking Wren for his 'very generous donation' to the M.A. Noble Testimonial Fund (Noble had been an Australian test captain) before moving quickly to the document in which he is 'chiefly interested ... so far as it affects Sir Gilbert Dyett.'

We can simplify the argument. Evatt had set up a legal aid bureau for soldiers through the Crown Solicitor's Office, and Frost objects to this on the advice of 'a man named Webster in the Repatriation Commission'. Dyett had intervened while Evatt was abroad—on Frost's side, probably, because the bureau could have affected RSL membership. Evatt says he 'deeply resented' Dyett's action but if Wren 'will look into this matter', Dyett 'could be persuaded to cooperate with me in the work I am doing to help the soldiers instead of stabbing me in the back and helping the people whose object occasionally seems to be to put every obstacle in the way of the returned soldier.'

Shadows of Evatt's later paranoia! 'Occasionally seems', yet 'every obstacle'! Did Wren think this letter

rather over the top, or did he heavy Dyett, his employee? Could he have done so? Evatt did ask Wren to return Frost's memo (a confidential Cabinet document!). In his final sentence he says defensively that he used it only 'because it conveniently sets out the story—one-sided though it undoubtedly is.'

Document I is actually a cablegram from the USA on 10 June 1946. It is in response to a telephone message from Wren apparently at the behest of 'two archbishops' (Mannix? Duhig?), who seem to have thought that Evatt's stand against Franco's Spain in the UN Security Council was 'procommunist'. Evatt protests that, on the contrary, he 'is actually opposed to the extreme course recommended by the Soviet'. The Franco regime has been subjected to a fair inquiry, found to be fascist, and to have 'conspired actively with Hitler and Mussolini in waging aggressive war'. Evatt's aim is to encourage Spaniards to overthrow fascism. 'There are no grounds for thinking [this] ... would throw the Spanish people into the arms of the Communists' any more than it did the Italians or the French after the war.

Only harmful results for the Catholic faith can come from its being associated with Franco, says Evatt. The 'principles upon which Franco's rule is based are fundamentally opposed to the tenets of Catholicism'. And, as 'the last outward remnant of fascism, it [Franco's regime] stands as an avowed enemy of the labour movement'. Evatt 'strongly resents' statements 'attributed to the state member of the Victorian Assembly for Richmond [viz Stan Keon]. No one has been more consistently critical of the Soviet wherever their view has been undemocratic ... it is utter madness to overlook the menace presented by Franco to international good will and especially to the Catholic Church. I look to you to explain this to the two Archbishops whom you mentioned ... I must adhere to the principles advocated by me on behalf of Australia and I trust you will give a fair and just interpretation to all my actions.'

Strong words. This is the Evatt who refused to accept the orthodoxies of the Cold War and who, whatever his brashness, gave his country an awareness of the emerging postcolonial world. It is the Evatt who in 1951 defeated those who wanted to change the Australian political milieu by outlawing the already declining Communist Party. Wren was to have no influence here. But the cable is still painstaking, even deferentially long-winded (more than 800 words) and there is space for Evatt to report that 'Mary is much improved in health and my wife saw a great deal of her in London. Mary is anxious to return to Australia for a visit and if I can assist, I shall gladly do so.'

So, no doubt Evatt still sees Wren as useful on the domestic front—two archbishops use him, even if the Movement men and Groupers like Keon are superseding him. And, on the face of it, Evatt regards Wren as a friend. If the so-called research of Hardy and his collaborators had led them in this direction, what would they have made of it? I also wonder what services of the Department of External Affairs Evatt might have offered

to Mary. John Wren jun. said that after the war he was demobbed a year early, through the good offices of the Minister for Air, honest Arthur Drakeford.

Finally letter J, from the 'Minister for External Affairs', which is dated 4 October. Obviously it is 1946, six days after the federal election, which Labor won with a reduced majority. Evatt encloses a cutting from 'today's *Telegraph*' 'in which you will be specially interested'. This must be the item tipping that J.J. Dedman will become Deputy PM if Frank Forde is beaten—and he is. Not only has Dedman done sterling work as a minister but, unlike his PM, he is not from NSW. Evatt is from NSW and, furthermore, his duties take him away from Australia. Evatt doesn't seem to know that Dedman was 'encouraged by promises of support volunteered by Chifley, Scullin and others' (Ross McMullin, *The Light on the Hill*, p238). He asks Wren 'to do something through people like Scullin, Senator Sheehan, Hendrickson but only [there is double underlining] if you can move with absolute certainty: in such a situation I really need a friend like you ... I have worked flat out to help the party as they all know. Yours sincerely, Bert Evatt'. Evatt won the final ballot 43-33 against Eddie Ward, another New South Welshman. Dedman, Calwell and Drakeford also ran and they were from other states. Did Evatt really need his 'friend'? ■

**James Griffin** is emeritus professor of history at the University of Papua New Guinea. He is indebted to Mr Geoffrey Browne and Dr N.B. Naim in interpreting and helping to date Evatt's letters.

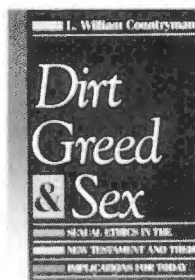
## THE BODY IN CONTEXT

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## Cash in your shower curtains

**L**IKE MARTIN LUTHER KING, I have a dream. Unfortunately, in this as in most other respects I fail to reach the standards set by the late Dr King. My dream has nothing of the I-have-been-to-the-top-of-the-mountain-and-I-have-seen-the-Promised-Land about it. It is more of nightmare than a dream, a reminder of present decline rather than a goad to future success. And it is about an entirely unliberating, indeed quite sordid, subject. Money, I mean.

Moreover, it is an extremely confusing dream, for it is in two parts. There is the dream proper, and the dream within the dream. Such dreams can sometimes be very embarrassing, for on waking it is possible to think that one part is actually real, and to behave accordingly. This has not exactly happened to me with my present dream, but I think that the phenomenon perhaps explains the problems my famous ancestor had in distinguishing reality from illusion. Some mitigating factors did apply in his case, of course, such as being Spanish and living in the 16th century. And the Don himself was in turn a character in Cervantes' dream, which suggests that Cervantes' problems with reality must have been truly awful.

But I digress. Let us return to the dream. After hearing its subject matter was sordid, some may have been disappointed to learn that it was only about money. I can offer this consolation: there is an element of infantile regression in it. It involves a memory of reading comic books, and Freudians and other crass moderns can make of that what they will. Like the Don, I have no interest in a psychology based on the dubious notion of basic instincts. The only worthwhile psychology is about the analysis of motives, which are many and complex rather than few and simple. But that helps me with my dream not a bit.

Patient readers of this column may recall that I have for some time waged a Quixotic campaign against the proliferation of plastic money. Credit cards and automatic telling machine cards have each drawn their due measure of scorn for the slavery they impose under the guise of freedom. As the Don could have explained to any 20th century Treasury or Reserve Bank official, the ideal form of money is a small number of gold coins carried in a leather pouch closed by a drawstring. These can then be used to pay for the ransom of captives and other corporal works of mercy, with a few left over to cover the cost of lodging at a hostelry for the night.

Alas, the battle grows ever more fierce and the enemy ever more devious. 'Plastic money' used to be a term of derision by which credit cards and ATM cards were distinguished from *real* money. But now, in Australia at least, real money is itself plastic. The new five-dollar note is doubly offensive; not only does it replace the portrait of Caroline Chisholm with that of a foreign potentate, but it requires us carry out all the numerous petty transactions for which low-denomination notes

are necessary with a tawdry strip of plastic. If declaring war on credit cards may be judged an exercise in tilting at windmills, it is clear that with the advent of plastic currency the windmills have well and truly struck back.

But what about the *dream*, you insist? Ah yes, the dream. And the infantile regression. Those who are at least as old as the writer of this column may recall that Donald Duck had an uncle, Scrooge McDuck, who was very rich and very miserly. For this feathered, squawking plutocrat, as for any miser, the mere possession of money, rather than its exchange for desirable commodities, was the goal of life. And all the jokes in Disney's *Uncle Scrooge* comic books were variations on this theme. Uncle Scrooge lived an otherwise normal life in an archetypal suburban house, but all the gadgets and appliances in this house were in fact some form of currency. He would step into the shower, turn the tap—and be deluged by a spray of coins instead of water. Then he would dry himself with a bath towel-size dollar bill. (Presumably, cartoon ducks do not have feathers that shed coins in the way that real ducks have feathers that shed water.)

That's the dream proper. The dream within the dream, towards which this tedious argument of insidious intent at last moves, gets us back to the five-dollar note. On the night of my first encounter with the plastic abomination, the image of Scrooge McDuck and his curious bathroom, forgotten for more decades than I care to admit, formed before my somnolent mind. As I drifted deeper into sleep, the duck and the coins and the dollar-bill bath towel disappeared and I was left with the image of the shower cabinet itself. And, flapping uselessly, large pink-grey-green plastic shower curtains, engraved with the image of Elizabeth Windsor and the signatures of the Treasury secretary and the governor of the Reserve Bank. Australian five-dollar notes are exactly what that rich vulgarian, Scrooge McDuck, would stitch together to make a set of shower curtains.

Here I must make a partial retraction. I have spoken slightly of the dream analysis of Dr Freud and his disciples, and indeed I do think it ridiculous to try to explain human behaviour by referring to supposed basic instincts. But my recall of the bathing habits of Scrooge McDuck after many years of blissfully forgetting them may suggest that there is something in the notions of dreams as a defence mechanism. Now that the windmill-armed giants of the Treasury have slugged me with this mocking addition to the ranks of plastic money, I must cope as best I can. And what better way of doing so, each time I am forced to handle one of the vile objects, than to remind myself that it might as well be torn from a tacky set of shower curtains.

With any luck, the new notes will yet meet the fate of all tacky shower curtains and quietly rot away. ■

Ray Cassin is the production editor of *Eureka Street*.



## From bench to pulpit

*The Christian lawyer*

**T**HE TRADITION OF HOLDING A CHURCH SERVICE at the beginning of a law year is of comparatively recent origin. Derriman's *Pageantry of the Law* dates the service in Westminster Abbey from 1897, though he notes that 'Roman Catholic members of the profession had had a Mass on this occasion in earlier years, since 1895 at least.' The tradition has waxed and waned in this country. Nevertheless, the tradition is a substantial one and we are part of it.

And so, when asked to speak at today's service I lightly agreed, thinking that tradition would be satisfied by reaffirming in conventional terms our need for divine assistance in performing our respective offices. But conventional terms ring hollow when spoken from a pulpit by one whose place is in a pew. Better, then, to reflect on why a group of lawyers should assemble year by year in a service of praise and petition.

Cynics may say that we come for the reason that George Essex Evans scorned in his *Ode to the Philistines*:

Six days shalt thou swindle and lie,  
On the seventh, though it soundeth odd  
In a odour of sanctity  
Thou shalt worship the Lord thy God—  
With a threepenny bit, a doze, a start  
And an unctuous smile  
And a hurried prayer to prosper  
in another six days of guile.

But we do not come to pray for prosperity. We come, as our predecessors came, because we each have some special responsibility in the administration of justice.

Justice is a social goal, a guarantee of order and peace in the community, a precondition of human development—and it is therefore of concern to every member of our community. For the Christian, justice has a special and central significance: it is a divine imperative. St Luke tells us that Jesus castigated the unjust judge and promised that God would see justice done and done speedily to those who cry out for it (Luke 18:1-8).

The radical Christian command to love my neighbour is broken unless I first do what I can to see that justice is done to that neighbour. And a lawyer has many professional neighbours: clients and those who would be clients, those affected by the advice we give or the instruments we draft, litigants and those whom litigation may affect. Declarations of solidarity with or sympathy for a neighbour who suffers an injustice are no substitute for, or solvent of, the duty to do whatever lies reasonably within our power to see that justice is done according to law.

As a lawyer, each of us has respected and admired the work of other members of our profession—not all of them Christians—who have taken on the responsibility of seeing an injustice rectified for a person who was unable to protect him or herself, whether by reason of poverty, disability, ignorance or some other cause. These exemplars of professional virtue, whether they knew it or not, and whether they intended it or not, were acting as Our Lord told his disciples to act: '... whoever would be great among you must be your servant, and whoever would be first among you must be slave of all. For the Son of Man also came not to be served but to serve, and to give his life as a ransom for many.' It is not easy to be the 'slave of all', in the sense in which that phrase is

used in Scripture—especially when we are in a profession that proclaims itself to be the servant of none. Yet there is no conflict between Christian and professional duty. In our profession, and in our faith, leadership depends not on office or reputation but on service.

The Christian command to serve directs the conduct of our professional lives. And so we pray that we may not fail to put enough effort into our work or to look up the books, that we do not refuse assistance that we could reasonably afford to render in a just cause merely in order to maximise our leisure or our profits; that we do not prosecute a cause vexatiously; that we do not fail to listen attentively for the truth; that we do not yield to prejudice or impatience; that we do not suffer the law to be a needless source of injustice; that we do not offend the dignity of any person who is involved in the processes of the law. These are heavy responsibilities and we need Our Lord's assistance to fulfil them.

Of course, our professional responsibility is for the administration of justice *according to law*: it is the law of our society that gives us our authority and imposes on us our concrete professional responsibilities. We have no divine mandate to administer justice in disregard of human law. To the contrary, the professional duty of the Christian lawyer is to administer the law created by the competent organs of society's government. It is part of God's gift of freedom that men and women should have authority within broad limits to prescribe for themselves the laws of the society in which they live and the means by which those laws should be administered. If it were otherwise, the only legitimate form of government would be a theocracy in which despotic powers would be asserted by those who proclaimed themselves to be God's oracles.

The Christian lawyer has a profound interest in the justice of the set of laws that he or she is bound to administer. Our legal system was formed, as our culture generally was formed, by the civilising values of Western Christianity. Our legal system accommodates and protects people from different traditions, but its fundamental values are the freedom and individual dignity that were proclaimed in the Old Testament and brought to perfection in the New. Our way of doing justice is the way in which, Isaiah tells us, Yahweh's beloved servant brings forth justice to the nations: 'He will not cry or lift up his voice, or make it heard in the street; a bruised reed he will not break' and a dimly burning wick he will not quench ...'

Justice is not brought to the people by populist clamour or by implementing the will of the powerful. It must be sought by careful reflection upon the interests of the individual and of society, and there must be special concern for the powerless, the socially insignificant, the weak minority. The bruised reed may be a drug addict, an unemployed boy or girl, an innocent but discarded spouse. The dimly burning wick may present itself as a refugee, a lonely migrant, an Aboriginal group removed from its traditional land, the children of a broken family, the lonely aged.

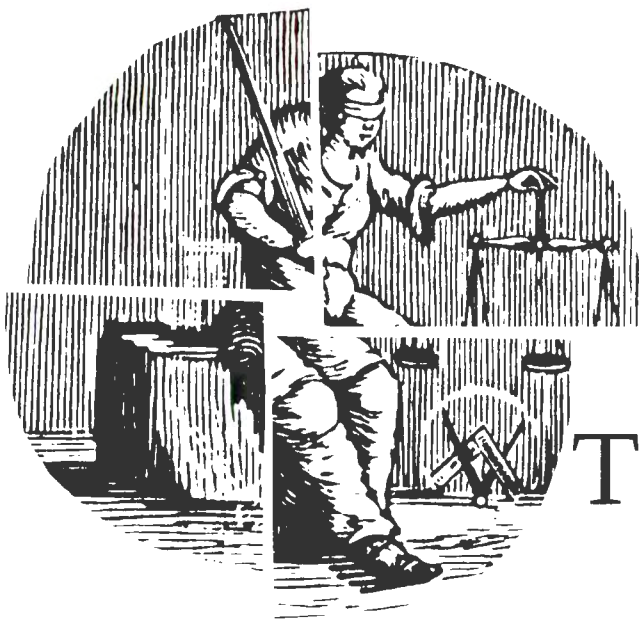
Of course, human laws and the human application of law are never perfect. But the Christian lawyer, sensitive to the scriptural values that inform our culture and our legal system, is capable of recognising injustice and its cause. If the law itself is an obstacle to justice, the duty of a Christian lawyer extends to seeking its reform. These are duties that we share with others but they have an additional dimension for us. Our relationship with God finds, or ought to find, daily expression in our professional lives. That is a relationship that should so mould our conduct that we neither contribute to an injustice nor unreasonably suffer an injustice to go without remedy. To aspire to perform our duties, we need wisdom and knowledge, humility and compassion, courage and strength. These are gifts for which we pray and which we commit ourselves to employ.

Our duties are onerous but, like all Christian duties, they sustain—they do not crush—the human spirit. The more we assume the tasks of seeing justice done, the closer do we unite our work with God's plan to bring justice to the nations, the greater is our solidarity with the people we serve and the more integrated are the professional and personal aspects of our lives. If the public reputation of our profession needs renewal, if our own sense of satisfaction with professional practice needs to be restored, this morning's readings show us the way. Our profession will be honoured and our professional lives will be fulfilled if, at the heart of professional practice, there is quiet and devoted service not only to the strong and powerful but to the bruised reeds and dimly burning wicks who cry out for justice. The nobility of our profession depends, in the ultimate analysis, upon our fidelity to God. ■

**Sir Gerard Brennan** is a justice of the High Court of Australia. He preached this sermon at an ecumenical service in St Peter's Memorial Church, Reid, ACT, to mark the beginning of the law year.

*It is not easy to be the 'slave of all', in the sense in which that phrase is used in Scripture—especially when we are in a profession that proclaims itself to be the servant of none.*

*Yet there is no conflict between Christian and professional duty. In our profession, and in our faith, leadership depends not on office or reputation but on service.*



## The law in question

**T**EN YEARS AGO AUSTRALIA was in the middle of an economic recession, as it is again today. The recession of 1982-83, however, provided the spark that ignited fundamental changes which have taken place in our economy and society during the past decade. The direction taken by these changes can be seen in the buzz words of economists—deregulation, competition, the level playing field. The trend has been towards maximising the scope of economic activity, whether of corporations or individuals, through minimising the restrictions placed on such activity. Ironically, this has been accompanied by greatly increased restrictions on some people—social security recipients, for example.

The present recession, however, has confirmed the unease that many of us felt about the social directions of the past decade. And it has provided an opportunity to revive debate about the moral basis of public policy; there is widespread revulsion at the 'greed is good' decade, and at those who took us all for a ride. But which morality should we promote?

The Solicitor-General of New South Wales, Keith Mason QC, has warned against using the law to encourage or compel religious belief or practice. It is a myth, he argues, to maintain that the British/Australian legal system is, or ever has been, inherently Christian. The issues at stake, however, are not specifically Christian concerns. They arise from questions of ethics that confront us all, for the morality that we adopt depends, at least in part, on a shared vision of society rather than on the advocacy of

particular beliefs. I wish to set out three principles that underpin such a vision, and which can be used to evaluate public policy. And I will seek to show how they could apply in my own area of work, the law.

### *Respect and promote the dignity and rights of each person*

Respect for human rights and human dignity is the most fundamental human value. It is shared by all the world's great religions, and international conventions on human rights have been agreed upon by virtually all of the world's nations, in spite of their political, cultural and economic differences. This principle of human rights and dignity was the subject of lengthy discussion by all seven justices of the High Court of Australia in a judgment handed down in May this year. [*Secretary, Department of Health and Community Services v JWB and SMB*]. Let me explain this principle with two examples, one dealing with a law that prohibits, and another with a law that compels.

### ANTI-HOMOSEXUAL LAWS

Tasmania is the only Australian jurisdiction that still applies criminal sanctions to male homosexual activity. The Tasmanian Criminal Code Act 1924 penalises 'sexual intercourse against the order of nature' (or 'unnatural sexual intercourse')—section 122(a) and (c)—and 'indecent assault upon' and 'gross indecency with' a male person by another male person (or 'indecent practice between male persons')—section 123.

Many who advocate changes in

these laws argue that the law has no place in the bedrooms of the nation; in other words, that it should not be used to enforce moral beliefs. I do not accept that the law is, or should be, morally neutral, and to that extent I agree with the traditionalists. But I disagree with their conclusions. I have argued that there is a fundamental moral principle which should be observed—respect for, and promotion of, each person's human dignity and human rights. The problem with the existing law in Tasmania is not that it involves the enactment of a moral principle, but that the moral principle enacted is *the wrong one*. A commitment to human dignity and human rights is far more fundamental than the sexual morality of any particular religion. Penalising a private consensual expression of the sexual identity of individuals violates that fundamental value.

The present Tasmanian laws are bad for another reason. A criminal law that is not being enforced should be repealed, and it is clear that these provisions of the Tasmanian Criminal Code are not being enforced. In the past 10 years, only 14 people were charged with an offence of unnatural sexual intercourse under section 122 of the code. In each case the complainant was under the age of 18; that is, the prosecution was more properly related to the issue of the age of consent than to the type of sexual conduct involved. During these 10 years, no charges at all were laid in relation to gross indecency under section 123 of the code. Yet it would be extremely naive to think that in that time there has been no sexual activity between



consenting adult males in Tasmania. The law has simply not been enforced, by the police and by governments of both political persuasions. The present Tasmanian government should face the fact that if it is not prepared to enforce this law then it is a bad law, and should be repealed.

#### CONSCIENTIOUS OBJECTION TO MILITARY SERVICE

My second illustration concerns conscientious objection to military service. Clearly this is not an issue of urgency, since at present there is no military conscription in Australia. But the matter is before the Senate. For a long time Australian law has provided for conscientious objection to military service on the basis of total pacifism. It has not, however, provided for conscientious objection to a particular war or conflict. The Justice Minister, Senator Tate, has for many years sought to have a provision made in Australian law for such conscientious objection to a particular war. He introduced a private member's bill to that effect in 1983, before he became a minister, and now the matter has been accepted by the government and incorporated in the legislation before the Senate.

This provision is an important one, as it relates to law that may compel an individual to kill. There can be no more fundamental law of compulsion. To compel one person to kill another person against his or her conscientious beliefs is a clear violation of human rights and human dignity, no matter what the circumstances. This is so not only when the conscientious belief relates to violence in general, but also when it relates to violence in a particular context.

The bill enables objection on the basis of 'a fundamental conviction of what is morally right and morally wrong, whether or not based on religious considerations'—section 4. It provides a rare legal recognition of the individual as a moral being whose convictions are sacred and paramount.

#### *Promote the well-being of the disadvantaged*

Traditional theories of law place great emphasis on the importance of the law in protecting the weak. The weak can be identified today as those who

are disadvantaged in our community—those living in poverty; children; and those who experience discrimination, or are at risk of discrimination, because of their race, sex, disability, sexuality or on any other unfair basis. The famous level playing field is a fraud if it is simply a competition between the advantaged. In public policy we too often work on the assumption that the benefits of good policy will eventually trickle down to those who are poor. We need to ask first whether the proposal will promote the well-being of those who are disadvantaged.

#### ANTI-DISCRIMINATION LAWS

This principle relates directly to the enactment of anti-discrimination laws. Such laws have now been passed federally and in six of the eight state and territory jurisdictions. The seventh, the Northern Territory, will legislate this year. The eighth is Tasmania.

An anti-discrimination bill was passed by the Tasmanian House of Assembly last December. The then Opposition sought unsuccessfully to make a number of amendments to the bill, seeking particularly to remove sections dealing with sexual orientation, but in the end it was passed unanimously by the House. It was, in my view, the best anti-discrimination legislation anywhere in Australia: it was simply written, easy to understand and comprehensive in its coverage. The bill had not been fully considered by the Legislative Council when Parliament was dissolved for the election earlier this year. It then lapsed.

I was disappointed that the new Tasmanian government did not include a commitment to the reintroduction of the bill in the Governor's address when he opened Parliament on 14 April 1992. I am not aware of the government's intentions, but I remain hopeful that the bill has a future, because of its unanimous passage through the old House of Assembly.

#### INSOLVENCY LAWS

A second example, from the area of business law, concerns insolvency. When an individual or a company is insolvent and goes into bankruptcy or liquidation, the law provides a priority order for the payment of debts. The

first priority—after the lawyers, of course—is given to the Taxation Office, and the second to secured creditors (usually banks or other financial institutions). Only when these debts have been paid in full can an employee seek payment of outstanding wages. Employees are usually the most vulnerable of all the creditors of the insolvent business, yet they rank after large institutions with much greater capacity to bear the loss.

In its report on insolvency, the Australian Law Reform Commission discussed this question and recommended the establishment of a wage-earner protection fund like those that already exist in many countries. The fund would be financed by employers to ensure that employees are paid in every insolvency. In the absence of such a fund the commission supported special priority for the payment of employees, including priority over the Commissioner for Taxation.

#### *Develop a community based on shared rights and obligations*

The third principle I propose is the development of an integrated community in which each person can contribute to the fullest extent possible. This stands in stark contrast to the principles of individualism—a contrast well stated by Eva Cox, who describes:

'two ways in which we can see society and ourselves. The first is a prevalent view ... which sees society as a group of individuals, whose preference is self-interest and who choose to care for themselves. The other option is to see society as sets of relationships with an emphasis on linkages. It works by affirming our communality and interdependence ... It sees us as belonging at large and not just as members of our immediate family and tribe.'

#### ABORIGINAL LAND RIGHTS

The difference between the community view and the individualist view can be seen in the contrast between Aboriginal culture and non-Aboriginal culture in modern Australia. We non-Aboriginal Australians have much to learn from Aboriginal people about mutual obligation, about community. The ways in which non-Aboriginal Australia has treated Aboriginal peo-

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ple deny the integrity of our community. The importance of land to Aboriginal people is now well recognised. The dispossession of Aboriginal communities from their land is not just an historical event; it continues to be the basis for much of their suffering. Restoration of land alone cannot resolve all the problems experienced by Aboriginal people, but there can be no resolution or reconciliation without it. There is still no national land-rights legislation, however, and Aboriginal people, particularly in Tasmania and Western Australia, are still denied appropriate access to their land.

### CORPORATIONS LAW

Another, very different law that helps to develop a community provides a more encouraging example. The uniform corporations law has provided, for the first time, a national regime that regulates the activities of corporations. It is both an enabling law, which provides the framework for corporate operations and therefore for most Australian business, and a supervisory law, which scrutinises corporations and restricts their activity in the public interest.

The corporations law is a good example of what can be accomplished in law reform if there is the political will to do it. Having decided to have such a law and then enacting it, the Commonwealth was forced to defend

its legislation in the High Court. After losing there, the Commonwealth did not abandon its commitment to reform but began to negotiate with the states. The present law is the product of uniform legislation by the Commonwealth and each state and territory, and the result is in the interest of the whole community.

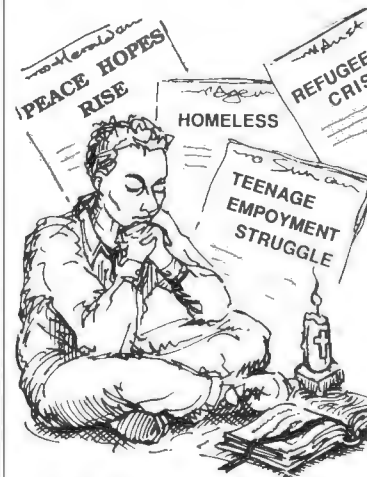
### Striking a balance

Stating these three principles is quite simple. The difficulty often arises in striking the right balance among them. An individual's advocacy of human rights, for example, may bring him or her into conflict with a community goal. This question confronted the Australian Law Reform Commission in its work in multiculturalism and the law. When must an individual's right to freedom of expression, for example, give way to society's obligation to protect its members from racist violence and vilification? The answer, while not easy, lies in the balancing of rights and principles, not in subjugating one to another.

The future holds not only the certainty of continuing change but the certainty that it will change at an increasingly rapid rate. The challenge is to direct that change towards a commonly held vision. ■

Chris Sidoti is a member of the Australian Law Reform Commission.

*Bring your life to prayer*



*and your prayer to life*

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## The unbearable gravity of history

**I**MET IVAN KLIMA in the Adelaide autumn and he suggested a walk along the Torrens. Here, against a disarmingly pretty backdrop, he told me about his life as a writer under the communist regime in Czechoslovakia. He talked about the *Samizdat* groups he had helped to organise, where writers could circulate roneoed copies of their manuscripts in private. At the end of each gathering, to defeat any listening devices, the time and place of the next meeting was passed around on a scrap of paper. Caution was a way of life.

So was enterprise. Klima told me about the underground magazines produced by these *Samizdat* groups. Someone has now been able to count 137 separate titles. He told me also about the Catholic seminarians who were required to make deals with the secret police before they could be ordained. Now these priests find it difficult to exercise any ministry because they can't be trusted.

Yet he also told me of one courageous member of his own *Samizdat* group. Little by little, Klima discovered that this man was a secret monk, and then that he had some high position in his order. 'But I never asked him. It was better not to know anything concrete because when I was under interrogation I found it is much easier to say "I don't know" if you really don't know.'

After an hour's walk we climbed an embankment, crossed a railway line and discovered a derelict signal box that we explored rather boyishly. On our way back to the rotunda, Klima surprised me by saying he would

*Judge on Trial*, Ivan Klima (tr. A.G. Brain), Chatto & Windus, 1991. ISBN 0 7011 3349 X RRP \$29.95

*Immortality*, Milan Kundera (tr. Peter Kussi), Faber & Faber, 1992. ISBN 0 571 16678 4 RRP \$11.95

have been wary of going into the signal box by himself. 'In Czechoslovakia I would have no hesitation. Not at any stage in my life would I have hesitated. But out of my own country, I would never dream of it.'

Klima's writing doesn't dream of anything beyond his own Czechoslovakia. Yet *Judge on Trial* is an ambitious undertaking in its own terms. It demanded five years of work and the English edition runs to a little under 600 pages. It is both vast and subtle, telling the whole story of life under communism through the eyes of one more favoured than most by the regime. Adam Kindl, like his creator, spent his childhood in a Nazi camp. Kindl, however, welcomes his Russian liberators and puts his faith in the party, so much so that at school he is already passing sentence on the unorthodoxies of his peers and making himself unpopular.

At this point, Kindl's personal maturation is severely arrested. In stark contrast, his career in the law begins ripening nicely. 'He never becomes an adult,' says Klima with evident distaste for his own protagonist. More than anything else, Kindl has the good fortune to be overseas during the Prague spring of 1968 and doesn't

*Ivan Klima in Australia*, 1992.  
Photo: Michael McGirr

get the chance to blot his copybook. He returns to hear for the second time in his life that 'the Russians are coming'.

Kindl becomes a judge and is given the opportunity to prove his purity beyond all doubt. The state, known euphemistically as 'the prosecution', wants a certain Karel Kozlik convicted of murder. Kindl is given charge of the trial and begins to discover resonances between his own life and that of the accused: on self-examination, Kindl finds that the only difference between the judge and the defendant in this case is that he, the judge, has conditioned himself to act 'prudently in his emptiness'. Like the criminal after the alleged murder, Kindl begins aimlessly wandering the streets of Prague, haunted by the absence of any 'inner voice' within him. After a lifetime of 'classifying people like beetles, into useful, harmless and dangerous', Adam Kindl finds that 'he had lost the habit of listening to himself'.

Klima, himself a Protestant, sees this interior emptiness as a crisis for Czechoslovakians. 'Unlike Poland, we have a long history as a secular society', he says. 'Part of the problem is that, having removed communism, we have no ideology of our own to fall back on.' Once Adam Kindl begins peeling away the self-image created for him by the demands of his career, he finds 'I had no real image in me anyway.' Klima explains that in *Judge on Trial* he was trying to write a novel about justice. Justice is simply the harmony of an inner state of being with an outer one.'

When Vaclav Havel spoke as President of Czechoslovakia for the first time, on New Year's Day 1990, he declared: 'We live in a spoiled moral environment. None of us is only its victim; we are also responsible for it ... we must accept this heritage as something we have inflicted on ourselves. We have learnt to live a lie.' Adam Kindl's aching loneliness comes from the discovery of his active involvement in a sordid history. *Judge on Trial* endorses the simplest, and the toughest, view of history—that it is 'a record of things that had actually happened'. There's no escaping it. We have made it. It is home. Life is nowhere else.

**T**HIS IS ONE FEATURE that distinguishes *Judge on Trial* from the latest offering by another Czechoslovakian writer, Milan Kundera, who now lives in Paris. In some ways, Kundera's *Immortality* traces a more ambitious arc than *Judge on Trial*. After all, you only get to the question of immortality once survival itself can be guaranteed for at least a few weeks more. *Immortality* does think a great deal about the subtleties of history, but it does so from within a culture that has been fed to excess. Kundera's characters, among whom he quite explicitly numbers himself, live in an era dubbed the 'age of imagology', in which any ideology or system of logical thought is best got down to six or seven disconnected slogans or images, and Mahler survives only as background music for toilet-paper ads.

One of the book's characters explains this to the author: 'Ideology belonged to history, while the reign of

imagology begins where history ends.' History as a story with a plot, albeit a chaotic plot, has been supplanted by the 'roulette wheel of imagology.' It is a matter of luck as to which thinkers, books, fashions or ideas are worth anything at any particular moment. Imagology is thus not only the enemy of history but also of immortality. To make the point, a large part of *Immortality* is taken up with the attempts of one of Goethe's lady friends to insinuate herself into his life and thus to ensure her place in posterity. But any amount of self-interested intrigue can be undone by the slightest turn of imagology's wheel of fortune.

*Immortality* might sound unbearably heavy but fear not—it is kept afloat by Kundera's lightness of wit. He stages an argument between himself and one of his characters to determine who invented the neologism 'imagology'. He puts up an encounter in heaven between Goethe and Hemingway—which made me think that God must have a very late licence, not to mention a decent bull ring.

*Immortality* toys with history. We have not so much made history, it believes, as sat ourselves down at a smorgasbord of tasty historical titbits. For the reader who still feels hungry after a meal of hors d'oeuvres, Kundera does, it must be said, cook up a bit of a plot. He does this before our very eyes, throwing together ingredients as they come to hand. So the opening of the book discovers the author lounging by the side of a pool, waiting to meet a character from one of his previous novels, Professor Avenarius. In the meantime, he notices a woman in her sixties step out of the pool and, with the gesture of a 20-year-old girl, wave to the lifeguard. The author wonders if this gesture originates with the woman, or whether it is something she has learned. Is it really her gesture or not?

On such wilfully slender threads as these, Kundera hangs a finely crafted and ruminative novel. In the end, the novelist turns to Professor Avenarius and says that he is 'trying to grasp the ground hidden at the bottom of each of my characters'. Avenarius strikes back: 'Your idea escapes me.' *Immortality* is a tissue of such escapes, and is, in every sense, a work of leisure.

Travel, on the other hand, is a bewildering and ambiguous experience in Klima's *Judge on Trial*. Adam Kindl's first journey abroad is allegedly a token of freedom but leads to him hearing German spoken again for the first time since he left the death camps. Equally strange are journeys to visit his father in prison or to the United States during the hippy era. Unlike Kundera, Klima is firmly held in check by his sense of the frontier.

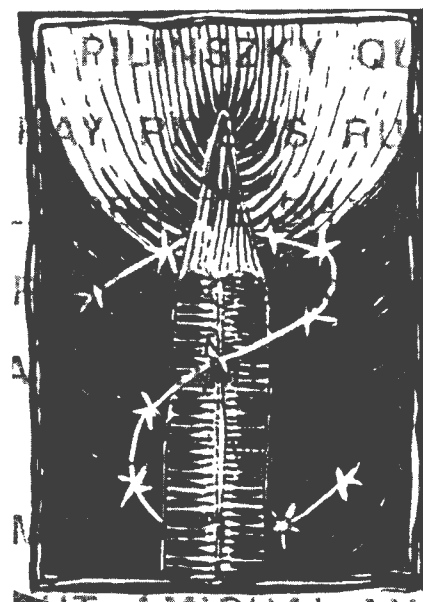
Kundera faces the problem of cultural diffuseness for which one possible solution is the reduction of European culture to '50 works of genius.' On the other hand, Klima's *Love and Garbage*—a more concentrated and highly strung work than *Judge on Trial*—is taken up with the difficulty of regenerating the roots of a culture whose language has been effectively stripped down to 225 words of 'Jerkish'. Ivan Klima's needs are as far removed from Kundera's as east is from west.

ANDREW BULLEN

## Barbed words

From the Republic of Conscience,  
An International Anthology of Poetry,  
edited by Kerry Flattley and Chris  
Wallace-Crabbe, Aird Books in asso-  
ciation with Amnesty International,  
Flemington, 1992.

ISBN 0 947214 21 6 RRP \$16.95



Klima told me that he and Kundera used to be great friends but a cold war has frozen things over; especially since Philip Roth, writing in *The New York Review of Books*, quoted Klima as saying that in works such as *The Unbearable Lightness of Being* Kundera presents Czechoslovakia much as 'a very capable foreign newspaperman would who had spent a few days in our country.' Klima now says that Kundera, who has a vast international market, is 'paranoid about what Czechs think of him'. Klima's work, on the other hand, is just beginning to be known beyond his own frontier. There is a reason for this. A voice in *Love and Garbage* explains that 'freedom means walking through the streets of my native city'.

An hour from the rotunda, Ivan Klima offered me a tour of any derelict signal box I cared to mention. As long as it was in Prague. ■

Michael McGirr SJ is a regular contributor to *Eureka Street*.

### When Time = $T_0$

*For ease of description,  
and to aid communication,  
I am split  
into horizontal, sagittal and coronal planes.  
Painlessly:  
my parts are located to further knowledge.*

*For ease of description,  
and to aid communication,  
I am split  
into past, present and future zones.  
Painfully:  
my memories are located to further  
forgiveness.*

### When Time = $T_1$

*Time puts a membrane around past,  
present and future,  
Not like an egg shell—but like a placenta  
performing maternal functions: nurturing,  
detoxifying.  
Waiting to be expelled  
When the moment can breathe.*

Larry Osborne

A LIGHTED CANDLE with a twist of barbed wire snaking round it needs no explanation. Although Amnesty International has taken candle and wire for its symbol, this anthology of international poems, published on Amnesty's behalf, reminds us that the symbol is apt for poetry itself. But poems about pain need not make painful reading; illuminating, stirring, disturbing, but shaped to the truth and so reaffirming, even exhilarating. On the back of the vigorous cover of this book, Amnesty's candle has been replaced by a pencil. Point made.

It is made again by prefacing the collection with Sa'di Yusuf's poem, *Hamra Night*, which concludes its litany this way:

*A candle for the falling sky  
A candle for the beginning  
A candle for the ending  
A candle for the last communiqué  
A candle for conscience  
A candle in my hands. (pVIII)*

Repetition of a phrase, a remarkably frequent technique in these poems, can sound like an incantation of hope, or a head banging against a wall. Listen to Saul Yurkievich's, *Sentence*, Ariel Dorfman's, *Last Will and Testament*, and saying it all, Kishwar Naheed's, *Listen to Me*.

Alerted by the book's cover and Yusuf's prefatory poem, the reader notices the candles elsewhere. Kevin Hart sadly warns us that when we arrive at *The Twenty-first Century*:

*we will have nothing to give, only our stories  
of how everything we should have held before us  
like a candle  
was lost, forgotten, as we made our way  
across the fields of sadness, walking towards the  
horizon. (p61)*

For if this book ultimately is to hearten us, it can only do so by honestly reminding us that we are the twist of barbed wire too. However stark the truth, some poets even proclaim the hope that the oppressor can still be saved, 'because verse, good sir, is also for you' (p22) as Jaime Suárez Quemain of El Salvador put it in *And You Again. Good Sir*, although the biographical notes tell us that in 1980 the mutilated body of this editor of an independent newspaper was found the day after his arrest.

**W**E HAVE HEARD the terrible story before and will hear it again, but it shocks that some poets voice their hope at the cost of their lives. We have heard it in this century repeatedly, and know that the murders of Lorca (not represented in this book) and Mandelstam have made their countries, more than ever, open graves. Not surprisingly, Stalin's great victim is the master spirit of this anthology. *The Stalin Epigram*, which provoked Mandelstam's arrest and exile, gives us the exact measure of 'the Kremlin mountaineer', menacingly friendly and playful:

*He pokes out his finger and he alone goes boom.*

*He forges decrees in a line like horseshoes,  
One for the groin, one for the forehead, temple,  
eye.*

*He rolls the executions on his tongue like berries.  
He wishes he could hug them like big friends from  
home. (p102)*

All that Mandelstam and his companions in this book have against such monstrous people are words, as he tells us in *You took away all the oceans*, a poem that is a four-line flame against Stalin's dark:

*You took away all the oceans and all the room.  
You gave me my shoe-size in earth with bars  
around it.  
Where did it get you? Nowhere.  
You left me my lips, they shape words, even in  
silence (p12).*

Why do we feel that against such a victim, Stalin is nowhere? Because such poems tally with our hope that the human spirit can withstand the worst is not just wishful thinking; because such poems signal no easy victory, but one where the spirit has taken the brunt of what can be done against it; because they show the exact margin of victory; because the rhythms and the images, personal to the poet, tell us so.

This celebration of poetry may sound like easy rhetoric from a reader in the comfortable world of white Australia, but there are readers and listeners whose lives seem to depend on what poetry can do for them. Chris Wallace-Crabbe and Kerry Flattley structure their eloquent and impassioned introduction around Anna

Akhmatova's account of what happened when someone else in the queue outside the prison in Leningrad realised she was a poet: 'Beside me, in the queue, there was a woman with blue lips. She had, of course, never heard of me; but she suddenly came out of that trance so common to us all and whispered in my ear (everybody spoke in whispers there): "Can you describe this?" And I said: "Yes, I can." And then something like the shadow of a smile crossed what had once been her face.'

This, to put it baldly, is one of the most telling encounters of the century. Akhmatova, Mandelstam's great fellow, receives her call, which is to ask: 'Why is our century worse than any other?'; to recognise that 'we can't see. But feel some awful thing'; and to name, with reticent force, the truth:

*In those years only the dead smiled,  
Glad to be at rest:  
And Leningrad city swayed like  
A needless appendix to its prisons.  
It was then that the railway yards  
Were asylums of the mad;  
Short were the locomotives'  
Farewell songs.  
Stars of death stood  
Above us, and innocent Russia  
Writhed under bloodstained boots, and  
Under the tyres of Black Marias (Prologue, p43)*

The woman with blue lips is every reader who knows that poetry is necessary to life. Surely we know something of her trance, her need to speak in whispers, and of her rediscovery of what it means to be alive as the poet's words exorcise the trance. Poetry 'describes' by getting right the human resonances of whatever occurs in our lives, and never is the urgency for this more acute than in the terrible situations which give rise to the poems in this anthology.

The editors are convinced poetry makes something happen, so much so indeed that 'it restores and redeems'. Maybe it is only a theological quibble if I prefer to say that poetry shows us our need of salvation, and reveals how salvation comes to us, but yes, poetry—reading it, writing it—can bring our salvation home to us. Poetry marks the territory where we are pressed hard, even unto death, and thereby come to the stark but revivifying fullness of truth.

**I**T IS CONSTANTLY INTRIGUING to consider how mere words do this. After all, we must insist that this is poetry and not just a rhetoric that draws our assent because we are eager to hear its message. The poet must so activate those qualities of language which make the words do what they say that our response comes spontaneously; 'technique' is the misnomer that comes to mind.

The issue is stronger in a collection where many of the poems have undergone a sea change of translation, for there is the claim that translation inevitably loses the poetry: the network of precious sound effects seems

to be lost. Nevertheless, something of the original force seems to be smuggled across the linguistic frontiers: repetition, as we have already seen, is a striking example of rhythm, which touches us through our pulse beats, and imagery can survive virtually unscathed. Somehow the distinctive voice and world of two great Russian poets reach us who live in English.

And the pauses in Nina Cassian's *Horizon* make us take the phrasing seriously, so that the poem comes out of Romanian into English:

*And yet there must exist  
a zone of salvation.  
Sad are the countries  
who don't have outlets to  
water,  
dull are the people who have  
no outlet from themselves  
toward another outlet, even  
greater. (p62)*

The sad dullness that can imprison human life Cassian disputes with the assertion of the first two lines, especially in the freshening emphasis on the word 'zone'. The poem, however, moves from this into the dullness, and then in the last line, with complex accumulated feeling, it does what it says and moves outwards. Dense organisation, earnest tone and obliqueness of attack is one way of doing it. Cecil Rajendra attacks the Malaysian laws concerning freedom of expression and assembly with a straightforwardly sustained series of images that laughs the opponent out of court in his *Animal and Insect Act*:

*In the interests of security  
penguins and zebras were  
ordered to discard their  
non-regulation uniforms.  
The deer had to surrender  
their dangerous antlers.  
Tigers and all carnivores  
with retracted claws were  
sent directly to prison  
for concealing lethal weapons. (p73)*

Jonathan Swift would commend this splendid satire and appreciate its grim, knock-out ending:

*the animals went north  
and an eerie silence  
handcuffed our forests.*

*There was now Total Security. (p74)*

Laughter is also used in these poems, not to distance us from their force but to draw us towards it. If we think ironic distance is the mark of the civilised reader we may pull away from a book whose concerns we fear will draw us towards stridency. But instead of stridency, these poems draw us towards a difficult certainty, for the poets know the place on which they have to take a stand, as

Mandelstam has shown us.

**S**O THIS BOOK PRESSES US TOWARDS where part of us does not want to go. There are poems here to confront us with our own skills of oppression and cruelty. Others to reveal to us the conditions inside the barbed wire. Others to remind us of the lighted candle. If salvation is to be found, or given, it must be here or not at all; these poems mark the crucial spot we all must contend with.

As an anthology, *From the Republic of Conscience* gathers together an assembly of poets, whose only power lies in the skill with which they use words: Miroslav Holub, Gwen Harwood, Czeslaw Milosz, Wole Soyinka, Janet Frame, Pablo Neruda, as well as others whose names are less well known. As they speak to us and each other, we sense that the values they espouse undergird words like 'human' and 'civilised'.

This is, at least, a civilising book. Because the poems are written with shaping skill as well as worthy passion, this is a civilised book. All this is exemplified in the poem, *From the Republic of Conscience*, by Seamus Heaney. The poem gives the anthology its title and its closing words. Moreover, the many writers in this book have fulfilled a poet's duty:

*He therefore desired me when I got home  
to consider myself a representative  
and to speak on their behalf in my own tongue.*

*Their embassies, he said, were everywhere  
but operated independently  
and no ambassador would ever be relieved.* ■

Andrew Bullen SJ is a poet and teacher.



*The editors are convinced  
poetry makes something  
happen, so much so  
indeed that 'it restores  
and redeems'. Maybe it is  
only a theological  
quibble if I prefer to say  
that poetry shows us our  
need of salvation.*



*Shadows and Fog*, dir. Woody Allen (Village). Playing Prospero seems to be the fashion these days. Jon Amiel cast Peter Falk as the Prospero-like Pedro Carmichael in *Aunt Julia and the Scriptwriter*, Peter Greenaway cast John Gielgud as the Peter Greenaway-like Prospero in *Prospero's Books*, and now along comes Woody Allen with what amounts to a retrospective look at his own career.

We have the old Allen persona (Charlie Chaplin with words), with lots of recycled Allen jokes ('What do I think about the existence of God? Hey, I'm not even sure what I think about my own existence.'). And *Shadows and Fog* swings between the high intellectual parody that marked early Allen films such as *Love and Death*, and the elegiac mood of more recent offerings such as *Hannah and Her Sisters*.

The rest of the cast also do variations on familiar roles: John Malkovich is a male chauvinist of breathtaking arrogance and insensitivity; Mia Farrow is an innocent abroad who turns out to be worldly-wise after all; Lily Tomlin is an old tart with a heart; Jodie Foster is a young tart with a heart; and Madonna is just a tart (Though in her case, not professionally.)

Woody plays Kleinman—'little man', an appropriately Kafkaesque surname for the central character in a film that spoofs existentialist philosophy and German expressionist cinema. That's the intellectual bit. The elegiac bit is when Woody meets Mia; she eventually goes back to her swine of a husband, of course, but not before helping Woody resolve some of the

riddles of existence and getting him a job as a circus performer.

This last development provides a pretext for some final Prospero-like musings from Woody/Kleinman's new boss, a magician who makes a drunken speech about the human need for art, mystery, illusion, etc.

Yeah. Best thing about *Shadows and Fog*? At least Woody's recycled jokes don't include: 'Not only is there no God, but try getting a plumber at weekends.'

—Ray Cassin

*Until the End of the World*, dir. Wim Wenders (Wellington Film Festival, also screened at the Melbourne Film Festival). New Zealand was in the grip of a power shortage in July; low water levels in hydro dams meant that pow-

### Eureka Street Film Competition

The above still is from *Yankee Doodle Dandy*, in which film James Cagney was improbably cast as George M. Cohan, the songster who put the tin into Tin Pan Alley. Tell us what song Cohan might dedicate to George Bush if he were alive today (Cohan, that is), and we'll award two tickets, to the film of your choice, for the answer we like best. Write to: Eureka Street Film Competition, PO Box 553, Richmond, VIC 3121. The winner of July's film competition was Peter Bergin, of McCrae, Victoria, who thought Mae West said to the boxer: 'Come up and see me sometime and I'll teach you how to count.'



er restrictions were in force in all the main cities.

What better time for a film festival? Night after night spent in the toasty warmth of Wellington's magnificent Embassy Cinema, watching a terrific crop of films that began with Robert Altman's *The Player*—a thor-

oughly entertaining piece about how Hollywood films end up being Hollywood films. It is almost the kind of film that it pokes fun at, but it doesn't pretend not to be.

Wim Wenders' *Until the End of the World* is extravagant, indulgent and quite spellbinding. It starts as a transnational road movie; Claire (Solveig Dommartin) pursues a man who has robbed her (William Hurt) and is therefore more interesting than her regular lover (Sam Neill) from country to country. The pace is unrelenting; the visual wit and energy always entertaining.

It all happens in 1999—the year the Indian nuclear satellite went out of control, as the mock Chandler narrator tells us at the beginning—but this version of 1999 is a glorious caricature of the present. While in Claire and her new lover are in America, we see a used-car dealer so enraged by her naivety in thinking it safe to use only cash that he robs her himself. 'Get a credit card, assholes!' he shouts as they flee from the caryard.

Some reviewers have thought that *Until the End of the World* is really two films, and at first it does seem as though the second half, set in an Aboriginal community in Australia, is much more serious. It is all about the development of a technology that enables the recording of dreams, and the disastrous consequences this might have. But the same humour permeates both halves, and the second contains some extraordinarily funny satires of earnest drug movies. And its subject matter—the addictive nature of pursuing dreams—seems in retrospect to be what the first half was about, too.

The film is earnest and silly, funny and frightening, and satirises indulgence while being indulgent itself. It could have gone badly wrong, but it is triumphant.

It is also an outrageous advertising vehicle for Sony, because of Wenders' use of high-definition television. And the user-sycophantic computer programs that Wenders lampoons are marvellous: a private detective whom Claire engages searches for people with a program that uses an angler as its graphical device. When she consults a real pro in Russia, however, out comes the deluxe private-eye program, whose



graphical device of a hunting bear is one of the highlights of the film.

By the end of the festival, snow had fallen in Lake Pukake and the power crisis was over. Time to return across the Tasman, pursuing dreams, or road movies, or something.

—David Braddon-Mitchell

*Beauty and the Beast*, dir. Gary Trousdale and Kirk Wise (Greater Union). I am in love with an animated character, and keep going to the cinema (five times so far) to see her. She's Belle, the Beauty in Disney's new movie musical, but she's not the only reason to see the film.

*Beauty and the Beast* is not only the first film in a long time in which you can hear all the dialogue, but it is also a triumph of efficient storytelling—note, for example, the simultaneous significance of the magic mirror in the final sequence, for the drama and for the plot. The score alone is of a very high order. Lyric laughs are notoriously difficult to obtain, but Alan Menken (composer) and Howard Ashman (lyricist) get them. In a movie musical, the choreography of the camera is as important as that of the dancers, and in this case the camera is Moira Shearer, Robert Helpmann and Margot Fonteyn in one.

*Beauty and the Beast* is thematically the same as *Phantom of the Opera*, but is dramatically more satisfying because the central female character is more in control of her ambitions and choices. Belle revels in reading fairy tales, but is capable of seeing through the cleft-chinned advances of Gaston, a would-be Prince Charming, and seeking instead the proven integrity of the Beast. Belle's beauty is principally to be found in the choices she makes.

It is ironic that an animated film so dependent on late 20th century computer technology should succeed in making its audience more 'human', but that is what *Beauty and the Beast* achieves. From the first gasp, as the audience is drawn into an enchanted forest and flown through the trees towards the stained-glass windows of the Beast's castle, to the last swift Kleenexing of the eyes as the credits roll, this is an adventure in the mystery of redemptive love. Belle transforms the Beast spiritually, and it is

not untrue that an inner transformation should produce a handsome exterior; after all, it was the Beast's inner selfishness that provoked his dreadful curse in the first place.

—Peter Fleming

*Black Harvest*, dir. Robin Anderson and Bob Connolly (independent cinemas), is the third instalment in a trilogy of documentaries about the Ganiga people in the highlands of Papua New Guinea. It focuses on the relationship between Joe Leahy, a wealthy highlander, and Popina Mai, a tribal leader. The two are united in their vision of the Ganiga as potentially a modern, affluent people, which condition they hope to bring about through a joint-venture coffee plantation.

There is obvious material for documentary filmmakers in the impact of modern capitalism on traditional life, but Anderson and Connolly have resisted the temptation, succumbed to by Hollywood feature films such as *Dances with Wolves* and *The Mission*, to idealise 'primitive' life corrupted by white invasion.

The strength of *Black Harvest* is that it lacks the pseudo-authoritative voice that, in most documentaries, coaxes the viewer to share the point of view of a crooning narrator. Instead, Anderson and Connolly allow Leahy

and the Ganiga to speak and act for themselves.

This is a riskier procedure but it works, and I found myself totally absorbed by the story of Leahy and Mai, men whose lives are destroyed by forces beyond their control. Leahy, especially, comes to symbolise in his own life the recent history of Papua New Guinea—he is the son of a highlands woman and one of the first white explorers of the area.

The other two parts of the trilogy are *First Contact* (1983), which was nominated for an Academy Award, and *Joe Leahy's Neighbours* (1989).

—Tim Stoney

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## Gone with the wind

**W**HEN ESSENDON FOOTBALL CLUB moved from its traditional home at Windy Hill to the new Great Southern Stand at the Melbourne Cricket Ground, I felt the kind of loss described in Jim Crace's novel *Arcadia*: 'The tallest buildings throw the longest Shadows (thus Great Men make their Mark by blocking out the Sun, and, seeking Warmth themselves, cast Cold upon the rest).'

The Great Southern Stand has cast its shadow across the unexpected friendships, the popular theatre and the exhilarating chaos of Windy Hill. And this shadow is obscuring the notion that much of the grandeur of football occurs in the thousands of small performances that occur on the supporters' side of the fence.

The new stand has no room for the sense of community that existed at Windy Hill. Designed for watchers rather than supporters, it creates order and efficiency, and chaos and spontaneity are its antitheses. After leaving Windy Hill, dirty and tomato-sauce stained, you felt as though you'd been to the footy. After leaving the Great Southern Stand, you feel as though you've been in a supermarket.

Windy Hill was never going to be painted in oils. Pie-and-drink shacks stuck up here and there, amid the scattered refuse of any football ground: 44-gallon drums, empty beer kegs, steel tubing, and rotting 4x2 planks. When you walked through the squeaky turnstile and saw the club colours reflected in the red bricks and well-worn black asphalt, you could breathe easy. It was *home*.

No one was ever going to walk into Windy Hill and say, as Keith Dunstan did about entering the Great Southern Stand, that 'the impression you get everywhere inside is lots of space and comfort.' At Windy Hill, 'comfort' was provided by the familiarity of the place. Most people seemed to know other people in the crowd—many of them worked in the area, or had sat in the same spot for years. Old people, in

their mind's eye, could still see Dick Reynolds kicking goals.

The stand has replaced the red brick and black asphalt with neutral concrete and glass. 'As you look at the Great Southern Stand from the outside,' writes Dunstan, 'it is a little bit odd. There are lots of projections, almost like the battlements of a cathedral, then those portholes move up and down at angles as if there has been an earthquake and the sheer tonnage of the concrete has caused it to subside.' According to Dunstan, this concrete-and-glass cathedral allows the 'customer who has paid his money to feel important as he enters.'

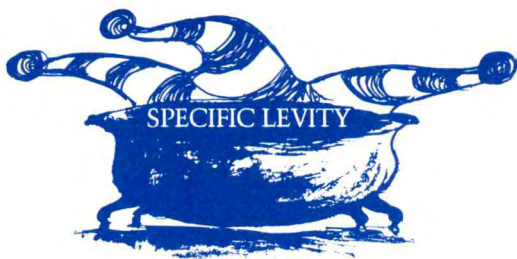
But do people go to the football to feel like customers? At Windy Hill, when you bought a ticket you became an actor as well as part of the audience. As well as the game itself, there were thousands of sideshows around the ground—the umpteenth retelling of a Vietnam veteran's last battle; the comedy of two men arguing back-to-back in the urinal; the heroic sacrifice of Kev, who opened VB cans downstairs and never saw a game; the danger of being close to players; the noble gesture of a standing ovation for a gallant team.

At Windy Hill anything could happen, but amid the rigid plastic and concrete of the Great Southern Stand, the supporters are no longer participants. They watch the game from a height that intimidates the inebriated, or those afflicted with vertigo.

Communication is constrained, literally, by the fact that everyone is now sitting in individual plastic seats. Gesticulate wildly and you'll spill your neighbour's chips. The police have easy access to the 'troublemakers', who are whisked off to a cell in the bowels of the stand. Order has been maintained, volatility contained. And a part of football has been lost. ■

**Paul Sinclair** has been an Essendon supporter since he saw his first game at the age of six.





# Eureka Street Cryptic Crossword no. 6, September 1992.

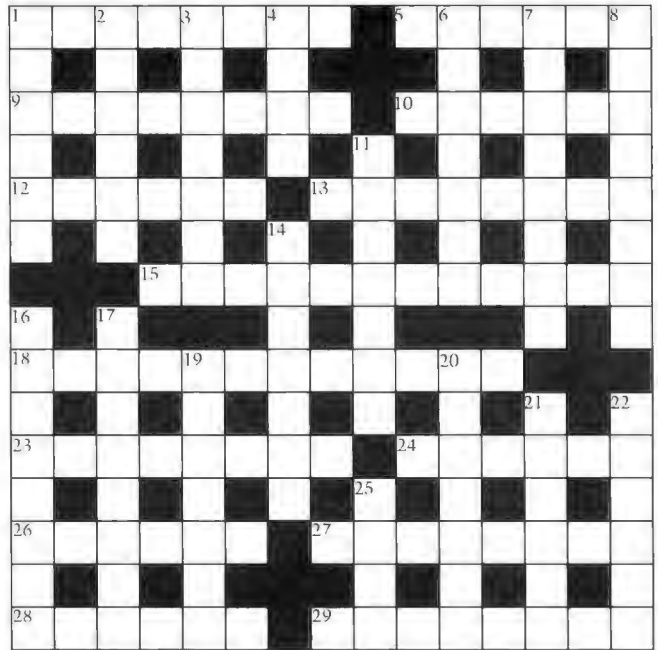
Devised by  
Joan Nowotny IBVM

## ACROSS

- 1 OK, Rod, bow out now. The libretto requires it. (8)
- 5 Hesitation when the Queen uses a wiper. (6)
- 9 If the water's potentially icy, hitch the line for a catch of fish. (8)
- 10 Will Jackson expect interest in Georgia for her name as an actor? (6)
- 12 Hurry along to shut the French out forcefully. (6)
- 13 Goes along with the way it becomes a minor event. (8)
- 15 It was unexpected that she should deny she saw an alteration notice about the time the fast begins. (3,9)
- 18 In an agitated state he scans the numbers. (12)
- 23 The lass they mistreated on the Aegean plain. (8)
- 24 In saying 'No, Sister' politely, convent school students hoped to obtain secret knowledge. (6)
- 26 Many have an irritation that can be treated with these herbs. (6)
- 27 About the last vehicle to run over. (8)
- 28 It may be tin. Yet again it may not. Like every other thing, it is at least this. (6)
- 29 It's not fair for the brute to hold the final earnings. (8)

## DOWN

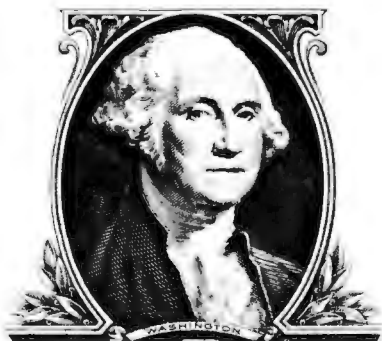
- 1 Woman heads the crew and has influence. (6)
- 2 Sh! Hear the repetitious mess again! (6)
- 3 Wild sob withheld, sees the meaning of this clue. (7)
- 4 O, what a noise to honour the god. (4)
- 6 Take over your duties, and your woes. (7)
- 7 If there is light over where the souls of the dead dwell in turmoil, is there need for this protection? (8)
- 8 One, and more than one, of these will lead you somewhere. (8)
- 11 Once it's made, oddly enough, the mistake can cause you to miss an appointment. (7)
- 14 Hi! I was left in disarray without any knowledge of this language. (7)
- 16 Eat chips messily—a bit like this art work. (8)
- 17 Curse as a literary man might. (8)
- 19 I think it probable that ESP cuts out in court. (7)
- 20 Worry about the business. (7)
- 21 Sprite drunk with spirit. (6)
- 22 Intrinsic nature not about this member of ancient sect. (6)
- 25 The hunted animal sinks into the rising grass. (4)



## Solution to Crossword no.5, August 1992

C	A	R	O	L	I	N	E	S	M	O	O	T	H
A	I	U	E	S	E	L	A						
N	E	V	E	R	W	A	T	T	L	E	D	A	Y
B	E	C	P	U	B	E	D						
E	A	R	T	H	W	O	R	M	O	U	N	C	E
R	V				R	P	U						
R	E	I	G	N	S	T	S	H	R	J	E	K	
A	E	U						N	S	S			
S	W	E	L	L	S	G	O	E	M	P	T	Y	
B			L	Y	A			E	D				
A	L	P	H	A	D	A	Y	C	O	U	R	S	E
R	E	R	N	N	G	A	N						
C	O	R	N	B	R	E	A	D	L	U	N	C	H
O	T	O	Y	A	E	T	A						
O	T	H	E	R	S	C	H	I	S	H	O	L	M

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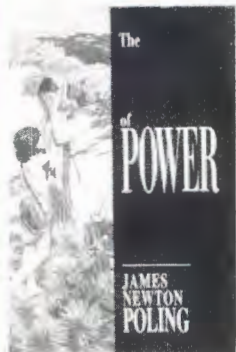
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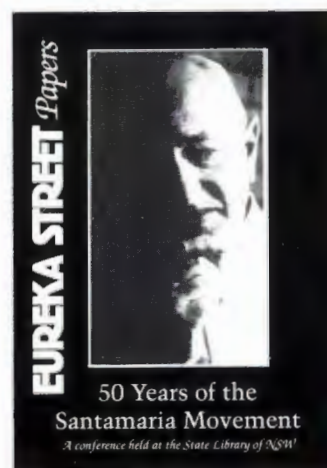
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