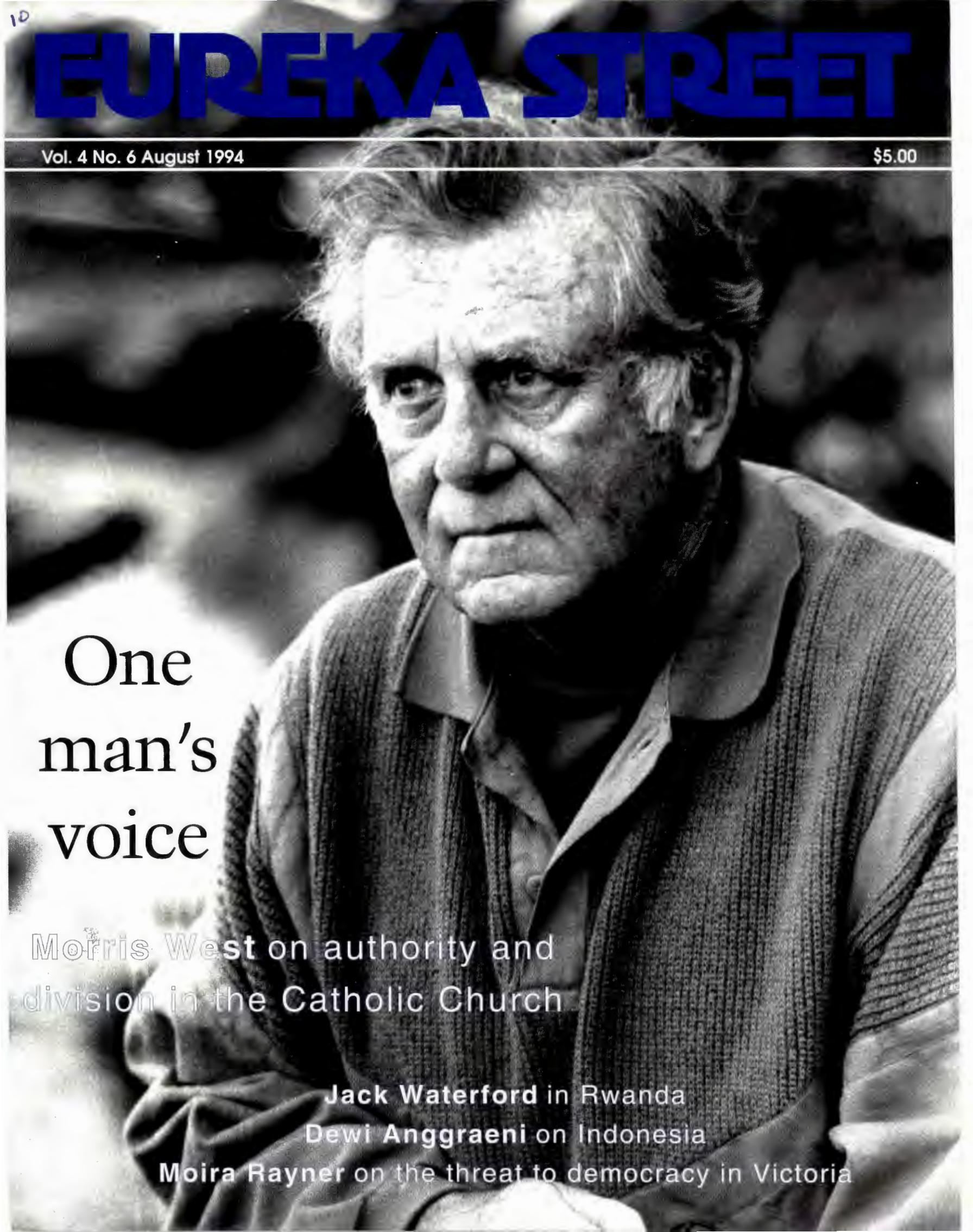


# 10 EUREKA STREET

Vol. 4 No. 6 August 1994

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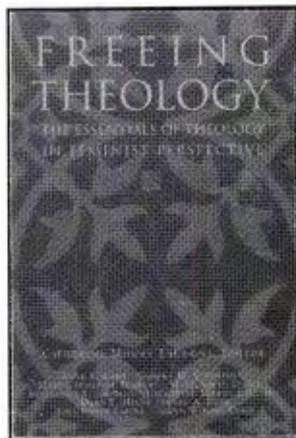
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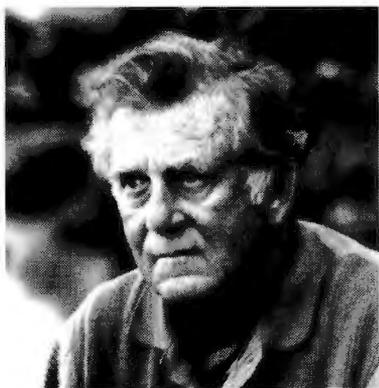
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—Morris West,  
*the Veech Lecture.*  
See p28.

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# Thought police and racial vilification

**D**EBATES IN AUSTRALIA ABOUT LAW and morality are usually caused by calls for the decriminalisation of conduct that is no longer thought to be publicly harmful, or on which there is no longer a community consensus about the immorality of the conduct. Whether it be abortion or homosexual activity between consenting adults, there is room for disagreement not only about the morality of the conduct but also about the purposes and limits of the criminal law.

Rarely have we debated the need for the creation of new criminal offences. Our federal politicians are considering the desirability of making racist violence and racial vilification criminal offences punishable by substantial prison terms.

Acts of violence are already punishable. The argument is that the law ought now to be more severe and specific in its treatment of attackers who choose their victim on the grounds of race. Irene Moss, as Race Discrimination Commissioner of the Human Rights and Equal Opportunity Commission, reported that racist violence was on the increase and that greater legal sanctions were needed to stem the tide.

Violent physical attacks on persons are already criminal acts. A judge or magistrate sentencing an offender is already entitled to take the attacker's motivation into account in considering sentence. While being repelled by racist violence, the judge may be equally repelled by sexist violence, religious violence, or what we will now have to call person-specific violence.

When introducing the bill to outlaw racist violence in December 1992, the Federal Minister, Peter Duncan, said in his second-reading speech, 'For instance, if an Anglo-Saxon woman who has converted to Islam is more likely to be attacked wearing the *hijab*, or Muslim women's headscarf, she is attacked not because the attacker believes she is a Muslim but because the attacker thinks she is an Arab woman.' Really? One might ask 'Why?' The attacker can already be convicted of any number of offences that include assault as an element. Even the threat of violence is punishable. Presumably, in future if the jury could be convinced beyond reasonable doubt that the attacker had been motivated by a mistaken belief that the victim was Arab, the court would have to consider the offence more serious than if the attacker had merely been motivated by a belief that the woman was a Muslim, or by the certainty that she was his estranged wife or longtime enemy, or simply because she was an innocent bystander on whom he decided to vent his non-racial-specific aggression. In creating a special-category offence of racist violence, the Parliament presumably wants to punish the attacker not only for the harm done to the victim but also for the fear instilled in others of the same race. I doubt

the practicality of the distinction, unless one sort of violence is to be judged more ideologically unsound than another, since it is more likely to be reported sensationally by the media.

Criminal sanctions for racial vilification are even more questionable. Incitement to racial hatred and hostility, or hate speech as it is sometimes called, is conduct by an offender or a group that is likely to cause a second person or group to act in an adverse manner towards a third person or group on the grounds of their race, causing that third person or group to fear that violence may be used against them because of their race. Each element—cause, likelihood and grounds—would have to be proved beyond reasonable doubt in order to secure a conviction. Advocates of such laws concede that there is little prospect of successful prosecutions—there have only been one or two in Canada, for example—and argue instead for the symbolic value of the law.

Elliot Johnson QC, of the Royal Commission into Aboriginal Deaths in Custody, advocated legislative prohibition of racial vilification but expressed strong reservations about its being made a criminal offence. He concluded: 'In this area conciliation and education are likely to be more effective than the making of martyrs: particularly when it is words, not acts, which are in issue.' This approach has also been adopted by the Gibbs Committee on the Reform of Australian Criminal Law, and by the majority of the Australian Law Reform Commission in their report, *Multiculturalism and the Law*.

Such a law may fulfil a useful purpose in a society that habitually persecutes members of one ethnic minority. But in Australia, most vilification is exchanged between members of warring minorities whose relatives are at each others' throats back in the home country. It would be a brave Director of Public Prosecutions who decided to prosecute the Greek agitator and not the Macedonian organiser. It would be an unenviable task for the police officer, having to decide whether to arrest and charge the Croat or the

Serb. Presumably the advocates of this law would espouse a selective prosecution procedure under which one would leave warring minorities to themselves while making a show trial of the mainstream community member who had singled out one racial group.

Such a law could be invoked not only by members of the persecuted minority, but also against them. Or would a selective prosecution policy preclude that, too? Take, for example, last year's sometimes vitriolic Mabo debate. For every elected politician who said that Aborigines had not evolved to the stage of developing the wheeled cart, there was an Aboriginal leader fulminating that white public servants were using word processors as the modern-day equivalent of strychnine to exterminate his people. For every mining magnate who claimed that Aborigines were stone-age people with uncivilised ways, there was an Aboriginal leader alleging that white members of the Liberal Party were like members of the Ku Klux Klan crusading for blood. In such an atmosphere, even threats of criminal prosecution would have been counter-productive.

The criminal law is a very blunt instrument for reshaping the hearts of racists and clearing the air of racist sentiment. This proposed interference with civil liberty would do nothing to enhance further the human rights of the woman wearing the *hijab*. It would not help in the resolution of inter-ethnic conflict. It would do nothing to produce more reasoned public discussion about migration or Aboriginal rights, which are the two key issues relating to race and which play upon the public's racial fears. It would bring the criminal law and its governors into disrepute.

At this time, in this part of the world, thought-police armed with criminal sanctions are not the answer. ■

**Frank Brennan SJ** is a visiting fellow in the Law Program of the Research School of Social Sciences, Australian National University.

COMMENT: 2

ANDREW HAMILTON

## Making a land holy

**E**VEN IN A YEAR OCCUPIED with ineffectual peace-making, Yasser Arafat's return to Palestine has deserved more than momentary attention.

On the surface, it is like so many similar enterprises: to Kigali, to Mogadishu, to Phnom Penh to Sarajevo. The meeting place is fenced off; the guns grow silent for a moment; the cavalcade of cars comes; the great men leave; and the jackals return to their pursuits. Prudent observers have learned to be wary.

But Arafat's travels still seem notable, if only because, at a time of so much fragmentation and hos-

tility, here was a gesture of peace-making and perhaps the beginning of reconciliation. When so many are marching shoulder to shoulder like lemmings going over the cliff, the few who appear to be pushing the other way bear significance and hopes beyond their due.

But there was something more significant in Arafat's journey. For the dispute in which he is a principal player has been of the most intractable kind. In it the different groups involved call the same land their own. Each has left its distinctive mark on it, and so

cannot but see and name it differently. Therefore to assert its own identity, each group needs to deny the history and identity of the others.

The case is not unique: it was true also of the Ireland of English rule. The Herberts, for example, turned the farms of Muckcross into a garden estate, incorporating within it the ruined friary as a folly. For the native Irish, the friary had stood as a signpost to their own religious culture, so that the fences and landscape which now framed it marked the land as irrevocably alienated. When the land was thus turned into landscape, it concealed from the later arrivals the existence of earlier claims, and intensified the Catholic resentment at their exclusion. That conflict is still being played out in Northern Ireland.

In Palestine the conflict is even deeper. Here, not two but three groups have left their mark on the land and have shaped it into different and competing landscapes. And for each of them, Palestine has become a Holy Land.

Within the Christian era the Romans destroyed Jerusalem and its temple, and left the site deserted. Later, army veterans colonised and renamed it, and to make it clear which people and whose gods belonged there, surmounted it with a great temple. The landscape showed that this was Roman land. A century or so later, Constantine destroyed the temple, used the material to build his own Christian basilica, and also constructed churches in the existing shrines. The deserts were shaped into monasteries. This was now not only a Roman but a Christian holy land.

How important the landscape was to self-definition was shown by the anxiety Christians showed when the apostate emperor Julian proposed to fund the reconstruction of the Jewish temple. For them a temple would have been as much of a desecration as the building of a Roman temple had been for the Jews.

A few centuries later Palestine became holy to Islam, too, and the holy places bore also their sites of worship. They, too, gave their own shape to the land. Afterwards, the Crusades, the Turkish empire, the wars of our century and the establishment of the State of Israel have all given definition to Palestine as the Holy Land. But there is no single and unifying construction of the land. Visitors must give form to the landscape by what is central in their tradition. Their definition in turn conceals the claim which others make on the land.

All this makes the return of Arafat to Palestine of great importance. It is a gesture across lines—a time when one of the groups who claim this land as their own can shape it into the Holy Land. It is also an opportunity for learning a difficult task which Europe has rarely learned or taught: how people who have shaped the land differently can own it together.

Arafat's journey is finally of large significance because it reveals the deeper cultural roots that make the shaping of the Holy Land a matter for us all. In this game our history makes us, not passive observ-

ers, but players even as we observe.

The claim which the State of Israel has upon Palestine, for example, has depended in large degree on support from the West, which is Christian in its cultural origins. The moral claim to this support has in turn been located in the recurrent persecution of Jews within Christian societies, and most horribly, in the post-Christian world of the Holocaust.

Similarly, Arab antipathy both to Israel and the West, and the ready denigration which Arabs receive in the West, can only be understood in the light of the long resentment towards Islam as usurper of the Holy Land. This resentment found expression in the Crusades. Although the antipathy now finds expression through secular ideologies, its energy is of longer standing. When Saddam Hussein, Khomeini and future disturbers of the peace come to Western attention they find their cartoonist long waiting for them.

Arafat's return to Palestine is a powerful gesture in a larger drama. If it is to be more than a gesture, it will involve the same land recognising different claims, and so being a symbol of reconciliation rather than of division. Not unlike our own land after Mabo. ■

**Andrew Hamilton SJ** teaches at the United Faculty of Theology, Parkville, Victoria.

COMMENT: 3

BEDE HEATHER

## I Taking counsel

REMARKED TO PHILIP NEWMAN, after the inauguration of the National Council of Churches in Australia on 3 July, that his proposal had finally been accepted. Newman, an Anglican archdeacon from Melbourne, had moved at an Australian Council of Churches meeting in 1988 that non-member churches be invited to consider membership in a more comprehensive and representative ecumenical body for Australia. The colourful inauguration ceremony at St Christopher's Cathedral, Canberra, was the eventual outcome of that motion.

Australia's Catholic bishops agreed at their meeting in April 1989 to set up a working group of 10, five from the Catholic Church and five from the Australian Council of Churches, to look at the proposal. Later, a representative of the Lutheran Church of Australia joined the group. After a dozen meetings, each of one or two days, and several interim reports, the final proposal was put to the churches in October 1992. It was accepted by 13 churches during the course of the following year: 12 members of the Australian Council of Churches and the Catholic Church. The Lutherans decided by a narrow margin not to join at this stage.

Where the Catholic Church is concerned, this could be described as part of a second ecumenical wave to have swept across the church since the Second Vatican Council. The first, in the 1960s and '70s, was characterised by high hopes of reunion, joy in finding new friends and enthusiasm for quick results. When the hopes were unrealised, a certain coolness towards ecumenism set in. The second wave is more realistic. It recognises that there are still serious differences between the churches, but also solid grounds for them to be together. The 'basis' of the new body is a careful and comprehensive statement of the situation: it speaks of their being *on a pilgrimage* together. The friendships are no longer new, but they are deeper. There is a strong sense of a grace and a cross to be shared.

This wave has touched many parts of the world to bring the Catholic Church into national councils. Where Australia is concerned, there is an awareness that this is no longer the country that it was in the 1950s and '60s. Today, Australia is highly technological and multicultural, replete with persons who have had tertiary education and been touched strongly by the secular ethos. All the churches feel that there is a need for a new kind of ecumenical contact and co-operation.

For this reason a new name was proposed by the working group, and accepted: the National Council of Churches in Australia. With it goes a new logo, depicting an adventurous ship on a stormy sea, surmounted by a cross around which gather the stars of the Southern Cross. This newness was also evident in the two-day meeting of the council's National Forum on 4-5 July, at which speakers constantly stressed that this was a new body, not just the old ACC with a rather numerous new member. The mood was right for change. The old Faith and Order Commission became the Commission for Faith and Unity. The Commission for World Christian Action became Christian World Service. And the executive, which will manage the NCCA during the next two years, was given a daunting list of new tasks to undertake.

The objectives of the new body include coming to know each other better in all respects, 'including the areas of spirituality, liturgy, theology, history, sociology and culture'. 'Councils of Churches' have become the hallmark of the ecumenical movement in the 20th century because they give Christians of many traditions the opportunity to meet, to share discipleship, and to pray, study and work together. The councils provide an environment for Christians to understand and appreciate one another, and thus to grow in mutual trust. This will be an outcome of the National Council of Churches in Australia, and it will make us all ready for what will be the ecumenical challenge of the next century.

This outcome cannot be achieved by prayer and goodwill alone. There is a massive imbalance between

the accepted objectives of the new body and the paltry funding at its disposal to achieve those objectives. The churches will need to show the seriousness of their commitment by more generous contributions. At the National Forum the Uniting Church ran before nervous delegates a proposal to set the funding on a sound basis. It deserves consideration. ■

**Bede V. Heather** is the Roman Catholic Bishop of Parramatta.

COMMENT: 4

PHILIP KEENE

## Between the Rock and a hard place

**D**URING THE PAST 15 MONTHS Catholics have been presented with four noteworthy documents from Rome. The first was the *Catechism of the Catholic Church*, which originally appeared in French on 11 October 1992. What Vatican I (1869-70) never allowed to happen has now transpired, and what Vatican II (1962-65) never considered producing has now been published. This new catechism is something of a novelty, since it is essentially the product of the Roman Curia rather than the fruit of an ecumenical council.

The catechism was followed in August last year by an encyclical, *The Splendour of Truth*, and in January this year the curial Congregation for the Clergy promulgated its *Directory on the Ministry and Life of Priests*. In May, the Pope released his apostolic letter *On Reserving Priestly Ordination to Men Alone*.

Reactions to all these documents, in Australia and elsewhere, have been mixed. Enthusiasm has been tempered by bafflement, reception by hesitation, and relief by anxiety. The documents themselves, and their manner of production, raise two fundamental questions: one concerning the authority that underpins them, and another concerning the kind of theological arguments they use.

Impelling each of them, obviously, is the authority of the present Bishop of Rome, John Paul II. Through them, he clearly intends to exercise his capacity to instruct the universal church. In different ways, they reflect his vision of the church and its life. They also capture the understanding of faith held by many other Christians.

But a vision of truth, no matter how splendid, is not the same as truth itself. Each of these documents amounts to a corrigible attempt to describe aspects of Christian life and belief at a certain time in history and, strictly speaking, none of them can be regarded

as a perfect statement of absolute truth. For Christian faith, God alone is absolute, supreme, entirely true; 'truth' is an abstract term for the God of life.

That is why religious faith is so wonderfully subversive: it regards nothing except God as completely absorbing and alluring. No religion, no church and no person, let alone any theory, practice, concept or catechism, can circumscribe the plenitude of God. This quartet of texts from the Vatican could well stimulate individuals, now or in the future, to feel and reflect about God, the world and its people in any number of ways. As human creations, however, they can never be accorded incorrigibility or absoluteness, since to do so would be to divinise them.

I do not intend to describe those texts here, nor to illustrate their differences. Instead, I propose to comment on them as a unity, a symbol of the manner in which the Holy See now talks about Christian faith and practice.

**T**HAT MANNER IS MONARCHICAL rather than collegial, stressing conformity rather than difference, and taking as its model of communication not a dialogue of friends, but a monologue delivered from on high. In other words, the present pope and his advisers seem to expect the people of God to be passively receptive, rather than actively co-operative, in the never-ending task of recasting and reinterpreting Christian faith.

In a bewilderingly complex world Pope John Paul offers for believers' digestion what he regards as certitudes, rather than eagerly seeking their own expressions of belief. With regard to the question of whether women may exercise the same roles as men in the church, the current incapacity of Catholicism's hierarchy to consult the sense of faith among the baptised might one day vie with the acceptance of slavery, the cruelty to infidels, and the vilification of Jews, as one of Catholicism's most regrettable blunders.

Assuredly, the Pope is perfectly entitled to talk and to teach as he pleases. But what of other Christians and their leaders, who see things otherwise and wish to serve the church and the world by offering diverse ideas and possibilities? Can they now speak openly and honestly? Can they freely speculate, conjecture and debate?

These questions can be put into a more ecclesiastical context simply by asking: what, in 1994, has happened to Vatican II's doctrine of collegiality? Is faith normally to be expounded by the bishops speaking together, or by one who rules over everybody? Let us turn our thoughts, then, to the Second Vatican Council, for it is against the backdrop of that event and its teaching on collegiality that any balanced estimate of the present cluster of papal and curial documents is to be achieved. When the council's 16 documents were published in the mid-1960s, they were read with enthusiasm, for they seemed to be informed, open, and concerned with human wellbeing. Amid this concert of praise, however, a discordant

note went largely unheard. The Belgian theologian, Monsignor Gérard Philips, predicted that many difficulties would arise because of the obscurity of the conciliar documents, and subsequent history has vindicated his judgment. For all 16 texts were compromises, sketching new theological visions while making concessions to preconiliar ones.

Compromises often lead to trouble because they satisfy no one, and this is what has happened to the collegiality doctrine. Of Vatican II's four constitutions, only two were styled 'dogmatic'. And the most solemn, 'dogmatic' statement of those two constitutions is found in article 22 of *Lumen Gentium*, the constitution on the church. It is here that we find the proclamation of collegiality: the body of bishops, when united with the pope, has 'supreme and full authority over the universal church'. [Flannery's translation].

Even before this teaching was promulgated, on 21 November 1964, it had been compromised. Five days earlier, and against the wishes of the majority of voting bishops, Paul VI had added a note to the draft constitution which insisted that the pope could act with full authority on his own, at any time. In theory, Vatican II's solemn teaching on collegiality had brought to an end the 400-year-old Tridentine tradition that regarded the church as a pyramidal monarchy with the pope as its apex, but Paul's action seemed to fly in the face of Vatican II's radical shift of emphasis away from the Council of Trent (1545-63).

When Yves Congar was asked how he viewed the net effect of Vatican II, he replied by stating that it ended the Tridentine era for the church. That end is far from assured today.

Since Paul VI's intervention, the doctrine of collegiality has been effectively stymied, and today any kind of 'full and supreme authority' exercised by the whole body of bishops is nowhere to be seen. Even synods have strictly limited agenda for discussion, and taboo subjects (often, those associated with sex) are sidestepped. Roman centralism has again truncated the notion of universal collegiality.

It must be said, however, that even apart from Paul VI's note, the doctrine of collegiality appears shaky within the text of *Lumen Gentium* itself. For article 22 also teaches that the Roman pontiff, as head of the college of bishops, 'has full, supreme and universal power over the whole church', and it is a logical and functional impossibility for a single organisation, like the church, to live with *two* sources of full and supreme power. Of two claimants to absolute authority, one will eventually prove to derive from the other.

Does this mean that the Catholic Church has one supreme power with two modes of operation: the bishops as a collectivity, and the pope as their head? Do we have a unified entity with a diversified operation? Let's say yes. But if the pope acts and teaches alone, as happens with increasing regularity nowadays, how is his action collegial and co-operative? In what sense

does he teach as head of the bishops, if he doesn't expound *their* voices?

After several months of papally-butressed teaching (including the *Catechism*), the question ringing in my ears is this: How can the church avoid the rule of the Pope *over*, and worse, *against* the faith of Christians? How are all the baptised to be given an active voice in their prophetic mission to preach Christ crucified? And how are papal teachings to be reciprocally related to the sense of faith of all believers? At present, these things might well be more apart (or separate) than closely intertwined. And neither compromising nor uncompromising *texts* will lead

Christians into the 21st century. Their lead will come, I hope, from the *truth* of their faith in Jesus Christ.

In this light, would that Otto Hermann Pesch's telling words be kept confidently in mind by Catholics today: 'the *magisterium* is fundamentally not an authority with an address in Rome which can be given out, nor is it the official duty of someone in office or a group of those in office, but [it is] an "office" of the whole church. The church as a *whole* owes the world a binding testimony of its belief in the gospel: that is its teaching "office".'

Philip Kennedy OP teaches at the Yarra Theological Union, Box Hill, Victoria.

#### OBITUARY

### Kevin Thomas Kelly (1910-1994)

**P**ANEGRYCS ARE NOT A PLACE for controversy. But they don't need to be coy, either, and are a suitable place for justification. And they should aim for the distinctive rather than the more bland aspects of a personality or career.

So I had a problem in one crucial respect with the ennobling words about Kevin Kelly at his recent obsequies in St Christopher's Cathedral, Canberra. The panegyric omitted Kevin's cogent contribution to efforts to define a principled Catholic position on church/state issues in Australia.

However broad his diplomatic career may have been between 1945, when the Department of Foreign Affairs was in its infancy, and his retirement after serving in New Caledonia, South Africa, United Nations, India, Argentina (ambassador 1963-6) and Portugal (ambassador 1971-4), it would not of itself demand a memorial in this journal.

That ensues from his roles in such activities as the foundation of the *Campion Society* (1931), the Melbourne Catholic Evidence Guild (1933), *The Catholic Worker* (1936), the Australian National Secretariat of Catholic Action (1937) and the Young Christian Workers (1942). Fluent in French and an indefatigable correspondent (and general crusader), Kevin introduced Jocist literature to Melbourne.

In October it will be 40 years since the existence of the quasi-secret Catholic Social Studies Movement provided at least the pretext for the disastrous split in the Australian Labor Party that kept the Liberals in power well beyond their use-by date and enfeebled the ALP—particularly in Victoria, where the sectarian 'loony left' gained control. The

débauche promoted rancorous divisions within the church and injured its standing in Australian society.

Kevin was prominent among those who foresaw the disaster that would follow from the involvement of ANSCA in politics. He was well versed in theoretical literature (e.g Jacques Maritain and later Courtney Murray) which sought to reconcile the mission of the church to a non-confessional position in democratic society. While Catholics were obliged to influence their societies towards Christian justice and virtue ('penetrate the milieu'), Catholic Action was to eschew party politics, although this was a proper field for the 'action of Catholics'. This position, not ANSCA's, was upheld by the Vatican in 1957.

Quite early, Kevin foresaw problems with the dynamic personality of the first editor of the *Catholic Worker*, B.A. Santamaria, whose tendency not to consult his committee about the contents of the paper led Kevin to initiate a three-man editorial board in October 1937. Santamaria left the *Worker* not long after, to become assistant director of ANSCA.

The rest of that story has been told before but a few years ago I asked Kevin how it became possible that ANSCA entered politics in contradiction to its own principles. His reply was that, unlike Santamaria, most *Campions* were at the war in the early 1940s and unable to influence ANSCA's key patron, Archbishop Mannix—an intriguing case study for testing the role of chance in history.

Kevin was, nevertheless, a hero-worshipper of Mannix. He was outraged—and in his eloquent way said so publicly—by my so-called 'revisionary'

entry on Mannix in the *Australian Dictionary of Biography*, Vol 10. He had met world leaders, he said, such as Churchill and Nehru but Mannix was the greatest man he had known.

For the next generation, that opinion dated Kevin, who exemplified so zealously what Mannix aggressively said he wanted to achieve through Catholic secondary education as soon as he arrived in Australia in 1913. That was a rightful share in the fruits of society for Catholics—upward social mobility, if you like.

Kevin was the son of a railway fettle with impeccable Labor credentials, having been dandled by Jimmy Scullin in Ballarat as a child. He had to take responsibility when young for the upkeep of a widowed mother and his younger siblings. He was dux of De La Salle College, Malvern, in 1927 but, after enrolling in arts at Melbourne University, found he wanted to do law and went back to school part-time to do the prerequisite Latin. He took both degrees while working, through superb application in the depths of the depression.

Kevin's orotund style of lecturing, when he spoke at the odd *Catholic Worker* dinners in the '60s, was almost bladder-bursting, and he was a most discursive conversationalist. In the Department of Foreign Affairs they still tell the story—perhaps it's apocryphal—that when the Portuguese 'revolution' was on, a cable went to Ambassador Kelly from Canberra: 'Please inform urgently on events in Lisbon but don't start at the Reformation.' But if Kevin's learning was not lightly worn, there was no doubting its depth and breadth. RIP.

—James Griffin

## True religion

From Al Drummond

I've read with interest the debate in your columns about the new Catechism. All your correspondents have missed the obvious controversy: the Catechism uses the word 'God' often, but never referring to Gary Ablett. The authors use the term to mean, as far as I can tell, some spiritual being that's never played football in the AFL. Surely this obvious blasphemy from the church should be condemned in your pages.

That aside, I enjoy reading *Eureka Street*. Keep up the good work.

Al Drummond  
Richmond, VIC

I FIND THAT BEING PART OF A FOOTBALL CROWD APPEALS TO MY SUBCONSCIOUS NEED FOR TRIBAL AFFILIATION; ALLOWS FOR CATHARTIC EXPRESSION OF ELEMENTAL EMOTIONS; AND PROVIDES A VICARIOUS SENSE OF INVOLVEMENT IN A TERRITORIAL CONFRONTATION!



Man, O man!

From Anne Hunt, Principal of Loreto, Mandeville Hall

Help, please. In the new Catechism, 'man' includes woman, we're told. Then, in the Pope's apostolic letter, we are told that 'man' excludes woman. We just can't understand!

Anne Hunt  
East Malvern, VIC

## By the letter

From P.J. King

Congratulations on upholding the rebellious spirit of *Eureka* in abrogating the instructions printed in red at the beginning of the letter page. I am referring, of course, to the continued spat between two Dominicans whose in-

*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.



tentions are almost certainly light-hearted even if the subject is becoming increasingly opaque. If any point is actually at issue here, who shall decide when Dominicans disagree? Perhaps it's time to call in a Jesuit umpire.

I must applaud, however, the tendency to long letters, wishing only for a variety both of writers and subjects. There would be great savings in production costs if all articles were in the form of unsolicited letters. Who knows if such an editorial policy may assist the emergence of another Sydney Smith, arguably the greatest polemical letter writer of last century if not, indeed, of any age? Perhaps he will be named Melbourne Smith.

P.J. King  
Springwood, VIC

## Papal pedigree

From Rev K F McCarthy

A very eminent intellectual lady, Dr Susan Moore, director of Sydney's Thomas Moore Centre has clearly stated 'Catholics who would defy the Pope's stand against women priests, don't understand the principles of papal authority'.

The authority of the Pope comes from his divine office—it is not to promote factions seeking status, but it is explicitly to clarify, confirm and state the teaching of Christ as stated in the New Testament and based on sacred tradition. The Catholic Church, centred in Rome, has always based its teachings on both the Bible and sacred tradition, whether this won any current political or social contest at any stage in the history of the world since Christ rose to heaven. Those confused,

often aged, females who attack the Pope for indicating the church has no power to make a woman a priest ignore the fact that our most venerated woman the Blessed Virgin Mary, the Mother of Christ—true God and true Man (at the same time) was excluded from the Apostles by Christ and only men were confirmed by Christ as his apostles to rule and to hold all offices in his church which has existed in an unbroken line since Christ Himself installed the often foolish, aged, verbose St Peter as the first head of his church.

Not only did Christ choose to take the unlikely apostle Peter as head of his church, but Christ stated that the gates of hell would never prevail against it. Christ was God and man at the same time and all his valid priests are other Christs in a sacramental sense, daily offering the body and blood of Christ up in the Mass during which bread and wine become the actual body and blood of Christ.

It is tragic to see misguided—often sincere females suddenly getting the perverted idea women can be priests or men are superior to women. Has any man yet reached the status of the Blessed Virgin Mary mother of God?

Kevin McCarthy  
Concord, NSW

## Words and deeds

From I.J.C. Smart, Emeritus Professor, Australian National University

I much enjoyed and admired Michael Smith's review of Peter Singer's *How Are We To Live?* (*Eureka Street*, June-July 1994). Mostly I agree with it, and mostly, also, I agree with Peter Singer's fine book. Smith criticises Singer for being 'one of those philosophers who think that there is no fact-of-the-matter as to how we should live our lives'. Singer has expressed to me some reservation as to whether he has here been correctly characterised by Smith, since Singer builds universalisability of desire into the concept of ethics. I prefer a wider definition, since it seems to me that the choice between non-universalisable principles (such as that of egoism) and ethics based on universal benevolence is itself a choice within ethics. I count egoism as an ethical theory, even though a regrettable one, which clever egoists will keep to themselves since they will get on better if they pretend to be altruists. I want to indicate why, whether

or not Smith has correctly characterised Singer, his criticism is not a sound one anyway.

My position, and that of other 'non-cognitivists' about ethics who trace their ancestry back to Hume, is roughly as follows. Science and history tell us what the world is like. Ethics is concerned with what to do about it. In the end the difference between science and ethics is like the difference between the indicative sentence 'The door is shut' and the imperative sentence 'Shut the door'. Smith does not like to think that non-cognitivism may be true. (Note that non-cognitivism is not *part* of ethics but is *about* ethics.) Non-cognitivism may indeed strike us as regrettable. Still 'wouldn't it be horrible if this is true?' is no argument. Indeed, regret about the truth of non-cognitivism looks to me a bit like regretting that there are no square circles. We cannot escape logic. Of course non-cognitivism does not rule out the possibility of rational discussion in ethics even when there is disagreement about ultimate principles. Two persons may disagree about ultimate ends but agree on certain intermediate ends, and can discuss ways and means of achieving these intermediate ends.

Smith's own view seems to be that rational persons with complete knowledge of the facts and long enough discussion of them would always or usually converge on their ultimate attitudes. This is possible but I see no reason to believe it: a Kantian 'respect for persons' ethicist and (say) a Benthamite utilitarian might disagree about what to do even though they knew and kept in mind all the relevant facts. Values are a matter of our desires or emotive attitudes. As Wittgenstein said in the *Tractatus*, if value were something in the world it would have no value. It would be something to which we could have opposing attitudes, just one more thing in the world.

Even if we converged on ultimate ethical attitudes, as Michael Smith hopes, this would be only a fortunate fact. We would have a one-attitude non-cognitivism but a non-cognitivism all the same. But anyway non-cognitivism must be distinguished from mealy-mouthed ethical relativism. In expressing our attitudes we do not express agreement with others who express contrary attitudes. We can still want to shoot Hitler.

Religious people are perhaps ultimately motivated by fear and love of God to obey God's commandments. But what about God's motives? How would God decide what to command? There is a question here for theologians: would not non-cognitivism about ethics have to apply to God also?

**J.J.C. Smart**  
Canberra, ACT

## Filed under 'U'.

*From Suzanne Edgar, research editor, Australian Dictionary of Biography.* I enjoyed the excellent article by Margaret Simons about David Unaipon (*Eureka Street*, May 1994) and the new material that it contained.

Perhaps, though, it is not quite true to suggest that 'very few Australians have heard his name'. In 1988 the David Unaipon award for Aboriginal writers was established and is made every year. That year also, an annual Unaipon lecture was instituted in Adelaide. In 1990 a full account of Unaipon's life and work, including the fact that his parents were Yaraldi speakers, was published by Philip Jones in Volume 12 of the *Australian Dictionary of Biography*, which holds a rich file on Unaipon at its Australian National University office in Canberra. About 4000 copies of Volume 12 of the ADB have been sold to date.

A copy of Simons' article has now been added to the ADB file.

**Suzanne Edgar**  
Canberra, ACT

## End of the affair

*From Betty Searle* Referring to Rory Mungovern's thesis on the Petrov affair (*Eureka Street*, April 1994) it is unfortunate that more mention is not made of the two families who became political refugees, being forced to leave Australia after appearing at the Petrov Commission as witnesses.

The Morris family, Dave, Bernice and their two young sons were victims of a slow boat to China. Dave, a Communist Party member since the early thirties, had been under security surveillance for many years before Petrov defected. A highly qualified scientific and technical engineer, Dave was constantly passed over for promotion by the Victorian Electricity Commission

for whom he worked. He eventually, as Mungovern points out, was hounded out of his own profession. So he set up his own business which was proving successful until he was called before the Petrov Commission. The business then went into a slump and the McCarthy boycott left the family no place to turn in their own country. A job offer came from the People's Republic of China and the Morris family, most unwillingly, became political refugees.

Similarly, Fred Rose, renowned anthropologist, was removed from his job as a lecturer and he too was denied a job in his own profession. He was offered a job in his profession at Humboldt University, in what was then East Germany, where he and his family reluctantly moved.

It would be interesting to examine why it is that both of these families of highly professional men, who suffered so deeply, becoming outcasts from their own country, receive little or no mention in most of the material written and published about the Petrov affair. It affected all of us in different ways but let us not forget those whose lives were shattered by being forced out of their own country as political refugees.

**Betty Searle**  
O'Connor, ACT

## Father figures

*From Erin White* Michael McGirr's review (*Eureka Street*, June-July 94) is critical of the film *Sirens* because it praises Norman Lindsay and overlooks his shortcomings. This criticism misses the point. The film is not about Norman Lindsay. It's about the contemporary expression of female sexuality and sensuality. It celebrates this expression in the context of the widespread cultural phenomenon of the 'death of the father', the joke of the film being that Mother Nature has efficiently disposed of the natural fathers of these sexually aware young women. McGirr suggests that the director, John Dui-gan, might be better employed looking at real questions such as the role of God the Father in World War I, a suggestion prompted by an early Lindsay cartoon. This cartoon already signalled the death of the father, a death that is never finally accomplished and is still in process, as the Pope is cur-

rently finding out in the women's ordination debate. The expression of female sexuality which is related, of course, to the death of the father is one of the live issues of this film and of our time.

**Erin White**  
Eastwood, NSW

## Pills 'n' ills

*From a correspondent*

Congratulations to Howard Willis for his excellent and insightful essay (*Eureka Street*, March 1994) on chronic pain.

I had no intention of contacting Willis until I read three words: 'little red pills'. My inquiries confirmed something I knew instinctively, that he was referring to the same 'little red pills' I had been prescribed.

It was therefore I read with genuine concern and considerable alarm,

through no fault of their own, and in particular, the reluctance of the medical profession first of all to believe a client, then to help them do something about it.

That action is well within their grasp with modern synthetic opioids. Why is it that the chronic pain of cancer patients is treated with empathy, but that of non-cancer chronic pain patients is not? Dignam ought to be seriously concerned about the use of tricyclic anti-depressants with chronic pain.

I was prescribed the 'little red pills' and was on 300 mg mode within four days and was left on that dose with no medically instigated review for four years. It had no effect on my chronic pain, it made me ill and I eventually got off it myself over about six months and then took 18 months to get over the effects of this addictive drug.

Dignam may be interested to know—I have this in writing from the drug's manufacturer—that this drug cannot be recommended for use in chronic pain because it has not been approved for that purpose by the Therapeutic Goods Administration.

The drug company spokesman 'did not want to listen' when I told him my dosage, because the maximum recommended dose is (on rare occasions) 250 mg and patients should be 'stepped up' from 25 mg. He nearly freaked when I told him of a case-history I have researched where the chronic pain client's GP put her in hospital and onto tranquillisers, benzodiazapines and 450 mg of 'little red pills'. It took the client three years to get herself off the drug.

May I request Dignam to forget the past and become active in the present?

**Name and address**  
withheld on request

## Jesuitry revisited

*From D L Swingler*

Your reviewer, Andrew Hamilton, takes a curiously narrow view of O'Malley's *The First Jesuits* (*Eureka Street*, May 94). However, let it be said from the outset that Hamilton's devotion to the Society and its founders, its teachers and its good works could not be more sincere and loving.

In his enthusiasm, he suggests that there was, and still is, no substance in the criticism of the Society. Putting into one sentence what he considers

to be the embodiment of the criticisms: 'If God is God and the Gospel is true, then to build fortresses and to launch crusades against enemies of faith are fully ridiculous enterprises'.

Would that these were the only criticisms of the Society. From the time of Loyola and his generals (1540), through the Renaissance to the present day, history, alas, documents sterner stuff against the Society. For a moment to have sworn absolute allegiance to Pope and Council, a more rapid falling out from this compact could hardly have been imagined and invites speculation that Loyola's concept was flawed. But flawed or not, the Jesuits far exceeded their calling by any judgment. By 1764, Clement XIV had banned the Society after the Catholic governments of Spain, France, Netherlands and the Vatican, in that order, had earlier outlawed the Society; its very existence only saved from oblivion by the succour of Catherine II of Russia. Indeed the library shelves groan with secular and non-secular indictments of the Society; amongst the most notable, the Provincial Letters, 1656; the Dreyfus affair, Vichy France and the recent hiatus with the Vatican. If members of the Society are not instructed in these matters, mistakes will be repeated at regular intervals.

It was indeed a far step from the *Spiritual Exercises* that led the Jesuits to pursue Jansenism and to engage in polemic with a powerful adversary in Blaise Pascal: In a comment on the role of the Jesuits in this matter, Krailsheimer (translator of the Penguin edition of *The Provincial Letters*) concludes: 'In the long run, we know too that propaganda based on skill can never prevail against the truth: *The Provincial Letters* are there to remind us.' Is it not time that 'keeping company' was interpreted from an honest retrospective glance over the Society and a return made to the ideals of O'Malley's *First Jesuits*.

**D.L. Swingler**  
Park Orchards, VIC

### National Hour of Prayer

in support of the ordination of women in the Catholic Church, organised by Women of the New Covenant on the 25th of every month at 6.30pm.

In **Melbourne**, outside St Patrick's Cathedral, East Melbourne. Bring a rosary and a candle. Contact: Trish Gillard, (03) 386 1237.

In **Perth**, contact Sue Sturcke, (09) 349 8568, and in **Brisbane**, contact Mary Jackson, (07) 262 2582.

## Ordination of Catholic Women

First National Gathering

### HUMAN RITES: WOMEN MINISTRY AND JUSTICE

September 24-25, 1994

Ursula College, ANU Canberra

Speakers: Patricia Brennan,  
Janet Gaden, Elaine Wainwright

Registration/information: OCW PO Box E418,  
Queen Victoria Terrace, ACT 2600  
Or phone: 06 2456303 (w) , 06 2514513 (h)  
Registration Fee \$60, students \$25

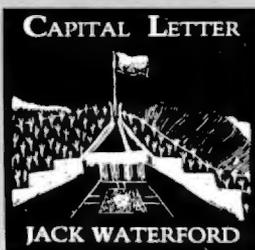
ALL WELCOME



the letter from Paul Dignam (*Eureka Street*, May 1994) who, I suspect, has never experienced chronic pain. I would wager it was from a theoretical point of view.

It was a shame Dignam used so much space discussing a 16th century philosopher, Descartes, and pointing his critical finger at Willis.

I wish that he had dealt with one of the very real problems of the near-21st century, the situation chronic pain sufferers find themselves in



# Gone but not behind us

**M**OST LABOR PEOPLE will fervently hope that the two-year jail sentence imposed on Brian Burke for diddling expenses will bring down the curtain on an unfortunate period in ALP history.

A terrible tragedy, really. The former Western Australian Premier and Australian ambassador to Ireland and the Holy See, a Catholic father of six, had seemed to be a nice bloke. He was a new-style pragmatist, someone who cut through the red tape and got things done, but did not forget his strong Labor roots. He was a winner who demanded, and got, a winner's say in national policy-making. And he was a possible future Prime Minister, more appealing than the dour John Cain in Victoria, the priggish John Bannon in South Australia, or the even more priggish, up-and-coming Wayne Goss in Queensland.

It was a big mistake, of course, jumping into bed with all those vulgar paper entrepreneurs, but Burke's motives had been pure enough. He wanted to get the state moving again, hoping that smoothing the path for business would kick-start some big developments and promote economic growth. If only the 1987 stock market bust had not cut things from underneath the WA government and its corporate friends. And of course, no one knew then that there was a bit of sleaze in all the matiness, a whiff of corruption in the way money was being used, and that some of the actors were lining their own pockets. We all know better now, don't we? Those days are behind us, aren't they?

Perhaps they are. That style of government intervention in the economy has certainly gone. John Cain paid the price for the incompetence and bad luck his state had to endure. John Bannon was made to pay the price for the mess his government had failed to supervise. And WA Labor has had its catharsis, too, with a royal commission that named names and laid bare the dirty deals, and with Brian Burke getting his comeuppance.

Yet Labor did not do much more than close the door and tiptoe quickly away. It has never asked itself how it and the state were corrupted by WA Inc, and how its own checks and balances failed. Nor has it come to any real conclusions about the lessons to be learned from the débacle.

The fact that a few players are now entirely discredited—one is even in jail—is no substitute for an inquest. When Brian Burke was at his zenith, for example, he controlled millions in party donations, and was careful but generous in dispensing them, particularly to the NSW right. What power did he buy? He certainly affected national party policy through his interventions in debate—over national Aboriginal land-rights legislation, for example. No one was better than Burke at shouting down any doubters, and no one had more loyal mates—in Sydney, in Canberra, in Brisbane and elsewhere. His mates were prepared to help monster anyone who stood in the way or asked inconvenient questions, and some of those connections are entirely untainted by anything that went on.

There are always good short-term reasons for avoiding an inquest. The immediate result of letting things hang out is damage to party reputation and electability. Yet the longer-term costs can be greater if the party is not seen to have faced up to the problem and to have reformed itself. Not infrequently, this gets recognised at the parliamentary level: after all, it was Labor politicians who, however reluctantly, ordered royal commissions into the débacles of Western Australia, Victoria and South Australia. But so far the same recognition has not come from within the party machine.

**O**NE OF THE MORE INTERESTING relationships that an inquest might explore is that between politicians with strong agendas and can-do public servants. Brian Burke went into office highly suspicious of the WA bureaucracy (though in fact it had a history, under Sir Charles Court, of enthusiasm for state intervention), so he brought in bright young things who could get things done. Victoria saw much the same, although in its case, many of the players were not the opportunists who prospered elsewhere, but theorists wanting to play with the levers.

The past decade has seen great success for the species in Canberra—a success unaffected by any post-1980s rethink—but there less damage was done. The policy areas that are most scarred by their disasters are probably communications,

transport and education. The probity and competence of politicians is higher in Canberra than at the state level, and the institutional checks and balances are stronger. The best check of all on a politician or an over-enthusiastic adviser is the fear of getting caught.

The secretary of the Prime Minister's Department, Mike Keating, has in his Chris Higgins oration given an interesting apologia for economists in public service. He dismissed the Pusey notion of a narrowly trained and anti-social economism, insisting that most economic advisers have been realistic and pragmatic about intervention, and that they have helped direct greater attention to outcomes and equity, and to transparency of information and decision-making.

But the issues on which economic advisers have been reluctant to offer advice, Keating said, have been those connected with values. 'This is most ironic for those of us who remember that not so long ago a standard criticism of the public service was that senior officials imposed their own values with little regard for the objectives of the government. Those critics called on the Labor Party to change that and ensure that the public service was responsive to those suggestions. Now much the same critics regret a decline in the bureaucracy's pretension to act as the community's conscience, with a special moral responsibility to protect the public interest. Unfortunately, these critics cannot define the public interest so as to provide a useful guide to action.'

I suspect that the real problem is that Mike Keating is not looking in the right places. There is in fact a bigger literature on this subject than on areas in which he is so learned, such as fighting inflation first, or economic soft landings. The new responsive bureaucrats, who find it hard to articulate public interest and believe that it is impertinent to pretend to be acting in it, are at the heart of the problem of modern government. Old-style public servants are said to have imposed their values, but one wonders whether some of their successors—not Mike Keating, of course—have any values at all. ■

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

# The politics of neighbourhood watch

*Australia and the delicate art of Indonesia-watching*



**T**HERE IS NO OTHER RELATIONSHIP between two neighbours comparable to that of Australia and Indonesia. In the past it was fraught with suspicion and misunderstanding, accusations and counter-accusations. It is now a relationship based on a blend of good will and prudence, covering a wide area of trade and commerce, politics and culture. This would normally be smooth and fairly problem-free if the two nations and their respective peoples shared a common culture and similar legal

and political systems. However, not only do Australia and Indonesia have very different cultural and political heritages, but neither knows the other very well. Prime Minister Paul Keating has done a great deal toward rectifying the situation, by encouraging and pushing Australian businesses to look toward Asia, indicating the potentially enormous markets for Australia's exports. Increased exports, it seems, is regarded as one of the key answers to the economic recession in Australia.

Those who have ventured and persisted in their endeavours to establish trade links with Indonesia have a lot of success stories to tell, while others who have stayed back to wait and see are beginning to tread cautiously onto the relatively new ground.

They have been encouraged to try this new ground, because in the past three years the trend toward openness in Indonesia has been unmistakable. This trend had also led to increasing transparency in the political system. The path, nonetheless, is not smooth all the way, yet.

While the *Australia Today Indonesia 1994* trade and business fair was going on full blast in Jakarta, demonstrations and protests on the streets were being quashed by uniformed men. These were not demonstrations and protests against the trade fair. On 21 June three prominent Indonesian publications, *TEMPO*, the nation's leading news magazine, *De Tik* and *Editor*, were

banned by the government. *TEMPO* and *De Tik* were closed allegedly for editorial reasons, while *Editor* was closed for changing senior personnel without seeking permission from the authorities. These reasons for closure, to Australian readers, would sound strange indeed. It should be pointed out here that the closures, whatever the reasons given by the government, have been a shock to Indonesian readers. They were seen as an abrupt reversal of the trend toward openness that Indonesia had enjoyed so far.

*TEMPO*'s 'crime' seemed to be its reporting of the purchase of 39 second-hand warships from Germany, handled by the Research and Technology Minister, Mr B J Habibie. *TEMPO* used as a news peg the near-sinking of one of those ships in the Bay of Biscay, on 3 June. In the cover-story articles it detailed the escalation of the costs of the ships from US\$13 million to US\$1.1 billion, and the subsequent disagreement between Mr Habibie and the Finance Minister Mr Mar'de Muhammad.

Mr Habibie, who happens to be a close confidant of President Suharto, flew into a rage and rejected the suggestions that the 39 warships were worth next to nothing. This was closely followed by the president's condemnation, on 9 June, of the reporting as 'people airing their views while not knowing the situation very well, thus further muddling the situation and setting one official against another'. He also issued a threat then, saying, 'We won't let them get away with it. We will

warn them and if that doesn't stop them, we will take firm action.'

How this 'firm action' translated into such drastic measures as revoking the licences of the three magazines, one can only speculate. What many people do not appreciate is that the magazines have been shut down for good, because their licences to operate the companies were revoked, not just their licences to publish. To allow the companies to be revived, the government would have to withdraw its revocation of the licences, which is very unlikely. After incessant lobbying by various groups, it has been suggested that the Department of Information may issue new licences. However, with these the department may also demand major changes in the managerial and editorial boards. This would be tantamount to establishing entirely new companies. If licences are issued, fierce and tense negotiations will take place. But the question is, how much negotiating power do the applicants have?

**F**OR THE PAST FIVE YEARS, Indonesian media have enjoyed relative, but measured, freedom. This was of course largely abetted by the opening of the sky to the electronic media. As Indonesia leased out transponders on its Palapa satellites, it rapidly lost control over the flood of information flowing into the country. At the same time, the government's policies on the increasingly deregulated economy have brought prosperity to the swelling middle-class. Ironically, it was this old and new middle-class, more educated and more intellectual than ever, who thirsted for more information and pushed for more transparent government. The trend toward openness did not just begin out of the blue. Some of these Western-educated intellectuals eventually obtained important positions in the government as well as in the private sector whose support the government relies on. Though still cautious, people began to speak up against policies they regarded as unfair. Even in the Cabinet, ministers carefully disagreed.

The media, both print and electronic, incessantly tested the limits

of this relatively new freedom. Compared to Western media, Indonesian media have been very mild. The emphasis of reporting was shifted from the government's stance towards that of various non-government positions. Slowly and cautiously the media found, or thought they found, the balance of even-handedness, reporting the stances of both sides.

In covering the East Timor issues, for example, *TEMPO* always quoted the government's views as well as those opposing the government's. There have also been sensitive stories involving internal struggles which tested the authorities' tolerance, which were handled creatively by reporters, sub-editors and editors.

In a country like Indonesia, where the population of 190 million consists of so many religious, ethnic and interest groups, it is natural that the authorities hold as their utmost task the cohesion of the nation. It is worth noting that the majority of the population are not used to open debate. It has been conditioned to depend on *musyawarah* or consensus, to solve problems. This concept is so fluid and undefined that in practice, problem-solving depends a great deal on the local mores. And local mores are always far from open to debate, to the extent that anyone initiating it could be regarded as a crass dissenter. The media, therefore, accepted the limitations imposed on them, in that they were not to write anything on ethnic, religious and inter-social group differences.

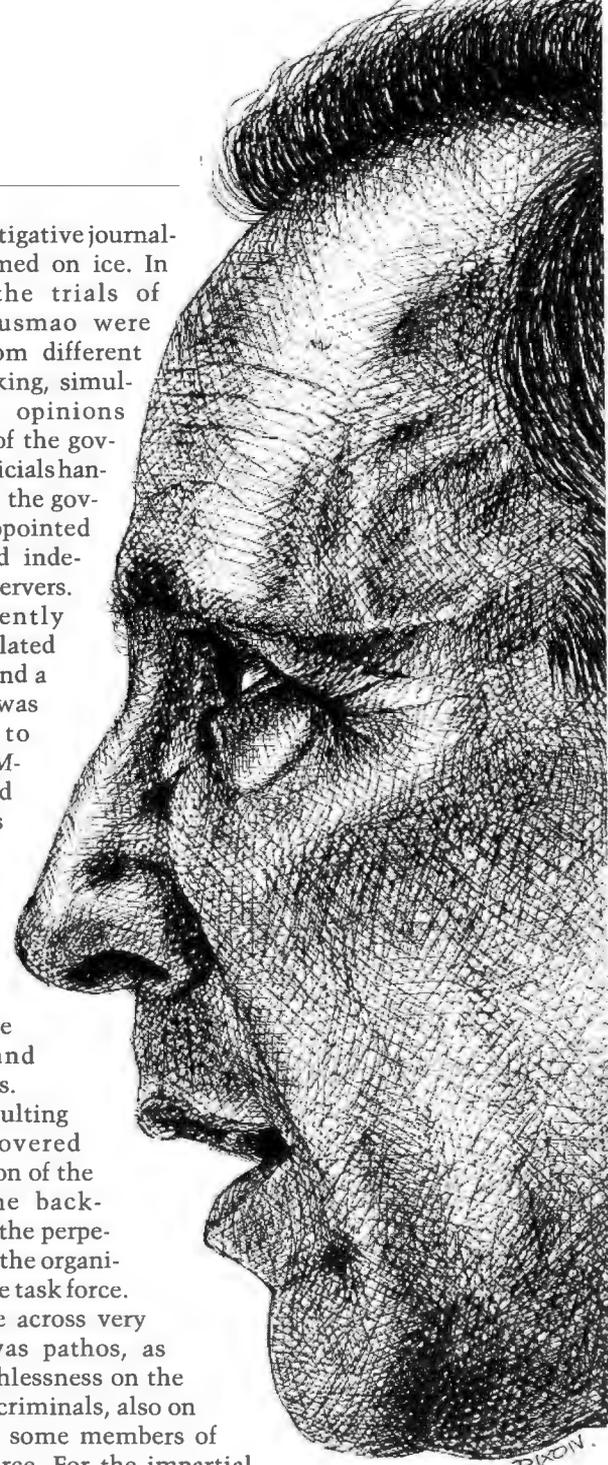
Working within these limitations, journalists and editors have had to be alert, cautious, creative, with minds as sharp as razor blades, while exercising social responsibility at the same time. Once, addressing an Australian audience, Goenawan Mohamad, a former editor-in-chief of *TEMPO*, likened being a journalist in Indonesia to being a surgeon, having to perform surgery after having his/her scalpel confiscated.

It was in this atmosphere that the media reported the brutal murder of Marsinah, a union activist, and its subsequent investigations following pressures from various organisations, local and international.

It was investigative journalism performed on ice. In *TEMPO*, the trials of Xanana Gusmao were covered from different angles, seeking, simultaneously, opinions and views of the government officials handling them, the government-appointed lawyer, and independent observers. When recently crime escalated in Jakarta and a task force was formed to fight it, *TEMPO* assigned journalists to check the crime scenes and interview the task force, some victims and perpetrators.

The resulting articles covered confirmation of the crimes, the backgrounds of the perpetrators and the organisation of the task force. What came across very strongly was pathos, as well as ruthlessness on the part of the criminals, also on the part of some members of the task force. For the impartial reader, it would have been apparent that while some criminals were driven to crime, some stayed in it because it was a relatively easy way to get money. It would also have been clear that while the task force was not the best answer to the situation, something had to be done then and there to protect innocent people.

**S**OME ISSUES COVERED would have displeased the president, especially if these implied dissatisfaction with the direction in which the government is heading. It was reported, for instance, that a group consisting of intellectuals, with the blessing of



## Up Tempo

*At the Adelaide Festival in March, Michael McGirr spoke to Goenawan Mohamad, the founding editor of TEMPO. Goenawan retired shortly before the magazine's closure.*

*What has been the role of TEMPO in Indonesia?*

When we started, we hoped we could improve the quality of the Indonesian language. We came into existence at a time when language was being used increasingly as a tool of ideological propaganda. It was purely political, in the same way that they have developed a totalitarian language in China. So we wanted to free the language from that condition and, by freeing the language, free our ability to think. In Indonesia we have a tendency to bureaucratise the language. We are famous for having so many acronyms—an acronym stops the process of thinking.

*What kind of stories do you tend to run from Australia?*

The best stories are the ones about how Australians perceive Indonesia. We ran a story about the last election because it was dramatic. It got a lot of coverage when Keating made his first trip as PM to Indonesia and said that Australia was an Asian country.

*What kind of reach does TEMPO have?*

Around 200,000 copies per week. It's read by the educated middle class. Not middle class in terms of income, but in terms of education. The ordinary people in the *kampungs* are influenced entirely by religious leaders and government officials. In a way, Muslim leaders stir up differences. But they also have a positive function in making people aware of their rights vis à vis the government. There was a shooting by government soldiers two months ago in Madura, an island east of Java. The religious leaders played a very important role in calling the government to account.

*There are reports that life is easier for writers in Indonesia now.*

This is true. We can almost write anything. For example, the last bank scandal in Jakarta. The state bank was giving loans to a business person because of the influence of a high official, the chairman of the advisory council to the president. Everybody talked about it openly, even mentioning the first family in possible involvement.

*Have changes in Europe and South Africa brought pressure for change in Indonesia?*

In both ways, negative and positive. As perceived by Indonesian officials, democracy in Russia has created a lot of damage. The country is being destroyed. This is explained by lack of control of government. But positively, we can talk about the end of communism. The government has always used the threat of communism to justify itself.

*Do you intend to write more poetry after your retirement?*

Yes. To write what I like! I'll also write my column. But sometimes I'm afraid that what I write is just a repetition of clichés. I'm very concerned about the way a language gets poor. ■

the Minister for Defence and Security, was forming an association to compete with a powerful association headed by Minister Habibie. The rift between Mr Habibie and the Armed Forces became obvious, and the readers would be able to glean that the latter found the organisation headed by Mr Habibie was becoming too powerful for their comfort.

The president, being used to having everything under his control, must have felt uncomfortable for a considerable length of time, witnessing this rift becoming more public. Until recently, Golkar, the ruling party, had been dominated by the Armed Forces. For example, there had been little opposition to military officials being elected to the positions of governors of the various provinces of the country. However, with the president's blessing, these positions were contested and some won, by civilians. The latest blow and disappointment to the Armed Forces was seeing the position of the chairman of Golkar slipping through their fingers. It was won by Mr Harmoko, the Minister for Information, a civilian. All this does not mean that the whole Armed Forces are distancing themselves from the president. Some, especially those closest to him, are still loyal to him.

IT MUST HAVE BEEN amusing for the dissatisfied personnel in the Armed Forces, watching two civilian ministers having a public disagreement over an issue that had irritated them privately. The fact that Mr Habibie was handling the purchase of the warships for the Navy must have annoyed them, so to have him embarrassed without their having to do anything would have been a rare victory. Immediately after the media closures, General Edi Sudradjat, the Minister for Defence and Security, was one of those in the country, who regretted the action. 'It could have been avoidable,' he said. General Sudradjat was also quoted by the local and international media as one of the supporters of the need to foster a more vibrant political debate in Indonesia.

The general views in Indonesia and overseas are that the govern-

ment has over-reacted on the media issue, as well as on the issue of the Conference on East Timor, in Manila recently. This reflected unfavourably on the president, who is seen as losing his grip on the situation, thus also his sense of judgement.

Prime Minister Paul Keating and Foreign Minister Gareth Evans have been receiving a great deal of criticism internally for their 'softly, softly' approach to Indonesia. They may not be seen as immediate political achievers in relation to Indonesia, but they are no doubt long-term achievers. Australia has to face the fact that it cannot use hard-line strategies, because it does not have the wherewithal to threaten Indonesia. Economic sanctions would hurt Australia more than vice versa. Of the US\$2.2 billion worth of trade between the two countries in 1992-93, Australia's export to Indonesia was US\$1.7 billion. Even action by the USA is not entirely effective. The Clinton government, while prohibiting transactions of small-scale military equipment, allows those of large-scale equipment, as these are commercially profitable to the USA. By proving itself to be steadfast, Australia has begun to be accepted as a friend by Indonesia. And as a friend, it has more lasting influence than the ever-more powerful USA. President Suharto is definitely more comfortable with Paul Keating than with Bill Clinton. What Keating says, however low-key, is taken, though quietly, seriously.

The overriding fact is, Australia and Indonesia, while sharing a common region, also need each other, politically and economically. Culturally? That might come later, one hopes. ■

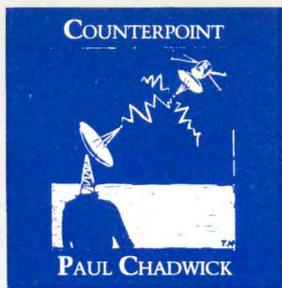
Dewi Anggraeni is the Australian correspondent for TEMPO and author of *Stories of the Indian Pacific*.

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# Getting the facts in to Gear

**A** COIN IS EXCHANGED FOR A NEWSPAPER—both 'old technologies' in an information age of screens and plastic money. But an unfolding story about the cover prices of humble newspapers illustrates one of the potential obstacles to an informed debate about the newer communications technologies and the power they confer. (For a sketch of the issues, see *Eureka Street*, May 1994 p11).

Can the media be trusted to provide the information and access necessary to such a debate, or will self-interest prevail as existing media manoeuvre to exploit the considerable commercial opportunities the technologies create? In crucial areas, especially ownership, competition and copyright laws, the media will want politicians to provide a favourable regulatory environment. They may want bits of a privatised Telecom.

Does the public interest align with that of the media? Perhaps yes, if the technologies result in a genuine 'end of scarcity' so that the risks of government control, which are inherent in licensing, no longer need to be taken. Perhaps no, if information is to be so important to economic and social well-being that traditional intellectual property rights ought to be reconsidered and information declared a common resource, like the ocean or the sky. Do the answers depend on whether the media owners are local or foreign? Does sovereignty matter if the globe is a village?

Such are the questions these technologies raise, and to reach conclusions which serve the public interest will surely require, as a minimum, reliable information, lively curiosity and tolerant forums for debate. These are traditional tasks of journalism. But the vessels that carry most Australian journalism are owned by the (mostly foreign) corporations with the strongest incentive to control the flow of information and limit debate.

A simple consumer issue illustrates the potential. Australians buy an average of 18.8 million metropolitan daily and Sunday newspapers each week. Print-media ownership is highly concentrated, barriers to entry are virtually insurmountable and competition is consequently limited, so abuse of market power is obviously a risk. But the media have yet to examine the issue on their own initiative, as they might, for instance, the prices of petrol or groceries.

Never mind. In April the Communications Law Centre disseminated original data which shows that since 1984 the cover prices of newspapers have increased much faster than the Consumer Price Index, especially during the period 1991-94, when inflation has been lowest:

Type of publication	Percentage increases 1984-94	
	Total price	Average price
Metro dailies (Mon-Fri)	129%	132%
Metro dailies (Sat)	188%	188%
Metro Sundays	116%	96%
CPI increase	67.6%	67.6%

With this prima facie evidence of abuse of market power, we asked the Minister assisting the Treasurer, George Gear, to order an inquiry by the federal Prices Surveillance Authority and we released the prices data to the media. To our knowledge, only two papers, *The Age* (seven paragraphs) and *The Sydney Morning Herald* (one paragraph) reported it. ABC radio provided some coverage.

We wrote letters to editors, for publication, noting that even if they did not deem the data newsworthy, the letters page was traditionally a forum for readers' concerns. Since readers bought the paper, we wrote, they might like to know about its price movements and join the call to Gear. Only the *Sydney Sun-Herald* published our letter (one paragraph).

The Australian Federation of Consumer Organisations and the Australian Democrats also pressed the government for an inquiry, but you will not have read about their activities in the papers.

Gear, who as a backbencher in 1990 was a vocal supporter of a Prices Surveillance Authority inquiry into newspaper cover prices, has not been pressured by the Canberra Press Gallery for a response on the issue. On 7 July he told us that although our data suggested 'that there may be some justification for a PSA-style inquiry', alas, for the next two years the PSA would be too busy reviewing its past decisions to prepare for competition-policy reform.

As Sir Humphrey Appleby might remark, it would be a 'courageous' decision to order an inquiry into whether the country's two major newspaper companies have weathered the recession partly by exercising their market power. Advertisers, who buy space and access to readers, would seem to be a separate market from readers, who buy information and entertainment. Could the publishers justify using the latter to subsidise a lack of the former?

But if fear of adverse media coverage frightens politicians away from the relatively innocuous tasks of requiring further inquiry by a statutory authority, what conclusions may we draw about the capacity of any government to pursue the public interest when tackling the big issues of communications policy that the new technologies pose? ■

**Paul Chadwick** is Victorian co-ordinator of the Communications Law Centre.

# You just wouldn't read about it

## *Censorship and the Catholic press*

ON 30 MAY POPE JOHN PAUL issued his apostolic letter *Ordinatio Sacerdotalis*, declaring that the church had no power to change its traditional exclusion of women from ordained ministry. Amid the ensuing controversy in the secular press, *The Sydney Morning Herald* reported that *The Catholic Weekly* had decided 'not to run any more letters' about women priests. The word 'more' raised a wry smile with this reporter. As far as I can recall, none has ever been printed.

A few weeks earlier, the Australian Religious Press Association had circulated among its members an in-house joke and cautionary tale about the Archbishop of Hartford, Connecticut, who had allegedly stated: 'A good Catholic paper is one that puts the Pope and the bishops in the best possible light. It puts priests and sisters with their best foot forward so that when a young girl picks up the paper, by the time she is finished she wants to become a nun.'

The association, to which most editors of the church press belong, holds an annual convention in conjunction with that of the Catholic Press Association. This year's was at Banyo seminary, near Brisbane, and for both organisations the main emphasis was on freedom. *The Catholic Weekly* summarised the deliberations of the Catholic Press Association, and the paper's editor, Phil Pearman, was quoted as stating: 'What came out of it was the issue of risk-taking. Fear not—that could have been a motto that came out of the conference. Jesus said we are not to take fear.'

A mere three weeks later came the letters' ban, resulting from *Ordinatio Sacerdotalis*. Informed sources in Sydney archdiocese—none will speak on the record—say the ban was 'suggested' by the deputy chairman of the *Weekly*'s board of directors, Monsignor William Mullins, in the absence of the chairman, Fr Les Cashen, who was overseas.

When the stand became known,

the *Weekly* took the interesting course of trumpeting its decision on the front page: '*The Catholic Weekly* makes no apology over its decision not to publish letters on women's ordination. The decision is the only logical one to make in light of the Pope's definitive teaching that priestly ordination is reserved to men.'

'As an official organ of the church in NSW—and as the leading Catholic newspaper in Australia—we could hardly be stating on page one the Pope's teaching trying to resolve the issue and promote unity while at the same opening our letters forum to further inflame this long-running controversy.'

'All newspapers reserve the right to open and close debate among readers. It is even more important for *The Catholic Weekly*, as an archdiocesan newspaper reflecting the attitudes of the church, to exercise this right in the pursuit of unity.'

'It is worth remembering that the mark of a good letters page is not so much what is published, but what is left out. The Pope has had the last word on this issue and that word could not be clearer ...'

The reference to 'a good letters page' is interesting. Phil Pearman is a former letters-page editor of *The Australian* and I am a former letters-page editor of *The Sydney Morning Herald*. Holders of this position in the daily press do exercise a kind of censorship, but it is usually confined to matters of taste, legality (the defamation laws are strong) and subject interest.

Until the late '70s *The Sydney Morning Herald* had a 'banned' list, though this was known to very few. It was a list of people who were considered taboo, however, rather than a list of issues. It contained the names of 15 or so people (several of them ministers of religion) who were considered litigious or pains in the neck. Some of the people named were known to have crossed swords with the then editor, Guy Harriott, or to have offended board members or

members of the Fairfax family. The list was scrapped with the advent of a new chief executive, David Bowman.

As a result of the controversy over the *Weekly*'s letters ban, two parishes and about a dozen individuals, mostly nuns, phoned to cancel their subscriptions. The two parishes only ordered 10 copies each, so it's no big deal. Your reporter, who has an elephantine memory for trivia, recalls an incident a decade ago that showed the reverse side of this coin. It occurred when a parish priest rang the *Weekly* to announce that he was banning sales of the paper from his parish because of what he considered to be the paper's radical tendencies. To rub the point home, he had a bonfire in the yard, ceremoniously burning all 50 copies that had been delivered earlier in the week.

The *Weekly*'s then editor, who might have been expected to be angry, was secretly delighted. He thought that being considered daring boosted his and the paper's image, allowing it to throw off all the jokes about '*The Catholic Weekly*', so he leaked the story to the secular media.

Just how strong is the religious press? The yearbook of the Australasian Religious Press Association, lists 132 Christian newspapers, magazine and periodicals, not all of them members. They have a combined circulation of 1,737,686. Collectively it is impressive, though many are quite small, with circulations of only a few hundred.

To the above may be added about 30 publications representing non-Christian faiths, whose circulations (with a few exceptions) were not available. At present, non-Christian publications may not join the association, and neither can organs of 'sects' such as the Jehovah's Witnesses. Do the anti-discrimination people know about this?

Some denominational papers are more daring than others. *Southern Cross*, the Sydney Anglican maga-

zine, once published a brief factual report about the then Anglican Bishop of Canberra and Goulburn being charged with a sexual offence. The fate of the former *Catholic Weekly* editor who did likewise over the conviction of a Marist brother is well known. And the presses of Melbourne's now-defunct *Advocate* were once stopped so that a paragraph reporting the drink-driving conviction of an auxiliary bishop in the diocese could be removed.

At this year's religious press and Catholic press conventions, much of the time was devoted to answering the basic questions: What is our purpose? And whom do we serve?

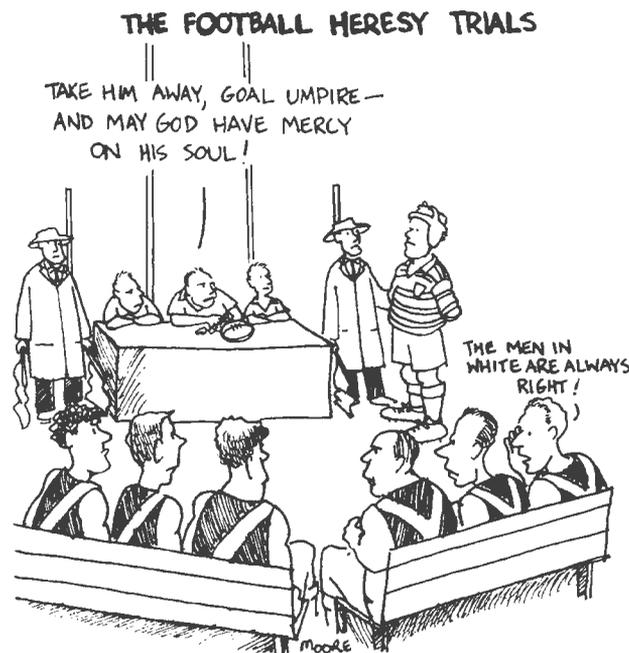
In Australia, unlike Britain or the United States, very few religious publications are in private hands. Most are owned by their respective denominations, and in many cases they are heavily subsidised. Their 'owners' expect them, not unreasonably, to reflect the party line, and Catholic Church authorities, in particular, regard their newspapers as teaching organs.

The late Bishop Thomas Muldoon once told me that the 'simple faithful' (a phrase still heard) thought every line published in *The Catholic Weekly* was revealed truth, hence particular care had to be taken in such matters as the selection of letters to the editor. The following week one of his own letters was published, with the word 'not' accidentally omitted.

**I**N THE WEEKS AFTER the publication of *Ordinatio Sacerdotalis*, the 'simple faithful' might easily have been confused. I saw an elderly woman leave her parish church with two publications under her arm, each of which had been given a plug from the pulpit. One was *The Catholic Weekly* of 8 June, with its front-page 'We Make No Apology' statement; the other was the June issue of *Australian Catholics*, which reported the views of principals of theological colleges, one of whom (Fr Paul

McCabe, rector of St Patrick's College, Manly) stated that women priests were 'inevitable'.

In a comment to *The Sydney Morning Herald* on the *Weekly's* letters' ban, the president of the Catholic Press Association, Fr Robert Carey, was quoted as saying that religious journals would 'lose credibility' if freedom of speech was denied. This view was echoed by a staff member of the *Weekly*, talking informally, who said he personally supported the Pope's line, 'but, sure-



ly, we should be able to report what ordinary Catholics are talking about in their kitchens'.

Incidentally, organisations on the far right—the John XXIII Fellowship, the Endeavour Forum and the National Civic Council—claim that they are as much taboo in the diocesan press as, for example, Women of the New Covenant and other groups on the ecclesiastical left.

None of this answers the dilemma faced by editors, who, according to one of their number in Brisbane, asks himself daily: 'Do I run a newspaper or a house journal?' The problem is particularly acute for editors of Catholic papers, who represent a church that is increasingly pluralist but whose strength (and to some degree, appeal) has hitherto lain in its ability to speak with one voice.

For the diocesan press there are 'safe' controversies (Timor, the republican debate) and 'unsafe' ones (women's ordination, clerical celibacy, contraception). Sometimes, an 'unsafe' controversy becomes a 'safe' one. In the early 1970s *The Catholic Weekly* was not allowed to run an interview with a Filipino bishop, Francisco Claver, who opposed Ferdinand Marcos. Later, Claver became the paper's hero, as did another opponent of the Marcos regime, Fr Brian Gore.

In the past five years the Catholic papers published in Adelaide, Melbourne, Sydney and Brisbane have either been shut down, reduced in format or frequency of publication, or undergone a change of editor after the incumbent quarrelled with the management over editorial (including budgetary) control. *The Record*, published in Perth, endured the storm longer than its eastern-states counterparts but a change of format is now also being considered for financial reasons. The paper, though tame on the Christian Brothers' controversy raging in its backyard, has been more adventurous on other issues, particularly in its treatment of overseas news.

John Lundy, when editor of *The Catholic Weekly*, joked about a wind from the south blowing in an anti-clockwise direction; the wind caught up with him soon after he made the joke. After Lundy's departure, the *Weekly* published a 'vision statement', prepared by the incoming editor, Phil Pearman, which declared that henceforth the paper's aim would be to 'publish the good news by concentrating on positive stories at a time when the secular media is concerned with bad news'.

Meanwhile, advertisements for the paper—even after the letters' ban—continue to urge readers to subscribe to 'The new-style *Catholic Weekly*: Open, Informative, Topical'. ■

**Alan Gill** is a former religious affairs reporter for *The Sydney Morning Herald* and the *ABC*.

# Bound by hatred

*The tribal war in Rwanda has been reported as a unique and remote tragedy. The truth is that the roots of ethnic conflict there are sadly like those of ethnic conflicts elsewhere—including places much closer to Australia.*

*The achievement of peace in Rwanda would involve totally rebuilding the country's political and social institutions—in effect, a recolonisation, though not by an imperial power. It would have to be an effort of the international community.*

**R**USUMO FALLS ROAR ONLY 100 METRES from the bridge across the Kagera River that forms the border crossing between Tanzania and Rwanda. Perhaps 350,000 people have fled across the bridge during the past few months. The bodies of another 30,000—murdered men, women and children—have tumbled down the falls, to be trapped in whirlpools, snagged on branches or carried down to Lake Victoria, the source of the Nile.

The traffic across and under the bridge is testimony to the latest agony of Africa and the world—ethnic slaughter on a scale that defies the imagination. Those involved may seem so remote from the experience of comfortably settled people that one wants to file it away under 'B' for bizarre, and to think that there are no lessons in it. Yet the perpetrators and the victims are people, like us, and those who ignore what is happening in Rwanda may be doomed to see it repeated closer to home. Rwanda fits into a pattern with Ulster and Bosnia, with Azerbaijan and Kurdistan, and eventually, perhaps, with Indonesia and Papua New Guinea as well.

All these states, whether actually existing like Bosnia or only dreamed about like Kurdistan, are artificial unities: either results of, or reactions to, 'nation-building' processes that involve the suppression of communal and ethnic identities and the dominance of particular élites. To see the conflicts that have marked these places as local outbursts of irrationality rather than as part of a broader logic is a mistake.

Rwanda is not quite, as some would have it, simply the consequence of poor colonialism. Long

before the purveyors of Europe's three 'Cs'—Christianity, Commerce and Civilisation—arrived on the scene, the area was riven by war, slavery and injustice. The more numerous Wahutu, short cultivators of the soil, lived alongside the Watutsi, tall cattle herders and warriors. The Tutsi had moved from the Ethiopian highlands into central and southern Africa during the 14th century, and in what is now Rwanda they became tough overlords of the Hutu peasants, as their cousins did with similar peoples in Uganda and elsewhere.

Six centuries of concubinage and intermarriage, however, have seen the groups merge to the extent that 'Tutsi' now more accurately refers to a higher caste than to a distinct ethnic group. More than 60 per cent of the Rwandan population is of mixed ancestry and cannot clearly be said, except for reasons of political advantage, to be either Tutsi or Hutu. As a local proverb has it, a Tutsi is a Hutu with 10 cattle.

European colonists—first the Germans and then the Belgians, who acquired Rwanda and Burundi as part of Germany's reparations after World War I—brought order of a sort. Formal slavery and internecine warfare were ended, but the colonists' interest in commercial exploitation meant that they had little interest in real justice. And their racism led them to see the dominant class as the intelligent and educable one, and to co-opt it into government service.

For 50 years the colonial police, army, and bureaucrats were all Tutsi, and a caste system that had once possessed some flexibility became set in stone. In the late 1950s, even before the Belgians bolted from the Congo, provoking the catastrophe which overtook that country, the long-suffering Rwandan Hutu rose up against their Tutsi oppressors. The rising began a pattern of periodic massacres of Tutsi by the Hutu, and of the Hutu blaming all their problems on the Tutsi. In neighbouring Burundi, Tutsi dominance continued much longer—there it was

*Continued p22*



*Who's a Hutu now? In the refugee camps Rwandan children, whether Hutu or Tutsi, play together without distinction. Photo: Jack Waterford.*

**O**VERNIGHT, BENACCO REFUGEE CAMP—80,000 humpies of elephant grass and blue UN tarpaulin, spread across a few thousand acres—became the second biggest city in Tanzania. Feeding 320,000 people—half of them children and adolescents—and providing them with water, sewerage and sanitation has stretched resources to the limit. And maintaining security in an environment where only weeks before people had been hacking each other to death is a political nightmare.

One might think it impossible to enter such an area without becoming profoundly depressed. Yet I left the camps with some optimism about both Rwandans and the human condition. I was impressed by the efficiency among the chaos—the international relief effort was working well within weeks—and the way in which the Rwandans, far from displaying sullenness, apathy or aggression, were getting on with life.

Rival tribes were living peacefully alongside each other, and the structures of Rwandan village society had been adapted so that most of the work in the camps was being done by the Rwandans themselves. Politics simmered below the surface, but there were remarkably

few incidents that carried on existing feuds. By contrast with Somalia, where refugees were aggressive and ungrateful, Rwandans were looking forward to a normality they have hardly known, if somewhat glum about when they might be able to return home.

Among them were people who had been implicated in the massacres—Hutus, for example, who fled after the RPF had conquered their territory and was clearly looking for the perpetrators of the massacres. A suggestion that they be removed from the camp succeeded in uniting Hutus against the move, though most of the Hutu to whom I talked were unequivocal in their condemnation of the Hutu government and its militias. There was also talk of Tutsi revenge squads inside the camp, and of some Tutsis returning home to take up arms with the RPF.

Australian aid agencies, especially CARE, play a major role in the camps. They have been responsible for warehousing food and co-ordinating the distribution of about a third of it, for providing thousands of pit latrines and sanitation systems and for organising primary health care. There is a welter of agencies here, both international—

the United Nations High Commission for Refugees, the World Food Program—and non-government—the Red Cross, Médecins Sans Frontières, CARE International and Irish Concern. So at the level of emergency relief, the outside world can be fairly pleased with its response to Rwanda's agony.

But the world's attention span is often short, and next week may be switched to another disaster. The Rwandan refugee camps are going to exist long after they lose their initial glamour, and new problems, such as educating children and providing full health services, will arise. Thirty per cent of the population carries the HIV virus, and the risk of the outbreak of any disease, such as cholera, is very high in such small spaces with so few facilities. And by then, the thousands of people in the camp will need some form of settled activity.

To date Benacco has cared for only about a third of Rwandan refugees, but its size gets it most of the attention and resources. Environmental and security pressure means Benacco must be broken up into smaller camps, which may have the result of preventing it from nagging the world's conscience. ■

—Jack Waterford

mostly the Tutsi who massacred the Hutu, which only served to heighten the sense of righteousness among Rwandan Hutus.

Though Rwanda is a lush country, it is densely populated and most of the population eke out a living from subsistence agriculture. There is food, but little cash for clothing or for such trappings of civilisation as guns, radios and cars. Those who aspire to such things dream of leaving the farm to find work, but the country is so badly provided with the basic services required by industry that there is little work for them to do. As in most Third World countries, the cities and the towns are full of young men trying to live by their wits.

**T**HEIR DISCONTENT MAKES THEM politically manipulable, and it is these young men who have been responsible for many of the massacres. The reign of terror has been so great that villagers have denounced neighbours with whom they had always lived in peace, for fear that if they did not do so they would be considered unreliable. Out of fear, a man might find himself denouncing his Tutsi wife's relatives in exchange for her life, and some have even tried to prove their loyalty by taking up the clubs, hoes and machetes themselves.

Rwanda has never had the political stability and impartial judicial system that most Australians assume to be the natural order of things. Providing such stability—and thereby fostering the belief that life and property are secure and that those who disturb this security will be dealt with—is the first duty of government. In pre-colonial Rwanda, however, a Hutu had no rights at all against a Tutsi and the rights of one Tutsi against another depended upon social rank.

Since colonisation, village-level disputes have sometimes produced fair results, since community leadership involves a degree of consensus. But wider politics—including almost everything related to the sharing out of the cash, foreign aid or investment—remains simply a matter of aggrandisement, and no one has ever expected otherwise.

Rwandan Tutsis began filling the refugee camps in neighbouring countries from the early 1960s and periodic massacres of Tutsi have continued ever since, with occasional complications involving the settling of political scores among the Hutu. Even before the latest bout, which began in April after the shooting down of an aircraft carrying the then president, a Hutu, about 500,000 people had been killed and hundreds of thousands

displaced.

In 1990 a Tutsi-dominated army styling itself the Rwandan Patriotic Front (RPF) invaded Rwanda from refugee camps in southern Uganda. Though only a

fifth of the size of the official army, which was trained and equipped by French soldiers, the rebel force was much better disciplined and soon began to gain ground. Mediation by Rwanda's neighbours resulted in the president accepting a power-sharing agreement, against bitter opposition from the more militant Hutu politicians. The latter included the leaders of the party militias—groups of young men called the *inyarhamwe*—which outnumber the official army.

Just who killed the president may never be discovered, but most fingers point at rival Hutu politicians. Officially, the Tutsi were blamed and a couple of days after the event *inyarhamwe* youths went on drunken rampages in the capital, Kigali—looting, burning and killing anyone suspected of being Tutsi. The riots quickly became a revolt—moderate Hutu politicians were arrested and executed—and then a cue for genocide.

*Inyarhamwe* were told to deal vigilantly with any Hutu opposition and in the next two months hundreds of thousands died and many more fled. With the RPF continuing to make military gains, the refugees began to include Hutu who fear retribution if a Tutsi government comes to power. There are now more Hutu than Tutsi in refugee camps, and although Tutsi reprisals have not matched the scale of the pogroms carried out by the Hutu, there is no doubt that such reprisals take place.

Ultimately I do not suppose it makes a lot of difference to the victims, but the massacres have acquired an extra edge of horror from the kind of implements used—machetes, garden hoes and lengths of four-by-two studded with penny nails. Nor has there been anything secretive about them—bodies were thrown into waterways to incite fear, and even in the cities people were murdered in full view of outsiders, including 'peacekeeping' soldiers who had been forbidden to intervene. Not even the churches have been sanctuaries, and some places set up as sanctuaries have only proved to be convenient killing grounds.

The steady success of the RPF may have reduced the territory within which massacres occur (apart from Tutsi acts of revenge), but it has not blunted the Hutu zeal for murdering Tutsi. If anything, it has increased it—the perpetrators know they can expect little mercy if the RPF wins the civil war, and so are more intent on completing their task.

The world has long known of the genocide in Rwanda but has generally reacted with indifference. Until this year, more had been written in the world's press about Rwanda's gorillas and the threat that the country's high human birth rate poses to their habitat than about the continuing massacres there.

**E**VEN IN THE FIRST WEEKS after the president's death, much of the media attention was focused on the plight of whites trapped either by the massacres or the RPF advance around the capital. But the pressure for in-

*Like the Americans in Somalia, the French have not found a strategy for bringing about and maintaining peace. They are there to bury the bodies, literally and metaphorically ... The massacres are going on behind the lines, not between them, and at present neither side even wants a cease-fire, let alone peace.*

tervention has mounted. Since the end of the Cold War, the notion has taken hold that the international community should 'do something' about ethnic conflict in places such as Rwanda, Somalia or the former Yugoslavia. But Rwanda's remoteness, plus the bloody noses that some of the gung-ho interveners have received elsewhere, greatly limit what is likely to occur.

After Rwanda gained independence Belgium continued to provide some aid, but it effectively abandoned its old colony. Rwanda then sought help in Paris, and got it. France cannot avoid charges of complicity in what its Hutu clients have done, but it would be a gross oversimplification to think, as some old lefties have maintained, that the French are motivated by commercial interest.

The Rwandan economy is not worth a cracker: the country's mineral resources are slight, its industrial potential very small, and in the long term prosperity will depend on whether cash crops take the place of the traditional subsistence farming. The French stake in Rwanda is based on something simpler and in some ways stronger than money: a sentimental affinity with Francophone ex-colonies, and a desire to maintain French influence in the world through fostering ties with them.

After a lot of hand-wringing but little action by the world community, France sent in soldiers to create safe areas for the Tutsi. But, because of past French associations with the Hutu government regime, the intervention is profoundly distrusted by the RPF. And, like the Americans in Somalia, the French have not found a strategy for bringing about and maintaining peace. They are there to bury the bodies, literally and metaphorically.

Keeping the combatant armies apart is important but it is not the biggest problem. The massacres are going on behind the lines, not between them, and at present neither side even wants a cease-fire, let alone peace. The real task is threefold, and requires a degree of commitment that has not been shown in international interventions elsewhere

First, basic order needs to be restored so that people can go about their daily lives in physical security. This is as much a police problem as a military one, and only when it is resolved can the million or so displaced Rwandans return to their villages. Second, those who are responsible for the massacres need to be brought to justice and, if proven guilty, punished. What has happened in Rwanda goes well beyond anything that could excuse a statesmanlike decision to 'wipe the slate clean'. And finally, there must be a just resettlement of refugees and a mechanism for arbitrating conflicting claims. This will not be easy: some people have been refugees for decades, and their lands are now occupied by others who may not have been complicit in their dispossession.

One cannot even hope for order after a free election, as in Cambodia. An election tomorrow would simply mark out tribal demarcations and restore

Rwanda's Pol Pots. The achievement of peace in Rwanda would involve totally rebuilding the country's political and social institutions—in effect, a re-colonisation, though not by an imperial power. It would have to be an effort of the international community: given the limited resources of other African countries, it is not a task that could be taken on by Rwanda's neighbours. And, whoever undertakes it, the task may prove easier to shirk than to carry out. There will undoubtedly be accusations of neo-colonialism and fresh imperialisms, and enough moral ambiguities and misjudgments to ensure that even the well-intentioned can be criticised.

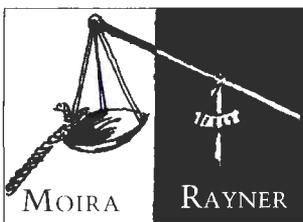
**B**UT IF THE WORLD CANNOT INTERVENE in Rwanda, where the breakdown has been so profound, can it act to prevent similar slaughter elsewhere? During the Cold War, some countries managed to keep the lid on ethnic violence by ruthless suppression, and in any case tension between the superpowers served to focus attention on a wider arena. But tensions in some of the old Soviet satellites, the atomisation of what was once Yugoslavia and the upsurge of nationalist movements among groups such as the Kurds are signs that ethnic rivalries had merely been put on hold.

Closer to home, rulers of disparate regions such as Indonesia and Papua New Guinea have put enormous energy into nation-building—the attempt to weld together one people from different groups. Because these efforts have often been associated with the political dominance of one group (in Indonesia, the Javanese), by marked political corruption and by the suppression of civil rights, their long-term effect may well be to make the final explosions more horrible. The rage and alienation of the *raskols* in Papua New Guinea and the different patterns of development in different regions of that country make fratricide a continuing threat. In Indonesia, the need to find a successor to President Suharto runs the risk of reviving the separatist movements of the 1950s and the 1960s massacres of Chinese, who are Asia's equivalent of the Jews or the Tutsi when scapegoats are in demand.

Australia has no particular national interest in what occurs in Rwanda, but it has a high interest in finding models for dealing with the sorts of problems that confront Rwanda. ■

**Jack Waterford** is deputy editor of *The Canberra Times* and *Eureka Street's* Capital Letter columnist.

*Since the end of the Cold War, the notion has taken hold that the international community should 'do something' about ethnic conflict in places such as Rwanda, Somalia or the former Yugoslavia. But Rwanda's remoteness, plus the bloody noses that some of the gung-ho interveners have received elsewhere, greatly limit what is likely to occur.*



# The case of the vanishing court

**T**EN THOUSAND PEOPLE went to a rally objecting to the redevelopment of a polluted lake in Albert Park, Melbourne for the Australian Grand Prix. Even the Victorian Premier, Jeff Kennett, turned up uninvited. But no one has camped outside Victoria's Parliament House to protest about an illness threatening liberal democracy in that state.

These are the symptoms. Without a referendum, without even making a fuss, the Kennett Government has amended the state's Constitution 34 times since the electorate swept the coalition into office in October 1992. On almost every day of each parliamentary session, the Government has moved to trim the powers of Victoria's Supreme Court, hampering it even from listening to the grievances of individuals about government policy or the acts of its Ministers or public servants.

By similarly phrased sections tucked away at the back of four Acts passed in 1992, 15 Acts last year and 14 so far this year—the pace has doubled in the past six months—the people have lost the power to ask a court to rule whether particular Government decisions were lawfully made; to seek compensation for resumed land or assets; or to determine whether a minister's decision was made for improper purposes, for irrelevant considerations or without observing the requirements of natural justice; or simply illegally.

Whatever attitude one has towards judges and court procedure, these changes are tremendously significant. Many civil liberties that we take for granted, such as the right to challenge arbitrary or unlawful detention, were developed and proclaimed by the great judges of the English Common Law Courts, the ancestors of the Supreme Courts in

the Australian states. True, the greatest 'rights' were founded on statutes responding to specific political circumstances—*Magna Carta* or the 1689 *Bill of Rights*, for example—but it is judges who have interpreted and applied these statutes. At crucial times in our history, they have protected individual liberties by interpreting statute law and adapting it to contemporary circumstances.

One of the foundations of our legal system is the protection from arbitrary detention provided by a writ of *Habeas corpus*. Originally this was just a way of bringing a person before a court for various purposes, including giving evidence, but in the 15th century judges began to use it to protect people from oppression. *Habeas corpus* came to its fullest flowering in 1772, when it was used to free James Sommersett, a Negro slave who had been brought to England by his West Indian master: it was used as an opportunity to state that slavery was illegal under English common law.

In 1753 the great legal commentator, Blackstone, referred to the 'three great and primary rights, of personal security, personal liberty, and private property' and concluded: 'But in vain would these rights be declared, ascertained, and protected by the dead letter of the laws if the constitution had provided no other method to secure their actual enjoyment ... Since the law is in England the supreme arbiter of every man's life, liberty and property, courts of justice must at all times be open to the subject, and the law be duly administered therein.'

**I**N VICTORIA, ALMOST 250 YEARS later, these doors of the courts are closing. So why isn't anybody screaming about it? The simple answer is that most people don't know about it, and if they did they would not understand what it meant. Moreover there is little they could do about it, because all that is required to change the relevant aspects of the 1975 Victorian Constitution is the support of

absolute majorities in both Houses of Parliament. Since the coalition has such an unchallengeable majority in each house, legislatively speaking it is virtually omnipotent.

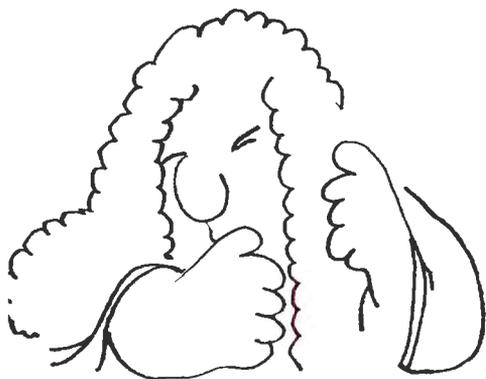
The Commonwealth Constitution, in contrast, can be changed only after referendum, passed by a majority of voters in a majority of the states. I reckon that if the constraints being placed on the courts were put to the vote in Victoria, they wouldn't get up. In all but 8 of the 38 referendums put to the electorate since Federation, Australians have said 'Thanks, but no thanks.' We tend not to like change, when we're asked; and in the present instance Victorians aren't even being told.

It is not easy to challenge a powerful government, but some people do. When the Kennett Government decided to close down hundreds of Victorian state schools in late 1992, children and parents at two of them complained that the effect was discriminatory—against boys, in closing the only co-educational secondary school in Richmond, and against Aboriginal children in closing the internationally famous program at Northlands Secondary College, which provided disadvantaged students with special education and training.

The protesters asked the courts for, and got, interim injunctions to keep the schools open while they pursued their legal rights. The Northlands children won their case, though predictably the government appealed; in the meantime most former Northlands Koori students have abandoned formal education.

The Richmond case was lost, but not before protesting parents and others at the school site had been seen on international television, being charged by rows of baton-wielding police. In an attempt to discredit the protesters, a list of 'communists' and 'professional agitators' who supposedly incited them was submitted to *The Age*.

The Government amended Victoria's *Equal Opportunity Act* so that complainants could be forced



straight into legal proceedings without conciliation, thereby risking hundreds of thousands of dollars in costs. And the the Education Act was amended, too. A new provision, in what has become all-too-familiar language, says: 'It is the intention of this section to alter or vary section 85 of the Constitution Act to the extent necessary to prevent the Supreme Court (my emphasis) from:

c) entertaining any action in which a decision or purported decision of the minister to discontinue or continue any state school is sought to be challenged, appealed against, reviewed, quashed or called in question on any account;

d) entertaining any application for an order in the nature of prohibition, certiorari, or mandamus or for a declaration or injunction or for any other relief in respect of a decision or purported decision of the minister to discontinue or continue any state school;

e) entertaining any action with respect to the liability of the Crown or its servants or agents, the state, the minister or a council constituted under section 13 to a relevant person within the meaning of section 21B on the premises of a state school ...'

This provision does not just take away an individual's right to appeal against or seek judicial review of the government's actions. It takes away the court's power to entertain any action at all—even, for example, if someone believed the minister had acted corruptly. This kind of Constitutional amendment has been quietly added into more and more new legislation, removing an individual's right to ask the Supreme Court to review unlawful, illegal, improper, unjust administrative action, in more than 50 different statutes. The court can't hear any claim for compensation for land resumed for the Melbourne Exhibition Centre, the Swan Hill Pioneer Settlement Authority, the Westernport (Crib Point Terminal), or a matter taken to the Administrative Appeals Tribunal under the *Catchment and Land Protection Act*.

Neither the Director of Public Prosecutions nor anybody else can challenge a decision by the Attorney-General to prosecute, or not prose-

cute, someone for contempt. (In 1993 the DPP was personally criticised by Jeff Kennett because he was reported to be considering taking contempt proceedings against the Premier.) Neither the DPP nor a member of the public can legally challenge a 'special decision' by the Attorney-General to present (or not to present) a person on indictment. And the relevant minister can make a declaration under the *Gaming and Betting Act* that a person is (or is not) a fit and proper person to be a shareholder in certain gaming businesses, and nobody can legally challenge that decision.

**W**HY DOES ALL THIS matter? These statutes do not, after all, prohibit all judicial review of all Government decisions. It matters because the rule book about the balance of power between the people and the instruments of government—which is what a constitution amounts to—is being rewritten in a way that gradually destroys the rule of law.

The basic principles of the rule of law, which is what distinguishes a liberal democracy from a despotism, are the separation of powers between legislative, executive and judicial authority, the independence of judges, and the conformity of law and administration to basic principles. The first is meant to ensure that total power is never concentrated in one place, the second that judges will not be influenced in their decisions by fear of politically motivated dismissal, and the third that all law and administration reflect a 'moral net' of assumptions about individual rights and freedoms. The right to become, and remain, an individual personality requires that each of us has an assured legal space of our own, which we can defend, and where the individual and the group meets on an equal footing.

Victorians are woefully unin-

*Legislation that expressly removes the jurisdiction of the Supreme Court of Victoria in accordance with the Constitution Act 1975.*

**1992 (four)**

Accident Compensation (Work Cover) Act  
Public Sector Management Act  
Victoria Park Land Act  
State Owned Enterprises Act

**1993 (15)**

Marine (Amendment) Act  
Casino Control (Amendment) Act  
Police Regulation (Discipline) Act  
Education (Teachers) Act  
Victorian Plantations Corporation Act  
Land Titles Validation Act (dealing with Aboriginal title)  
State Taxation (Further Amendment) Act  
Transport (Amendment) Act  
Equal Opportunity (Amendment) Act  
Health and Community Services (Further Amendment) Act  
Tattersalls Consultations (Further Amendment) Act  
Land (Further Amendment) Act  
Gas and Fuel Corporation (Heatane) Gas Act  
Teaching Service (Amendment) Act  
Public Sector Management (Amendment) Act

**1994 (14 by 30 June)**

Land (Further Miscellaneous Matters) Act  
Road Safety (Amendment) Act  
Children and Young Persons Act  
Medical Practice Act  
Gaming and Betting Act  
Melbourne Exhibition Centre Act  
Office of the Regulator General Act  
Public Prosecutions Act  
State Trustees (State Owned Corporations) Act  
Swan Hill Pioneer Settlement Authority Act  
Accident Compensation Act  
Catchment and Land Protection Act  
Land (Revocation of Reservations) Act  
Westernport (Crib Point Terminal) Act

formed and complacent about the attrition of the rule of law because, as other Australians, they have had little experience of life without its protection. Will anyone do anything about this? Probably not, or not until it is too late. The rule of law is, like the walls of a fortified town: any weaknesses in its defence, however trivial they may at first appear, can seal its fate.

Jim Jones wrote above his throne in the People's Temple, in Guyana, his version of these words of Santayana: 'Those who do not remember history are compelled to repeat it.' Perhaps a more apt quotation comes from Adlai Stevenson, who said in 1952: 'My definition of a free society is a society where it is safe to be unpopular.'

Moira Rayner is a lawyer and freelance journalist.

# It's one big happy country, sort of

**E**IGHTY-FIVE THOUSAND PEOPLE crammed into the MCG to see a game of rugby league? Yeah, sure, and Ted Whitten was squaring up opposite Sam Newman in the front row.

It makes you wonder, doesn't it? A brand of football that receives virtually no coverage in the Victorian media—it can only be seen on television at rude hours of the morning—produces the biggest Melbourne crowd this season. What's going on? Next thing Rules players will be wearing shorts that aren't five sizes too small.

Where are the days when New

South Wales and Queensland ran with the ball, the rest kicked it and only Albury-Wodonga was confused? People used to hide any likings they had for the rival code for fear of being slandered as a heretic. Nowadays they brazenly profess their affections in public, with no fear of recrimination. I can hear my grandmother's pet phrase

of 'hose them down in the streets' ringing in my ears as I try to comprehend packed houses at the Gabba, watching the Brisbane Bears, or the MCG straining to state-of-origin thump.

Of course, we all know that the expansion of the two games owes more to clever marketing than to shifting allegiances. You don't need a Tina Turner or a Carl Lewis to tell you that. But, strangely enough, the respective administrations are not competing with each other as much as they are trying to secure

the future viability of their codes.

In an age of million-dollar sports personalities and worldwide audiences, the backyard no longer serves as the sporting nursery. The next generation of players and spectators are looking much further afield for gratification than they have in the past. Indeed a recent survey has shown that the former basketball star Michael Jordan is the most popular sporting figure among Australia's youth. Not Mal Meninga and not Gavin Wanganeen, but Michael Jordan: a man who has only been seen in this country on TV screens.

And who knows, the coming of pay TV may introduce us to a whole new pantheon of jock-strap gods. I can just imagine cricket fields being converted into ice rinks to cater for the stampede of those wanting to get into the enthralling challenge of *curling*—a Scottish sport involving brooms and a round stone with a handle.

Don't laugh. After all, this year's soccer World Cup was played in a country that thinks Maradona is either the queen of erotica or a seafood pasta sauce with chilli. Yet in

Colombia the series inspired an assassination.

**S**O I'VE GOT A PREDICTION FOR YOU. Hold on to your pigskins for this one. By the year 2020 Australian Rules and rugby league will have merged into one code. Early next century, the administrations of both games will be forced to take drastic measures to arrest their sliding popularity and, with a little cajoling from pay-TV consortiums, they'll combine forces to compete with the more heavily marketed sports.

While I'm in a fortune-telling mood I'll give the new rules a go as well. The posts will stay pretty much as they are for footy; except they'll be on what is more or less a rugby league field, though with longer, slightly curved sidelines to provide the room for the 16 players on each team. A few thousand more can be

stuffed into the MCG that way.

Players will be able to score by kicking a behind or a goal, for 1 point and 3 points respectively, or scoring a try for 6 points. Handballing will be out—I'm sorry, footy fans, but the idea of hitting a ball with your fist when other sports make implements for that sort of thing is ridiculous, so get with the times. In the amalgamated code, you'll only be allowed to pass *backwards*.

Marking will be a feature of the new game and to encourage spectacular feats either of the two field umpires will be able to award an extra 15 metres for rip-snorters. Tackling will be a matter of anything goes: tripping, head-highs, anything short of a grievous bodily harm charge.

Boundary throw-ins will be transplanted from Aussie Rules and after a player is tackled it will be play-on, with ball-ups if things get bogged down. The scrum will be definitely out—it's time-consuming and people may be tempted to change channels. Games will last 80 minutes, divided into 20-minute quarters with long ad breaks in between.

So what do you think? Are we on a winner? To put some charge into this Prometheus I'll give you a description of how the 2025 final series might pan out.

## ADELAIDE TRIUMPHS IN A THRILLER

Adelaide defeated Townsville by a solitary point in the deciding game of the premiership final series at the Auslink-MCG yesterday, avenging its loss to the northerners in the '23 decider.

In the aftermath, the final series has been roundly touted as the finest since the former administrations reached a detente with James Packer's rebels a decade ago.

Adelaide showed tremendous courage to come back from a 21-point deficit at the final Gatorade infusion break.

TODAY'S GATE TAKING STANDS AT \$900,000; THE RATINGS ARE AT 30 IN ALL CAPITALS; ADVERTISING REVENUE HAS REACHED \$3.8 MILLION; ORDERS FOR SPIN-OFF MERCHANDISING HAVE JUST TOPPED THE TWO MILLION MARK — MICK, IF BAGOVICH MISSES THIS KICK FOR GOAL, HOW DO YOU FEEL THE BOND MARKET COULD REACT?

DOMESTIC, OR  
INTERNATIONAL?





Townsville seemed to be beyond reach going into the final quarter, after their mid-season import from the Dallas Cowboys, Dale Loggins, showed how quickly he has adapted to the game by scoring one try and setting up another for George Dimitri in the third quarter.

But Adelaide came out of their cubicles blazing and from receiving the kick off, ran in a spectacular try in the Ablett Stand corner after the ball had passed through 3 pairs of hands.

Townsville retaliated with a goal and a behind but then it was all Adelaide as they methodically pegged back Townsville's lead with slick passing and accurate kicking. Frank Ng led the charge with four straight goals in eight minutes, which included a mercurial over-the-head snap out of the pack.

With Adelaide two points behind and the siren blaring, a Tim Dunstall foot pass hit Brett Van de Herst on the chest directly in front of goal. Van de Herst had to wait five minutes to take his shot as Townsville fans were cleared from the field after storming the ground in premature celebrations.

The 150,000 strong crowd was eerily silent as the Australian League rookie of the year stood over his kick but erupted when his wobbly punt fell through the posts.

'I'm just so proud of the boys,' said an emotional Ben Elias, the veteran coach of Adelaide, 'they just stuck at it and came up with the win.'

An estimated 450,000 interacted with the game on the virtual reality head-gear system and Auslink reported a worldwide viewing audience of 500 million, a new record for the Packer pay-TV group.

Just think about it the next time you take the Sherrin out for a kick, or the Steden to the park for a game of touch. ■

**Jon Greenaway** plays rugby union, and enjoys patronising Australian Rules and rugby league fans.

**T**HE TEENAGE DAUGHTER of one of Archimedes' friends had trouble sleeping the other night. It was Save the Koala Day. Like many of her peers, she is passionately concerned about the environment. And, with a spokesperson from the Australian Koala Foundation claiming there are only 40,000 of the animals left, and that wild koalas could be extinct within five years, who can blame her?

But such statements, where science is used to justify social or political standpoints, should be regarded with suspicion. Because, whereas science tries to unravel the complexity of the real world, politics often relies on simplifying it. They make uneasy bedfellows. Take koalas, for instance, which make uneasy bedfellows at the best of times. In New South Wales and Queensland—where there is no legal restraint on the development of private land, and where prime habitat for koalas is being turned into prime habitat for humans at an increasing rate—there may well be cause for concern at the declining numbers of koalas. One particular worry is the forests near Eden on the NSW south coast, where the oldest known populations of koalas live

But in Victoria and South Australia, the picture is quite different—there are problems with too many koalas. In fact, koalas are so numerous in some parts of these states, researchers have suggested they be culled for their own health. This is the view of Roger Martin who, while working at Monash University during the past decade, has built up a detailed picture of koala populations and reproduction.

'In 1971, 12 animals were introduced to Sandy Point, which is part of Flinders naval base on Westernport Bay (southeast of Melbourne),' Martin reports. 'Already more than 1000 koalas have been moved out of the area. Several hundred have starved to death. And all the big manna gums are dead.' According to Martin, the Victorian conservation authorities are faced with similar problems at Tower Hill, near Warrnambool, and at Snake Island, near Yarram in South Gippsland.

In the absence of government figures, koala activists have estimated the number of koalas in Victoria at between 10,000 and 15,000. But, says Martin, many more than that have been moved out of the Westernport region alone in the past few decades, and koala numbers have never been higher in most forested parts of the state.

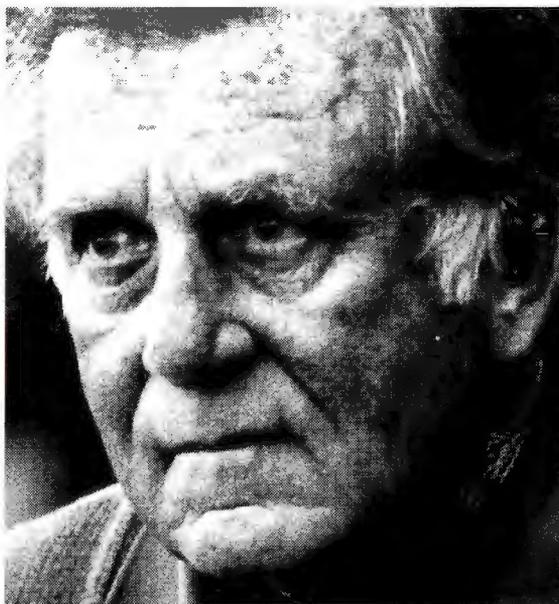
Not surprisingly, Martin's views are unpopular among conservationists. Along with the panda, koalas are almost the perfect animal for selling environmental concern. Koalas are big, easy to spot and cuddly, despite occasional incontinence. They also have relatively simple and easily defined habitat requirements. And they can be shown to be diseased and endangered in areas of Australia close to important tourist centres, such as Sydney and the Gold Coast.

But using such a heaven-sent promotional opportunity requires a simplification of reality. To an animal distributed from Adelaide to north of Townsville, state borders are meaningless. Koalas in Queensland may be under threat but, as Martin says, 'Anyone in rural Victoria with eyes knows koalas are not an endangered species.' He is concerned that the talk of extinction will mean a loss of credibility for conservationists.

But Martin is also bothered by other aspects of the use of the koala as 'a political animal'. He says in his experience and that of his colleague. Dr Kath Handyside of the University of Melbourne, the koala is a robust animal. It is relatively long-lived and has no predators. As long as it has its eucalypts and is left alone, it will be all right. So, if developers leave the gums alone, they can clear away the bush beneath, without disturbing the koalas. While sweeping away equally valuable but less trendy lizards, frogs and marsupial mice, they can point to the steadfast koalas to show what care they have taken with the environment.

As with many other environmental issues, simplifying the real world can lead to an unsatisfactory solution. And in this case, unfortunately, it could be a final solution for animals not as immediately appealing as the koala. ■

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



## One man's voice

*This month Eureka Street publishes the text of the Veech Lecture delivered by **Morris West** on 6 June this year at the State Library of New South Wales.*

**T**HE INVITATION TO DISCUSS IN A PUBLIC FORUM the future of the Catholic Church was a daunting challenge. You may not be aware that the persona of a well-known author published in many languages is in itself a cloak of invisibility. The printed page reveals the thought but conceals the man. A public address is something else. It is an act of prophecy, and prophets are notoriously vulnerable to those whom they address.

Even as I stand before you in this place, I hear the echo of Old Testament thunders: 'the people shall stone him with stones, stone him with stones until he dies!' So, whether you agree with my thesis or not, I hope you will give me credit for a certain degree of courage. On the other hand, I would like to remind you that prophecy—the expression of care and concern in the assembly—is one of the most ancient charismata. It is, I regret to say, one of those which has fallen into disuse, has been rendered suspect and sometimes suppressed within the church.

In a canonical sense, I have no patent to teach within the church. In truth however, I am, like all of you, a sharer in the priesthood of believers. I can administer baptism, the sacrament of initiation. I am charged to express Christ and to spread his good news through my own life. If I fail in example—as I often have—if I falsify the message—as, believe me, I have tried never to do, then I am responsible under God. However, this is not the only brief I hold. I am an ageing pilgrim, one of the elders who has been a long time on the road. I have experience to share with you. You have the freedom to reject it as a greybeard's babbling but I have the liberty and the right and in this case, I believe, the duty to speak out, to make prophecy in the assembly.

Before I go further, let me make in clear terms the affirmation which sustains us all. I believe in the working of the Holy Spirit within the visible and invisible assembly of the People of God. I believe that the Spirit, like the wind, blows where it will and that we act most foolishly when we try to plot or determine the action of the Spirit. I will go further and say that when we—any of us, high or low—in the assembly of the faithful try to set limits on the saving action of the Spirit, we commit misfeasance as Christians.

*Photo: Stuart Windsor*

I am sad for what I see happening in the community of which I have been all my life a member. I say this not in despair but in regret for the good folk, old and young, who are being lost to us, who are losing hope and belief in the relevance of the gospel message. For that, we their elders are in part to blame. In part, also, those who rule the church are to blame; because they have in many instances chosen authority over charity, because their legalistic approach to human life alienates our brothers and sisters and disfigures the familial image of the church.

Let me remind you of a passage in the Gospel of St John: '... The scribes and Pharisees brought to Jesus a woman taken in adultery... They said to him "Rabbi, this woman was even now taken in adultery. Moses and the law commanded us to stone such a one. What do you say?" Jesus said nothing. He bent down and wrote with his finger on the ground. They continued to question him. Then he lifted his head and said to them "He that is among without sin among you, let him cast the first stone." And again he stooped down and wrote on the ground. The others hearing this went out one by one, beginning at the eldest. Jesus remained alone with the woman. Then he said to her "Woman, where are those who accuse you?" The woman said "There is no one, Lord." And Jesus said "Neither will I condemn you. Go now and sin no more".'

I HAVE ALWAYS THOUGHT OF THAT as a particularly eerie moment in the gospel narrative. The old-fashioned commentary used to be that Jesus wrote the sins of the accusers. That has always seemed to me to be an unnecessary embellishment as well as an impossibly long catalogue. My own guess is that he doodled, scribbled nonsense symbols as an act of contempt for these so clever and so cruel hypocrites. In any case, it is the only record of Jesus ever writing anything. The first scurry of wind blew it away, or perhaps he scuffed it out with his own sandal. Who knows?

The irony, for me, is that we who follow him have erected whole mountains of books over his simple teachings. We have written and sometimes forged whole volumes of decretals and canons and acts of the Apostolic See and admonitions and anathemas and condemnations of death and excommunications of whole peoples ... and we have called it—what?—the exercise of the magisterium, the exercise of the power of the keys. I beg leave to quote to you some lines I wrote in Rome in 1969: 'Ever since the Greeks we have been drunk with language; we have made a cage of words and shoved our God inside as boys confine a cricket or a locust to make him sing a private song. And look what great gob-stopping words we use for God's simplicity—*hypostasis* and *homousion*, a baboon chatter of human ignorance. We burn men for these words. We burn men.' And, let me remind you, we tortured and burned women, too, for alleged sorcery and witchcraft. We did it in the name of the same God we claim to worship, under the same authority which is exercised in the church today.

I confess to you, ladies and gentlemen that the older I get, the more I am haunted by the contrasts between the two images: the dark man from Nazareth bowed over the temple pavement, scribbling in the dust, and the huge and fearsome array of hierarchies and legislators and inquisitors down the centuries, entrenched behind their mountains of documents, demanding as the price of faith obedience to their magistracy. The contrast creates a nightmare for many: a nightmare of alienation from Christ's own simple summary 'By this shall all men know that you are my disciples, that you have love one for another.' I tell you now, in the cold light of observable fact, what I prophesied when I first returned to Australia 12 years ago: we are already a church in schism, a schism of indifference because those who regulate the church have committed themselves to a policy of sterile legalism, an historic *romanita*—'Roman-ness'—instead of a policy of loving care to inform it and revivify it with the saving Spirit of its master.

On this point, let me interpolate, here, a passage written by Archbishop Elias Zoghby, Vice-Patriarch of the Melkite Church, whose intervention in the Second Vatican Council on behalf of the Eastern rites in the church was both powerful and productive. He speaks in this passage of the differences between East and West in the interpretation and administration of marriage laws: 'We must admit that there does exist an ecclesiastical tradition of tolerance, clear and venerable like every other tradition of the church which was accepted and practised by many holy fathers of the East and of the West. The East has always followed this tradition of tolerance and has remained faithful to it. The West maintained it for many centuries with the positive approval of many of its bishops, popes and councils and, in fact, never attempted to condemn it in the East after the cessation of its practice in the West.'

LOVE HAS BEEN LOST TO US. *Res ipsa loquitur*—'the facts speak for themselves'. Those among you who are pastors see your congregations declining and the numbers of aspirants, men and women,

*Men and women of goodwill are now in the position of having either to remain silent on deeply-held convictions or to make a public challenge, not only against a determination but against the person of a reigning Pontiff ... I have to raise with you the big question as to whether the magistracy of the church has the right, for any issue of law or discipline, to deny to the people of God their access to the saving word and to the channels of grace.*

More and more  
Catholics, men and  
women, are better  
educated than  
some of their pastors.  
They know better  
how the world wags ...  
Catholic newspapers,  
religious programs on  
television and radio,  
are distressingly bland  
and correspondingly  
irrelevant. Pastoral  
reports and the reports  
of nuncios to Rome are  
filtered and coloured.  
Who, we ask ourselves  
sometimes, who but God  
hears the cry of Lazarus  
at the gates?

to vocations in religious life declining also. Those of you who are parents are troubled because your children seem to find the moral and religious message of the church irrelevant to their needs or alienating in their lives.

I was in Rome during the wonderful, hopeful years of the Second Vatican Council. I wrote for *Life* magazine the obituary of the man I most admired, the man for whom I felt an extraordinarily deep and personal affection, the good Pope John XXIII. When he died on the very day of the publication of my novel *The Shoes of the Fisherman*, I wept unashamedly and my tears splashed on the autograph I was signing. Since then, I have seen the progress which was then begun—which I saw and still see as a progress of charity within the church—grind to a halt. I have seen, on the other hand, the processes of alienation quicken and more and more people standing outside the doors of the church, which seem closed against them because the cost of re-entry seems beyond their strength and the grace beyond their reach.

**I**N A VERY STRANGE WAY, ladies and gentlemen, it seems to me that the role of authority within the church has been distorted. The exercise of authority is not and cannot be a self-determining, self-sufficing act like the act of creation. The only justification of the magisterium is as a function of *ministerium*, of service to souls who are the subjects and objects of salvation. To use a very ancient and primitive symbol, we are not the makers of fire, we are the carriers of fire for the tribe which does not know how to make it. On too many occasions in history the keepers of fire have turned into tyrants or cold-hearted conservators of that which they did not own.

We, the church, whether as a hierarchic institution or as a familial body do not confer the gift of faith. That is the direct gift of God. We accept the profession of faith. We confer the sacrament of initiation, but faith is not in our gift. We should remember that. All those in authority should remember that with great respect in all our dealings with one another. That which the faithful find hardest to forgive today is the unwillingness of their senior pastors to confront openly with them the problems which they face in the world as it is today. Let us be very clear, ladies and gentlemen: not all the enactments of popes or sacred congregations have been or are good, wise or even just. In the church, as in civil life, bad law brings the principle of law into disrepute. Dubious law puts the principle in doubt. Law imposed upon people without explanation, with its processes loaded against them *ab initio*, is of its very nature an injustice. A law beyond effective appeal is a tyranny.

Why do I make so much of this? Because at this moment in this Pontificate, the church is being governed by two negatives and a positive. The two negatives are *non expedit* ('it is not expedient') and *non e opportuno* ('it is not timely'). The positive is *fiat* ('let it be done thus'). In this kind of regulatory climate, there are no relatives. Everything is absolute. We even have a huge catechism to which you can refer like a lexicon of good and evil but from which the reasons of the heart seem conspicuously absent.

In today's church, papal teaching on birth control is regarded by the majority of the faithful as at best a directive that is dubious in theology and at worst an arbitrary exercise of the magisterium. The question of a celibate clergy falls into the untimely category. The content and administration and the theology behind the marriage laws of the church are all questionable and this, the most critical, the most divisive and the least just of all church legislation, is the one which receives the least public attention from authority in Rome. There are many other solutions than those provided in existing canons but they are not being addressed and in some cases are being positively impeded by Rome.

In the past month, we have had a new *fiat*. The question of women clergy is closed. This, in my view, is a profoundly political move. Already, scarcely a week after the event, Catholic journals in Australia have vetoed all reader correspondence on the matter. So, men and women of goodwill are now in the position of having either to remain silent on deeply-held convictions or to make a public challenge, not only against a determination but against the person of a reigning Pontiff.

I will not make that challenge in this assembly. I will simply remind you all that in the context of church history the greatest stain upon our reputation as conservators of the gospel truth has been that it takes us decades and centuries to admit our mistakes, and that it is only God who can repair the damage they have caused. I do, however, have to raise with you the big question as to whether the magistracy of the church has the right, for any issue of law or discipline, to deny to the people of God their access to the saving word and to the channels of grace. I submit that we should expect more from our hierarchy than hoary platitudes about the grace of God being sufficient to us all if only we co-operate with it. To me, an elderly man standing on the

ridge and looking across the dark valley into eternity, the only answer is a continuous dispensation of love and the tolerances of love. We live at the heart of a dark mystery—a tooth-and-claw creation made, we say, by a loving God. Saved, we say, by a crucified redeemer. The visible fact of the matter is that the world for millions is a sad, sorry and a mad place, and Christ himself had to plead the ignorance of those who were crucifying him.

I do not deny the principles of authority as a necessary element of the ministry and of support and love which holds any community together. I do warn in the strongest terms that the imprudent or misguided or arbitrary misuse of authority will only increase the present alienation of the Catholic community and of those who are their brothers and sisters in spirit in other communities and, indeed, in other religions.

In some strange and frightening fashion the traffic of communication within our church has for a long time now been on a one-way street from the heights to the plains where the people live. More and more Catholics, men and women, are better educated than some of their pastors. They know better how the world wags and how great are the needs of ordinary people. It is they who sustain the charities which still affirm our common humanity but their voices are not heard. Catholic newspapers, religious programs on television and radio, are distressingly bland and correspondingly irrelevant. Pastoral reports and the reports of nuncios to Rome are filtered and coloured. Who, we ask ourselves sometimes, who but God hears the cry of Lazarus at the gates?

Let me read you now something which I wrote as far back as 1959, in *The Devil's Advocate*. The Bishop of Valenta is addressing Blaise Meredith: ' "... the church is a theocracy ruled by a priestly caste of which you and I are members. We have a language of our own—a hieratic language if you like—formal, stylised, admirably adapted to legal and theological definition. Unfortunately, we also have a rhetoric of our own which like the rhetoric of the politician says much and conveys little. But we are not politicians, we are teachers, teachers of a truth which we claim to be essential to man's salvation. Yet how do we preach it? We talk roundly of faith and hope as if we were making a fetishist's incantation. What is faith? A blind leap into the hands of God. An inspired act of will which is our only answer to the terrible mystery of where we came from and where we are going. What is hope? A child's trust in the hand that will lead it out of the terrors that reach from the dark. We preach love and fidelity as if these were teacup tales, not bodies writhing on a bed and hot words in dark places and souls tormented by loneliness ... We talk to the people every Sunday but our words do not reach them because we have forgotten our mother tongue." '

And, lest it be thought that my plea is too personal, my attitude too subjective, let me recall to you the final article in the Code of Canon Law: *In ecclesia suprema lex salus animarum*. (In the community of the faithful the supreme law is the welfare of souls.) We have to ask, and we have the right and the duty to ask, how far, in today's church, that supreme law has been breached by expedient policy or by the exaggerated use of authority. Let us never forget the unwritten codicil to the assumption of papal power. That no Pontiff, however much of a reformer he may be, will directly countermand or contradict the prescriptions of his predecessors. There will be no rehabilitation of even permissible ideas by the successor to the present Pontiff, whoever he may be. The fear of damage to the teaching and governing authority will override everything.

**W**HICH BRINGS ME BY A ROUND TURN to the question posed by the subject of this talk. What do I see as the future of the Catholic Church? In the short term, under the present pontificate, I believe that the same trends will continue. The schism of indifference will spread. The number of candidates for service in religious and priestly life will continue to decline. Expressions of disagreement and contention within the body of the faithful will continue. There will be a massive protest by women and a continuing alienation of women from the celibate oligarchy by which the church is presently ruled. We will see more and more examples of two differing phenomena within the church: The first, the emergence of more and more rigorist groups, louder and more emphatic in their professions of allegiance to the ancient ways of the church by which it seems that many understand only what happened after the Council of Trent.

We shall see other charismatic groups, expressing the enthusiasm of even earlier times in prayer groups, in brotherly and sisterly associations within the congregation. But the deep hurt and division within the church will still remain within the post-Vatican II generation, who will see the fading of the hopes they had invested in the updating and renewal of the church. They will continue their tillage of whatever part of the vineyard they work in, but some of the heart will be gone from them and they will wear the ills of the church not with the joy of the children of God

*We are already a church in schism, a schism of indifference because those who regulate the church have committed themselves to a policy of sterile legalism, an historic romanita—'Roman-ness'—instead of a policy of loving care to inform it and revivify it with the saving Spirit of its master.*

So what am I  
 trying to tell you?  
 Peter is dead and  
 Paul is dead and  
 James the brother  
 of the Lord.  
 Their dust is  
 blown away by  
 the winds of  
 centuries.  
 Were they large  
 men, little men,  
 fair or dark?  
 Who knows?  
 Who cares?  
 The testimony of  
 the Spirit made  
 through them  
 still endures.

but like a penitential hair shirt. Meantime, by the mere fact of shortage of vocations the faithful will be distanced still further from the ministry of the word and of the sacrament.

How then will renewal come, because come it must? Even popes and curial cardinals are mortal. There are disagreements and dissensions in every one of the corridors of power, however much they may be hushed, however softly the dissension is expressed. So, I ask again, how will renewal come? I have to say what I said at the beginning: I believe in the power of the Spirit. I do not know, I cannot predict, how the Spirit may express itself to renew the life of faith and hope and, most importantly of all, of charity within the community.

I believe, though I cannot prove, that there will come a surge of power from women within the church, more and more of whom are highly trained educators, philosophers and theologians, more and more of whom will give challenge to patriarchal mindsets—as St Catherine of Sienna, a girl in her early 20s, once gave challenge to and heaped moral reproach upon the delinquent papacy in Avignon. There was a martial vigour in what she urged upon Gregory XI: *Siatemi uomo virile e non timoroso ...* 'Be for me a virile man and not a coward.'

I shall not be here to see the renewal, though I hope for it and pray for it and give my testimony on the crying need for it. It is not my wish that the testimony should incite dissension but rather that it should lead to a curative communion between those high and low in the church who are all, in the end, brothers and sisters under the skin.

If each of us were locked in a silent room, deprived of all sensory reference, we should very soon become disoriented and, finally, insane. The person who would probably endure longest would be the one who was practised in withdrawal, in meditation, whose life had an outside reference to God. The fact is, you see, that we live only in communion—not only with our present but with the past and the future as well. We are haunted by a whole poetry of living, by lullabies half-remembered and the sounds of train whistles in the night and the scent of lavender in a summer garden. We are haunted by grief, too, and fear and images of childhood terror and the macabre dissolutions of age.

But I am sure—and this is the nub of my testimony—that it is in this domain of our innermost daily lives that the Holy Spirit establishes his own communion with us. This is how the gift is given, which we call grace: the sudden illumination, the sharp regret that leads to penitence or forgiveness, the opening of the heart to the risk of love. Authority is irrelevant here. Authority is the one-eyed man in the kingdom of the blind. It can command us to everything except love and understanding ... So what am I trying to tell you? Peter is dead and Paul is dead and James the brother of the Lord. Their dust is blown away by the winds of centuries. Were they large men, little men, fair or dark? Who knows? Who cares? The testimony of the Spirit made through them still endures ... 'Though I speak with the tongues of men and of angels and have not charity, I am become like a sounding brass or a tinkling cymbal.'

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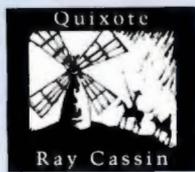
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# Star-crossed eavesdroppers

'STOP MAKING A FUSS. So what if he's an idiot?'

'I'm not complaining because he's an idiot. I'm complaining because he's a *loud* idiot. Why does he expect the whole world to share the burden of his opinions?'

'Ssh! Now *you're* shouting. And the film will be starting in a minute.'

'Precisely, we're here to see the movie. So why do we have to listen to him? This guy will talk all the way through.'

Which he will, of course. And it won't make any difference what I say to him or about him, or how loudly I say it. He's an astrologer, and he's talking about his favourite horoscope. His own.

The object of his harangue, a platinum blonde of indeterminate age, appears to be fascinated. Well, she would be. As well as being sprayed into a midnight-blue body stocking adorned with the signs of the zodiac, she displays her allegiance through a variety of trinkets attached to various bits of her anatomy. Cancer (or is it Scorpio?) is suspended from her earlobes, from bracelets on each wrist and, in enlarged form, from a sort of dog chain around her neck. This last celestial crustacean is a source of fascination for the astrologer, who spends much of his time fondling it with one hand while waving a chart inscribed with the symbols of his trade in the other.

'If he wants to catch crabs why doesn't he go somewhere more appropriate?' This produces titters from some of the surrounding seats, haughty indifference from the astrologer and the Queen of the Night, and a jab in the ribs for Quixote from his spouse.

'Don't be insulting. And leave them alone. Some people think wearing a cross and chain is a bit of tacky superstition too, you know.' She tugs the cross hanging round her own neck and proffers chocolate to distract me from the stargazers. I decline.

The astrologer is now at his rhetorical worst, explaining to the Queen of the Night that she finds him fascinating because he is an extremely creative fellow, and that all this creative energy is because of something that Jupiter did when he was born. The astrologer that is, not Jupiter. At least I think the astrologer is referring to himself rather than the planet. It seems that either Jupiter was ascendant in some other heavenly body, or some other body was ascendant in Jupiter, and this rare and fortunate astral conjunction has been responsible for all sorts of subsequent events, including the astrologer's extremely brief first marriage. Well, if he intends to keep pulling her dog chain I guess he worked that last bit of information in at pretty much the right time.

'Bit of a bad omen now, though, mate.' I ignore my wife's warning grip on my arm as I lean across the Queen of the Night to address the astrologer, who decides that this time he will acknowledge my comment.

'Did you say something?'

'Jupiter, mate, it's being clobbered by the comet, even as we speak. Planet-sized holes all over the place. I'd say Jupiter's ascending days were over, wouldn't you?'

'I believe I did read something about that. But such empirical events do not necessarily affect astrological science.'

'Oh, I'll just bet they don't.'

Celia groans, and complements her censorious grip with a swift sideways kick in the general direction of my ankle. I register the pain, and have a vision of planet-sized holes appearing all over Jupiter.

At this point some unforeseen astral event prompts a man sitting in front of the astrologer to turn round and continue the Jovian conversation: 'Yeah, I read about it, too. They reckon it'll wipe out the dinosaurs.' The astrologer, happy to indulge in a little empirical science after all, points out that the comet-and-dinosaur theory is about something that may have already happened on Earth, rather than about what is now happening on Jupiter.

But his new debating partner is unimpressed. 'How d'you know there aren't any dinosaurs on Jupiter, then?' Like scaly carnivores in some primeval swamp, the pair proceed to battle it out, oblivious to all else around them including the movie, which has just begun. The Queen of the Night pouts, and tries to regain the astrologer's attention by clanking her chain.

Celia abandons physical intimidation and hisses in my ear instead. 'Thank you for starting that. If I'd wanted to listen to a couple of neanderthals pondering their relationship to other extinct species I could have stayed home and watched *Jurassic Park* on video.' We are all saved by the usher, whose torch-beam stabs, comet-like, through the darkness, reminding participants in the Great Dinosaur Debate that they are in a cinema.

On the way home, Celia is silent. I suspect I am being punished for unleashing the Great Dinosaur Debate, but her anxieties run deeper than that.

'Do you realise that the baby is going to be a Capricorn?'

'I don't believe I am hearing this.'

'Really, I'm not happy about it. Capricorns are materialistic and inflexible.'

'Well think of all the great Capricorns. Elvis. Jesus. Kris Kristofferson. A very spiritual, flexible trio.'

'Who the hell wants a baby like Elvis or Kris Kristofferson? And I don't believe Jesus was a Capricorn. No one knows his real birth date.'

'I still don't believe I am having this conversation.'

She toys with the cross hanging round her neck as she stares out the car window. I *think* she's smiling. ■

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

# Selective amnesia

**I**N THE AFTERMATH of World War II, Australia began a massive immigration program, taking in 200,000 people from the displaced persons camps of Europe. Thousands had been victims of the war, losing family, friends and homes. Hundreds of these refugees were only masquerading as victims. They were in fact war criminals.

One of them was Ervin Viks, who, according to evidence later accepted by a war-crimes tribunal in the Soviet Union, played a key role in the deaths of many thousands of people in Estonia. When the Nazis stormed into the Soviet-occupied country in 1941, Viks was one of a number of Estonians who voluntarily joined the machinery of Hitler's final solution.

Before the Nazis began retreating from the Red Army in 1944, Viks held three senior posts: deputy chief of the Special Department in the Tartu concentration camp; chief of the political police in the Tallinn-Kharyus prefecture; and chief of the B-IV Department of the Gestapo-controlled Estonian Security Police. He ordered the arrests of thousands of people, who were put into concentration camps. According to a former guard at the Tartu camp, Hans Laats, Viks interrogated prisoners, drew up lists of victims, signed death warrants and personally took part in executions. Laats' testimony is quoted in Mark Aarons' book, *Sanctuary* (1989)

Viks was 53 when he and his wife of 25 years, Salme, arrived in Australia under the DP scheme, on the SS Strathnaver on 15 August 1950. He quietly sloughed off his Nazi collaborator skin, building a new life as a wharf labourer and settling in the working-class Sydney suburb of Kabarita. He was naturalised in 1957.

Let's leave Viks on the waterfront and come forward to the present and see what can happen when governments delay the pursuit of justice. In the South Australian Supreme Court midway through last year a 76-year-old pensioner, Ivan Polyukhovich, was acquitted of involvement in the massacre of Jews in the Ukrainian village of Serniki in 1942. It took the jury less than an hour to reach their verdict after the trial judge, Justice Cox, warned them in his summing-up of the difficulties of convicting anyone on evidence about events that took place 50 years ago, even if the accused had been identified by witnesses.

Soon after, in July, the president of the Israeli Supreme Court, Justice Shamgar, upheld an appeal against the 1988 conviction for war crimes of 73-year-old John Demjanjuk. Shamgar had weighed the testimony of five ageing survivors of the Treblinka death camp, who had identified Demjanjuk as the sadistic guard 'Ivan the Terrible', against that of 32 Treblinka guards who said the guard was really an Ivan Marchenko who had disappeared in 1943. Shamgar said there was reasonable doubt about the survivors' identification and acquitted Demjanjuk.

Then late last year, the Australian case against another alleged war criminal, Heinrich Wagner, was dropped because of his ill-health.

The body responsible for hunting Nazis in Australia, the Special Investigations Unit, wound up early this year, and in May its final report was tabled in Federal Parliament. The 618-page report detailed the results of the unit's inquiries into 841 people. Although only three prosecutions eventuated, and although all three failed, it would be wrong to deduce that no Nazi war criminals entered Australia. The unit's findings were grouped into 11 categories; the biggest group consisted of 261 people who were dead by the

time the investigators tracked them down, and the second-largest category consisted of 248 people who were 'not located'. Many of these suspects had changed their names and gone underground, both for innocent and for sinister reasons.

By juxtaposing these events, several points come into focus. First, a number of war criminals, probably running into the hundreds, entered Australia after World War II and settled here. Second, although people reported seeing Nazis in Australia as early as 1947, no government took action until 41 years after the war ended. Third, in the end only three prosecutions were brought, and all failed. (The third case, against Mikolay Berezowsky, was dismissed at his committal hearing).

Bob Greenwood QC, who headed the Special Investigations Unit between 1987 and 1991, and whose work is well respected, fervently believes that it is necessary to bring alleged war criminals to trial, for reasons of justice. But even he told me recently that the work of his old unit had been '... biologically stuffed.

*The alleged war criminals can only be tried if they voluntarily agree to go to the tribunal. But can you see the Klaus Barbie of the Bosnian War queuing up to buy his air ticket to The Hague?*



If we had held war-crimes trials when we should have, it would have been a completely different story. The accused would have been young-to-middle-aged men; the witnesses' memories would have been fresh, and the documentary evidence easily retrieved.'

There's the rub, and in all the thousands of words written for and against war crimes trials it is a point largely overlooked. Even more rarely is it asked why Australia did not hold trials in the '40s and '50s. Yet

this is a key question, for two reasons.

**F**IRST, BY NOT ASKING IT people are able to perform a kind of mental sleight of hand; they think that because the chances of war criminals being convicted in 1994 are negligible, then the issue itself is likewise resolved. And that means they don't face a very distasteful episode in the nation's history. How is it that people who committed some of the most horrific crimes imaginable, and against whom thousands of Australians fought and died, were able to enter this country and start a new life? And why, when this became known to governments, was nothing done about it?

The second reason turns on George Santayana's maxim: 'those who cannot remember the past are condemned to repeat it'. But, before

I elaborate on that, the sequence of events that led to the present dilemma needs to be recalled. For this I have drawn on primary source material provided by a Sydney historian, Suzanne Rutland, author of the book, *Edge of the Diaspora* (1988), and on the work of journalist Mark Aarons, whose 1986 ABC documentary series was important in prompting the Federal Government to set up an inquiry into Nazis in Australia.

After the war the DP camps were hastily set up under the direction of a United Nations-created body, the International Refugee Organisation, to deal with the 7.5 million people uprooted by the war. Countless villages across Europe had been destroyed by bombing, and thousands had suffered for years in concentration camps. There was no home for them to go back to, and many were fearful of the communists in charge of their homelands. But among these war victims were many of their oppressors, who also did not want to return to their countries where they would be executed for war crimes.

These people simply pretended to be victims of war and in the chaos and confusion were able to avoid detection. The Australian refugee-selection team was preoccupied with meeting the nation's rebuilding needs and so chose immigrants largely on the grounds of health and ability to provide labour. In the im-

mediate postwar years only 'enemy aliens' (Germans and Italians) were excluded outright, allowing thousands of Eastern Europeans to slip through.

At the time, the extent to which some people in the Nazi-occupied countries of Eastern Europe had voluntarily helped in mass executions of Jews was not understood. Later, when the screening procedure changed, Australian officials primarily used the Berlin Document Centre to check people, but the centre held material only about Germans and Austrians. This is one reason why most of the people investigated by the Special Investigations Unit were from Eastern Europe.

Some members of the selection team were scornful of the process. In a 1949 letter, one wrote: 'The Australian (Military) Mission is a complete shambles ... One selection officer, told that we may be letting fascists into the country, says, "Well, what does it matter?" One of them asks, "Are you a Communist or a Nazi?" gets "no" for an answer and is satisfied.' But some Holocaust survivors knew what was happening. At Bonegilla migrant camp they noticed in the showers that some fellow camp members bore the SS tattoo under their left armpits or the scars that gave away the tattoo's removal.

Worried and outraged, the Jewish community began assembling dossiers of evidence showing that Nazis had entered the country. It presented the material to the Menzies government over several years, starting in 1950. The then Minister for Immigration, Harold Holt, was at the time sponsoring a German migration program and did not want to admit to any weakness in the Australian screening process.

In a letter dated January 1950, Holt replied to a plea from an Australian lawyer who had written on behalf of the Jewish community: 'While not discounting the serious-

*The Cold War meant that fear of communism outweighed the past crimes of fascists, who, as Spry acknowledged, were valuable in the fight against communism.*

*An Australian Holocaust survivor revisits Treblinka death camp. They don't always have to return to Europe to come face to face with their past—some of their persecutors came to Australia, too.*

*Photo: Emmanuel Santos.*





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ness of the charges if proven correct, I must inform you that charges and counter-charges of the nature of those in your correspondence are not unusual among these (Jewish) people. On investigation it is generally found that the informant is actuated by religious or national bias and that the charges made cannot be substantiated.'

The Australian Security Intelligence Organisation did investigate specific allegations but, according to Suzanne Rutland, ASIO was often reluctant to pursue the cases since the people under investigation were considered useful tools in its campaign against possible communist infiltrators and spies. In 1951 the agency's director-general, Colonel Spry, commented on a request from Yugoslavia for the extradition of war criminals: 'While this matter appears to be an extension of Yugoslav internal politics, it must be stated these two men represent a body of Yugoslavs who cause infinitely less trouble to this organisation than the great body of their fellow immigrants. They are unceasing in their campaign against communism and can and do assist ASIO to the limit of their ability.'

The Ervin Viks case is a crown-jewel example. The Special Investigations Unit's final report says that in February 1961 the Soviet government had requested Viks' extradition to face war crimes charges. In the Cold War atmosphere of the time, many did not accept the Soviet charges at face value but saw them as propaganda to discredit emigrés who had fled communism. The Australian embassy in Moscow took the charges far more seriously. It cabled Canberra: 'The Soviet authorities are likely to have amassed a great deal of convincing and probably accurate reports of what actually occurred, since they are painstaking and efficient in this respect.' The then Attorney-General, Garfield Barwick, ignored that warning in favor of advice from his senior bureaucrats and rejected the extradition request. He gave a number of legal reasons, such as the Australian government's refusal to recognise the legitimacy of the Soviet occupation of Estonia.

In March 1961 Barwick told Fed-

eral Parliament that the case brought abhorrence of war crimes into conflict with the nation's right to allow men who had entered Australia 'to turn their backs on past bitternesses and to make a new life.' In his view, it was time to 'close the chapter.' Viks was tried in absentia, found guilty and sentenced to death. (Viks actually died of pneumonia in Australia 22 years later). The embassy in Moscow sent another cable, recording the Soviets' displeasure at Australia's lack of co-operation and advised: 'It is obvious that Viks, who during the fascist occupation of Estonia spontaneously guided military executions of innocent Soviet citizens, is one of those war criminals whose delivery was specified by the Allied wartime agreements.'

The embassy cable did not prompt Barwick to reconsider his decision. The Attorney-General's close-the-chapter comments make good sense for victims of the war, but are little short of sophistry when applied to the likes of Viks.

**T**O SUMMARISE, SEVERAL ELEMENTS combine to explain why both the Chifley Labor government and the Menzies coalition governments allowed war criminals to enter and settle in Australia. First, they followed the example of the British and Americans, as articulated by Winston Churchill who said in 1948 that it was time 'to draw the sponge across the crimes and horrors of the past—hard as that may be—and look toward the future.' Second, the screening procedures were inadequate. Third, the Cold War meant that fear of communism outweighed the past crimes of fascists, who, as Spry acknowledged, were valuable in the fight against communism.

Anyone inclined to forget the intensity of the Cold War should remember that in Britain and the United States intelligence agencies went further than ASIO and actively recruited Nazi war criminals to help fight communism. Klaus Barbie is only the most famous example of this chilling policy. Readers wanting to know more this can look at Tom Bower's book, *Blind Eye to Murder* (1981), and Christopher

Simpson's *Blowback: America's Recruitment of Nazis and its Effects on the Cold War* (1988). Looking at the way these events unfolded in the postwar years enables us to see that they may be in danger of being repeated today in the republics of the former Yugoslav federation. These countries are on the other side of the world, but Australia has strong ties with them because of World War II and because of the thousands of displaced Serbs and Croats who migrated to Australia after the war. Today, some of their children have returned to their parents' countries, to fight in a war which has been characterised by a crime euphemistically labelled ethnic cleansing. Is the Federal Government doing anything about this? No, says Greenwood, who is worried that they may 'slip through the net', just as the Eastern European fascists did 50 years ago.

Any such people could be charged under the 1978 Crimes (Foreign Incursions and Recruitment) Act, which makes it illegal for ordinary citizens to go overseas and fight in an armed conflict. But the responsible investigating body, the Australian Federal Police, only acts on a reference from the Government or on evidence provided by a concerned person. To date, the federal Attorney-General, Michael Lavarch, seems unwilling to take action and few in the Australian Serbian and Croatian communities are willing to discuss the issue, let alone provide evidence to the police.

Bob Greenwood believes the 1988 War Crimes Act should be amended to include any atrocity committed in war by an Australian resident, and not just atrocities committed in Europe during World War II, as the present Act provides. [Early drafts of the legislation did not specify the European theatre of war. But there were fears that some members of Australian forces serving in the Pacific during World War II could have been liable to prosecution.] Further, he thinks that it was a mistake to disband the Special Investigations Unit, for its expertise could have been used to investigate any allegations of war criminals entering Australia. Nobody knows, for instance, whether any war crimi-

nals from Pol Pot's Khmer Rouge have settled in Australia.

The Australian government has participated in United Nations moves to bring war criminals in the former Yugoslav republics to trial, but there is growing concern about the likelihood of success. At least 5000 atrocities have been documented by the UN commission appointed to study war crimes in Bosnia, but the deputy prosecutor of the UN war-crimes tribunal in The Hague, Graham Blewitt, is frustrated by the way the UN is dragging its feet. (Blewitt went to the Hague from the Special Investigations Unit, which he had headed after Greenwood left in 1991). It has taken almost 18 months to appoint a chief prosecutor to the tribunal. What's more, the tribunal has no power to arrest those charged. The alleged war criminals can only be tried if they voluntarily agree to go to the tribunal. But can you see the Klaus Barbie of the Bosnian War queuing up to buy his air ticket to The Hague?

One reason given for the delay is that war-crimes trials might endanger the peace negotiations and, possibly, lead to vicious retributions. But surely it is morally indefensible for the lives of the thousands of men, women and children who have been raped, tortured and murdered to be forgotten while peace is negotiated.

If, as seems possible, the price of a peace treaty is the continued freedom of the political and military leaders responsible for war crimes committed in Bosnia and its neighbours, then such a treaty could well prove to be a worthless document. One of the seeds of the present war lies in World War II, and the bitter and bloody conflict between the pro-Nazi Ustashe government of Croatia, Tito's partisans, and the Serbian Chetniks. In the aftermath of the war neither were the intense conflicts between the various ethnic groups resolved, nor were the war criminals on all sides brought to justice. ■

**Matthew Ricketson** is a freelance journalist. He has been following Australian war-crimes investigations since 1987.

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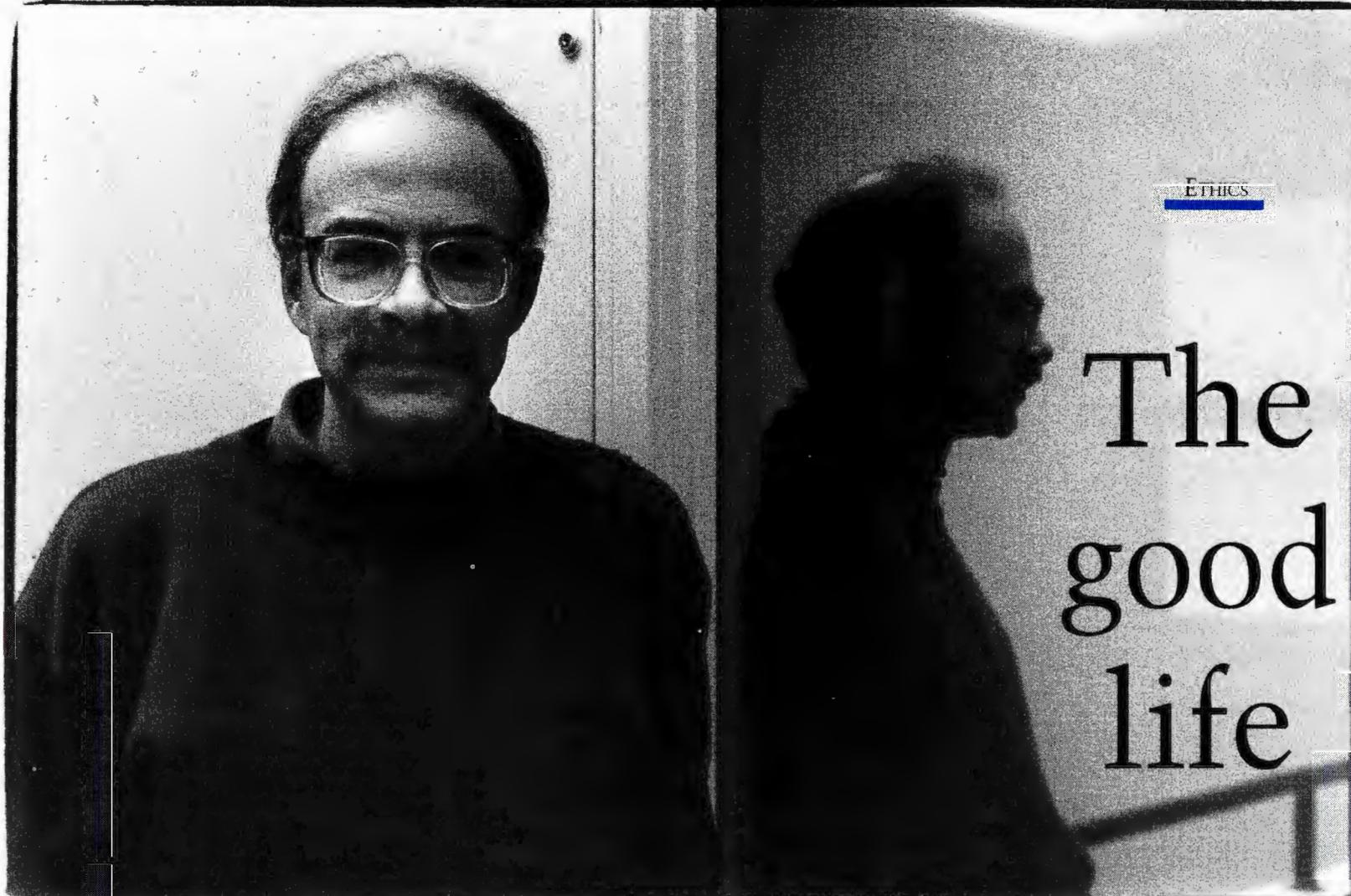
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**S**teven Tudor: *What is your basic philosophical position in ethics? In your book Practical Ethics you maintained a very consistent utilitarian perspective, or, perhaps, more accurately, a universalist interests consequentialism. Is that a fair description?*

**Peter Singer:** Yes, that's pretty good. I sometimes describe myself as a preference utilitarian, but to emphasise interest is reasonable. Ultimately I would construe interests as reducible to preferences, in a particular way, obviously.

*You are well known for really meaning universal when you say universal. Could you explain why?*

I really mean universal in a number of different senses. One is that I don't think that our obligations are limited to those who are close to us. So I emphasise the fact that we can do something for people who are starving in far-away countries—and the omission to do that seems to me to be comparably serious, in some

ways, to harming people who are close to us. That is one respect in which my views are universal: they have an application to people who are starving, in Ethiopia or anywhere, as much as they do to our local community.

And the second, of course, is that I don't limit our obligations to a particular species. I think that to believe that ethics is limited to one species, our own, is to make exactly the same broad category of mistake, not identical in every respect, of course, as those who used to say that ethics is really basically limited to Europeans or whites.

*On that matter of universalism, you say there is no relevant moral difference attached to spatial distance.*

That's roughly right. I don't want to deny of course that there are particular obligations that may exist because of friendship or a relationship, but I do think that ethics extends well beyond those. Some of our important obligations, and the things

that we ought to do, are to strangers. And as far as strangers are concerned, I think it is irrelevant whether they are 10 metres away from us or 10,000 kilometres, as long as we can actually do something to change the situation, and we can be adequately informed about what will change the situation in a favourable way.

*How do you situate yourself with regard to Raimond Gaita's moral absolutism, which I understand to involve the belief that each individual human being is irreplaceably precious, and that preciousness or value is sui generis, that is, not reducible to any facts that are biologically described?*

I think that's nonsense basically. I think it's almost self-contradictory because it talks about human beings, but how does one define human beings if not in terms of some biological characteristics? What else separates human beings from others? It certainly isn't something like

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Photo of  
Peter Singer by  
Emmanuel Santos



In our last edition **Raimond Gaita** criticised the effects of applied ethics in our culture. This month **Steven Tudor** takes the issue of professional thinkers and public life further with philosophers **Peter Singer** and **Rae Langton**

**Steven Tudor:** *Why do you think applied philosophers have moved into the public sphere?*

**Rae Langton:** Well, there are lots of very complicated decisions that have to be made these days in public policy, and philosophers are used to thinking about complicated things. There are all the changes that biotechnology has brought—changes that need decisions. That's one side of it. But maybe the other side is to do with philosophy as well. In the old days people used to think that philosophy was nothing but analysis of meanings of terms, or that was the caricature. But moral and political philosophy have had a real revival in the last few years and I think that's a change for the good, coming from within philosophy itself. So I suppose the public policy side and the philosophy side come together.

*So you're saying there is a certain pull by the state of affairs out in the world, a demand for new solutions*

*to new problems, but also a push from within philosophy to rediscover a tradition of thinking about moral issues.*

Yes, that there's more that moral philosophy and political philosophy are concerned with than the somewhat barren things that were the burning issues of philosophy in the earlier part of this century.

*Do you think that philosophers are being more true to their calling as philosophers?*

Oh, I don't know what a *calling* as a philosopher is! But you're right—there is an old tradition of thinking that philosophy has to do with how life should be lived, with what is a good life.

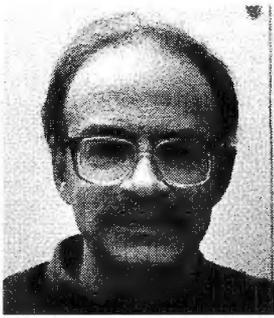
**R**AIMOND GAITA WOULD SAY that academic philosophers are going beyond their bounds, beyond their calling as academic philosophers, in the recent move into public affairs. This is what the debate is about: what is the role of the aca-

*demical philosopher? One suspicion is that the desire to be engaged with public affairs is not necessarily a desire felt as a philosopher but as someone engaged in public affairs, or hoping to be so engaged, for its own sake.*

If the suggestion is that there are self-serving motives for fame and glory in the public eye, then I don't think so. Most philosophers are very happy to be working away on their own research. (Quite rightly too.) Their own research doesn't have to have any implications for all the applied ethical issues. People who think that they can make a contribution to public life are the exception rather than the rule in philosophy. If we're talking about philosophy as a discipline, people like Peter Singer are the striking exception.

So I certainly don't think that the supposed trend that you may perceive is a trend for the discipline overall. Also I find it extremely difficult to see why Gaita thinks to p41

*Photo of  
Rae Langton by  
Emmanuel Santos*



*One of the first things I ever wrote was a tiny piece called 'Moral Experts', in which I criticised moral philosophy for not getting involved in practical issues, and one of the philosophers I was criticising, A.J. Ayer, said something like, 'Well, there is no reason to expect a moral philosopher to be any wiser than anyone else—that's the role of the preacher.'*

—Peter Singer

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rationality because we know that there are some humans who lack rationality and always will because of some brain damage, for example. And there are some non-human animals who are much more rational—and that goes for autonomy and moral sense and ability to communicate and any other property that you may think relevant.

So that view seems to commit the error that it takes membership of a species (I assume that's what Gaita means by human being) as somehow morally relevant in itself, and indeed goes further and says that they are irreducibly morally precious, which I think is (if he really means that) a blatant preference for our own species which is morally ungrounded. And then to say that it has nothing to do with biological characteristics seems to me, as I say, to make a nonsense of the whole thing, because how else does he separate who humans are?

*He puts more emphasis, I'd say, on the notion of human beings as irreplaceably precious than on the question of that value's irreducibility to facts of biology.*

But I still want to know who is irreplaceably precious. Does Gaita think that an anencephalic human being (that is, a human child born with only a brain stem and no cortex, with no neocortex, so this is undoubtedly a biologically human being, but from some stage in its prenatal development something has gone wrong and it will never feel anything, or communicate with any human)—does Gaita really think that that being is more precious than a chimpanzee who can have personal relationships with many other chimpanzees or with humans, can grieve for the loss of its baby or loss of a friend, can think about its situation, can clearly act with intention and so on? It seems to me to be bizarre to say that.

*Gaita claims that there are different critical vocabularies appropriate to moral thinking in academia and in the broader public sphere. Academic philosophy, he says, deals in a narrowly circumscribed critical vocabulary centred around truth and*

*falsity and logical consistency, while moral thinking as such in the public sphere requires a much richer critical vocabulary that will include terms such as arrogant, compassionate, sentimental, banal, lucid etc—and these as primary modes of thinking well or badly, not simply as causes of illogical thinking like drunkenness.*

*Do you agree with the distinction between expertise and wisdom that accompanies it?*

There are a few questions rolled into that. Firstly, I don't agree that the terms of criticism of academic philosophy are particularly restricted. I think that all of the terms used in ordinary moral discourse can be discussed within academic philosophy. Certainly, it is not limited to truth, falsity and rationality of the sort that Gaita suggests. There are many academic philosophers, maybe even the majority of academic philosophers, who don't believe moral judgments *can* be true or false and who

would want to use quite different terms.

LOOK, FOR EXAMPLE, at someone very squarely within the academic moral philosophy tradition in Australia, Jack Smart. In his account of utilitarianism, he doesn't think that there is truth or falsity in ultimate moral beliefs. So the terms that he would use to appraise people, I guess, are exactly terms like whether they are benevolent, compassionate. These are very much part of his vocabulary. For him the ultimate flaw with someone who does not act to do things that make people happier, but tries to make them more miserable, is not that he does something false or illogical but precisely that he or she lacks benevolence, or is positively malevolent.

*And on the distinction between expertise and wisdom?*

That's an interesting point. There is a distinction between expertise and wisdom. I would half agree with what Gaita says there. I wouldn't agree now, speaking in the 1990s, that academic moral philosophy is not interested in wisdom. But I think that there was a time when that was true. One of the first things I ever wrote was a tiny piece called 'Moral

Experts', in which I criticised moral philosophy for not getting involved in practical issues, and one of the philosophers I was criticising, A.J. Ayer, said something like, 'Well, there is no reason to expect a moral philosopher to be any wiser than anyone else—that's the role of the preacher.'

*So do you think that an academic training, as such, will not necessarily lead to the development of moral wisdom, but will provide some important ingredient towards it?*

I certainly don't think an academic training is a necessary part of moral wisdom. That would be an absurd position to maintain. But I think that academic philosophy is interested in the nature of wisdom in moral affairs, and I think being interested in it, thinking about it, talking about it, reading discussions of it, may help to give one some insight into what it is.

*What do you think of Gaita's view that academic philosophers have no particular expertise in the use of the more substantive concepts in the public arena, and that the kind of neutral and logically clear thinking for which they may legitimately claim expertise is quite narrow and will not be adequate to the task of thinking about moral issues?*

I think it would be strange if the kind of abilities Gaita admits academic moral philosophers have—clear thinking and logic and so on—weren't of any use in answering substantive moral questions. Consider an ethics committee considering a research application by a doctor in a hospital who wants to do some research on patients. Nowadays that ethics committee may have an academic philosopher on it. I would have thought that thinking through those issues clearly is a useful thing; it is also useful to know something about what has been written in ethics about the kinds of principles that are relevant, being aware of the idea that people have a right to autonomy, that they think that they should give informed consent before becoming subjects of experimental procedures. That sort of familiarity with quite extensive literature in practical eth-

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there's anything arrogant about this. Wouldn't there be something arrogant about thinking that one's views in moral philosophy had no implications at all for the outside world? What worse sort of ivory tower mentality could you get than that? So I'm not sure which side the arrogance should be seen as coming from.

*There's the arrogance of remaining aloof and there's the arrogance of going forth into the world and telling people what to do.*

*Do you think a feminist criticism might be made of the way in which some applied philosophers have sought to go out into the 'real world' and rub shoulders, in a spirit of 'masculine worldliness', with lawyers, doctors and businessmen?*

Well, there are different ways to think about that. Someone might equally say, 'Look, in the past universities have been terribly remote and élitist sorts of institutions and nowadays people think that any responsible university ought to be more involved with the community that it's a part of, and that it's turning its back on its responsibilities if it locks itself away in its ivory tower. And perhaps the 'rubbing shoulders' has more to do with integration and democratisation than with beefy, glory-seeking applied ethicists wanting to be in the newspapers.

*One of the reasons why I'm concerned with the possible motivations of applied philosophers is the idea that the character of the applied moral philosopher is much more on the line, so that when somebody is telling you that you should or shouldn't do something, then you are much more concerned as to who they are and why they're saying this and what their motivations are. If you had a suspicion that their expressing such views is, maybe even only in part, a means to furthering their career, then that would seem to tarnish it in some way. Now that there are professional journals, international conferences, and you can jet off to Hawaii to chat about abortion—it begins somehow to tarnish it.*

I haven't understood what the tarnishing is—unless you think dabbling in public life is itself tarnish-

ing. You can't be saying that! You mentioned furtherance of a career: there are lots of ways to pursue a career in philosophy. You can pursue a career in philosophy without doing applied ethics at all. And given the traditions of academic freedom within universities you might think that philosophers are going to be less tarnished in their motives than somebody who's coming from a pharmaceutical company that has a vested interest. Say more about what the tarnishing effect is!

*If someone is putting forward a concrete 'applied philosophical' view, you want to have the sense that they are somehow personally committed to what they are saying, or, at least, that they're speaking from a lived understanding of the problems, that they are seriously concerned about the people who are affected by the issue they are talking about.*

I agree that you want them to be thinking seriously about the problems and not being flippant, or shallow, to use a Gaita word. But they don't have to be saints of any kind. In fact, presumably, Gaita would agree that it's possible for someone to be a good applied ethicist in the sense of coming up with sensible conclusions—wise conclusions—and just be so weak-willed in their own personal life that their life is a complete mess. It's terrific when they're not. I think someone like Peter Singer is admirable partly because his life and his ideas are so consistent. But, in general I don't think it undermines their ideas if the people happen to be weak-willed and pathetic in their personal life.

**I** WOULDN'T SAY IT TRASHES the whole thing, but somehow it's not a plus. It's all a matter of degree. When you have a priest espousing one thing from the pulpit and then completely going against that in their personal life, you can't sit back in that way. Let's think about that priest example. If the priest is caught committing various misdemeanours, sure, that makes you sad about the institution of priesthood, but it shouldn't on its own make you think there is something wrong with the Catholic faith or with the principles that are being argued for, should it? And that's

the analogy here. A philosopher who has personal failings and really good ideas should be allowed to have those good ideas taken seriously. I find it very frustrating when people take a famous person—say, Gandhi—and then find out all sorts of dubious things about his personal life (sleeping chastely with his nieces, and this kind of thing). This is supposed to upset your whole picture of Gandhi and his principles. But it shouldn't at all, and I think it ought to be the same here.

*This is a crucial issue. Gaita often uses the Socratic example where Socrates calls people to 'be behind their words'. So you get characters like Thrasymachus in The Republic, who say some outrageous and sophisticated thing that would go down well in the Assembly, but who don't stay really to argue it through. They weren't concerned to commit themselves to it. When the argument got tangled they'd say 'Blow this, Socrates, I'm off.' So it's that idea, that not really being committed to your words saps them of some moral content, that I'm trying to pick up on here.*

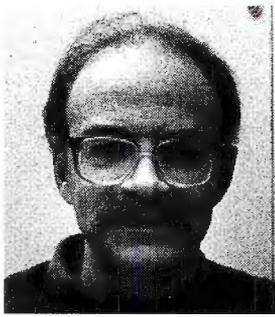
To me it sounds as though you're saying that seriousness about the issues, and personal integrity, are the same thing, and I don't think they are. You can be very serious about the issues that you're writing and thinking about and yet, for whatever reason, you might just be a pathetic weak-willed character. Suppose you realise that your own moral views lead to the conclusion that you ought to donate a large amount of money to Community Aid Abroad, and you realise that everyone else's moral views implicitly lead to the same conclusion, but nobody notices it. Suppose, then, that you draw people's attention to that fact. That's a good thing to have done even if you are so feeble that you don't do it yourself. There what you have is a philosopher spelling out what consistency requires one to do even though the individual philosopher can't manage to do it.

*So their words can be inspirational, without their character being inspirational!*

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*I don't know what a calling as a philosopher is! But you're right—there is an old tradition of thinking that philosophy has to do with how life should be lived, with what is a good life.*

—RaeLangton



*Does Gaita think that an anencephalic human being ... is more precious than a chimpanzee who can have personal relationships with many other chimpanzees or with humans, can grieve for the loss of its baby or loss of a friend, can think about its situation, can clearly act with intention and so on? It seems to me to be bizarre to say that.*

—Peter Singer

from p40

ics, I would have thought, would be useful on that kind of committee. It certainly doesn't mean that the philosopher is going to be right all the time, or even more often than other people on the committee necessarily, about whether the research ought to or ought not to go ahead. But I would have thought that, even if we grant Gaita's assumption here, there must be some value in having philosophers active in public life on debates that involve substantive moral issues.

*Would you accept, as Gaita claims, that criticism in these sorts of terms, the substantive terms of arrogant, compassionate etc., which you do grant have some kind of role in academic philosophy in any case—would you grant that criticism in these sorts of terms would be properly personal and thus more wounding in ways academic philosophers are perhaps not used to? Of course this does not licence all forms of personal attack. The idea is simply that the personal dimension cannot be left out here without being false to the nature of ethical thinking.*

Well, I take it that Gaita's point is that professional or academic philosophy doesn't discuss things like a view or position showing a lack of compassion, because that would be personally wounding to the philosopher who put it forward. Whereas presumably academic philosophers don't mind saying the view shows flaws in logic.

I DON'T THINK THAT IS actually right and I don't think it reflects the nature of academic debate. I think that if you are a professional philosopher it is quite wounding to be told that you can't reason logically, and no doubt just as wounding to be told that you lack compassion. From my reading of the literature, though I haven't gone through and checked systematically, I would have thought that both kinds of criticism are made in academic philosophy, that people will certainly say of others that they think that their views are callous or indifferent to suffering or something of that sort. So I think that those sorts of things can and do get said in academic philosophy.

*Gaita claims specifically that you 'showed a failure to understand this', that is, the properly personal nature of moral criticism in the public sphere, in your response to the events in Germany. [Singer's lectures in Germany were seriously disrupted.] How do you respond to that charge? On that particular point I am grateful to you for having shown me what Gaita said in his interview, because I find that remark totally astonishing, given his ignorance of the situation in Germany. His ignorance is shown by the fact that he makes some distinction between what's said in the town halls—he says it might be legitimate to stop this—and what is said in universities. He seems to think that this distinction is relevant to the response that I've had and to the opposition that stopped me from lecturing in Germany. He really ought not to comment on things that he knows nothing about. I have never attempted to give a lecture in Germany in a town hall. All of the lectures that have been disrupted in Germany have been either academic lectures that I was invited to give at universities, or at conferences, which were entirely academic.*

*Do you think, then, that there is a difference between academic freedom and political freedom, whereby academics should be granted more freedom of speech than ordinary citizens in the public sphere? Or do you think that freedom of speech in the political or public sphere ought to be seen to be as open as that within academia or, conversely, that any member of the public may seek refuge within the university?*

I do think context makes a difference, but I don't think it is a public-academic distinction. I think it is a difference of contexts. I go back to John Stuart Mill's classic example about someone who writes a treatise saying that corn dealers are robbers of the poor. They should, he says, have the perfect freedom to publish that. But if they are standing in front of the house of a corn dealer and there is an angry mob in front of them and they start saying exactly the same thing, then perhaps their speech ought to be suppressed on

that particular occasion because of the likelihood that it will lead to violent crime. So there are similar occasions on which speech might be restricted in the public arena precisely because it might lead to crimes. But that's not a public-academic distinction.

*In How Are We to Live? you were critical, even dismissive, of most people's understanding of ethics, 'most people have only the vaguest idea of what it might be to lead an ethical life' (p.7). You were saying more here than simply most of us happen to fail to be very moral because of the strains of altruism or whatever. You say that most people's understanding is so obscured and confused that they don't even understand what an ethical life involves. Do you stand by that? Do you think that most people would be surprised if you told them that being ethical involves consideration of interests of others?*

NO, OBVIOUSLY PEOPLE won't be surprised to be told that being ethical involves considering the interests of others. The sentence that you read at the beginning, that most people scarcely have the faintest idea of what it is to lead an ethical life, isn't something that I would want to endorse just standing there starkly on its own. I think it gives a misleading impression of what I am trying to say. It really needs to be taken in the context of the book as a whole. People, I think, are often not very reflective about what ethics might require of them, and whether that might require more than simply not violating the various simple moral rules about 'don't tell lies' and 'don't steal' and 'don't rob' and 'consider others' and so on.

They might not go much beyond that and might not think very much about the fact that even a principle like 'consider the interests of others'—if you give others a weighting something like the weighting you would want them to give your interests if you were in their situation—could really lead to much more drastic reassessments of their priorities. I think the fact that most people are content to live lives in which the

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I wouldn't describe it as inspiration (in this example) because they're spelling out the implications of what you already believe, and they're telling you what you ought do given what you believe.

*Gaita makes much of a distinction between the narrow critical concepts characteristic of academic philosophical discourse centred around true, false, and the various modes of inference and the broader more substantial critical concepts in actual moral discourse—'banal', 'sentimental' and so on. Do you see this distinction as valid and, if so, important?*

For a start, I just don't recognise in his picture of academic philosophy the academic philosophy that I know. So I have no idea what he's thinking of when he speaks of moral philosophy, as it's done nowadays, being only concerned with truth and falsity and various modes of inference. Sure, true and false are there as categories, and I should hope so! But half the debate is done by people who think those sorts of concepts can't possibly apply to morality because truth and falsity have to do with facts not values. But that doesn't stop moral philosophy happening.

*But in academic philosophical seminars, when you're criticising a colleague you don't usually say to them, 'that was unjust, or shallow, or banal'. The terms of criticism are usually things like 'that's false' or 'you're inconsistent there' or 'you've overlooked this implication', and so on. I don't agree. I agree that you do complain if somebody is inconsistent, but you do that in real life too. But you also complain if a conclusion is immoral or unjust. You say, 'That would be unfair.' Justice and injustice are absolutely essential concepts, for political philosophy anyway.*

Think of how people devise counter-examples to utilitarianism. If they want to say that utilitarianism is a bad theory, they think up stories according to which someone, guided by a vision of how the best overall happiness can be achieved, does something cruel, and they say 'That can't be right, it can't be right ever to

do a cruel thing like that for the sake of overall happiness.' When you appeal to moral intuitions you're very often appealing to a big ragbag of norms that aren't always clearly spelt out. But because they're felt to be a source of ways of evaluating other moral theories they are clearly taken to be important. So I really don't recognise the picture of moral philosophy that Gaita wants to present.

*Peter Singer didn't recognise it, either. He said that you do criticise someone for lacking compassion, in a philosophical seminar, and properly so. That's a very fundamental difference with Gaita.*

I agree. I can't see where he [Gaita] gets the picture from.

*Associated with Gaita's distinction between the two different kinds of critical concepts is a distinction between expertise and wisdom. Do you accept that distinction, and, if so, how does that affect how philosophers—applied philosophers in particular themselves?*

There probably is a difference between expertise and wisdom. Expertise is a very general label for 'being good at doing something', anything. But you might think of wisdom as a kind of expertise: it might be being expert at living your life, or being good at being good.

But I don't see how the expertise/wisdom distinction, which I'm quite happy to agree with, goes along with this distinction between concepts. It seems to me that one could be competent with both sorts of concepts and be completely unwise and non-expert. I'm not sure what the two distinctions have to do with each other.

**A** *WITTGENSTEINIAN like Gaita might say that being wise involves being able to speak a certain language or engage in certain linguistic practices.*

I think that's really nonsense, because you could be competent with it in a certain practice when that practice was completely abhorrent.

Imagine the Wittgensteinian Nazi who grows up in a culture where all these norms are gradually imbibed and absorbed. If he's thoroughly Wittgensteinian enough,

he'll just stop when you ask him for a justification for his actions. He'll just say, 'I'm sorry, this is just where justification stops. To do otherwise would be evil. This is just the way the values are. This is the way of life.

You can't get past the way of life.'

**O** *BVIOUSLY THERE ARE A million and one ways of life, and some of them Gaita would agree are abhorrent, but I can't see from a Wittgensteinian point of view that you have any handle on what's abhorrent about them, because the same thing can be said about your own from their perspective.*

*Independently of the problem of cultural relativism, do you think that there is some linguistic dimension to wisdom, that the wise person would at least be somehow wise in the use of a certain vocabulary?*

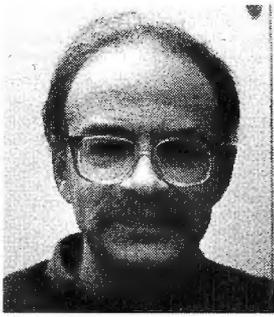
No. I'm sure we can all think of people we know who are wise, especially in their interactions with other people, without their having any philosophical vocabulary, let alone 'critical concepts'. It has to do with understanding people.

*Do you think it is desirable that ethics committees in hospitals and research centres attempt to represent a community consensus on ethical issues? Gaita questioned the desirability of such consensus in what he sees as our divided culture. Given that a practical decision has to be reached about these issues, the question is how do you go about reaching it? Are you going to reach it by simply following the authority of the director of the unit? Are you going to reach it by simply asking a priest?*

The ethics committee way of doing it is to say you are going to reach it by asking quite a few people, who represent quite a few different groups. And that seems to me better than trying to reach it by asking just one person who represents just one group.

But I agree with Gaita that there might not be any consensus out of that. I don't know what the solution is. The question a lot of these applied ethics issues have to deal with

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pursuit of material prosperity is their chief goal—that fact seems to indicate that those people haven't thought very deeply about what it is to live an ethical life.

*So the ethical life simply requires more reflection on what they already do know about morality?*

And its implications. I think the point that I made right at the beginning about the distinction between acts and omissions is a case in point. People often don't think about that very much. They will think about the fact that it would be wrong to harm someone, that it would be a terrible wrong if you go to a child and make that child blind. But they don't think very much about the fact that by giving money to Community Aid Abroad or UNICEF they could prevent blindness in children for a relatively modest sacrifice to themselves. It is that sort of thinking that

I think we are still a bit blinkered about.

**O**N THAT POINT, IN GAITA'S book (*Good and Evil: An Absolute Conception*) he has a fairly controversial example involving yourself. He does want to draw that distinction between acts and omissions, and draws it in the context of a discussion of remorse. (He believes that remorse plays a very significant role in our understanding of what ethics is about.) In the example, he says that someone who goes and shoots a few peasants in India and feels terrible remorse about it later on would quite rightly or intelligibly feel remorse about it, whereas someone (in Gaita's example, it is yourself) who failed to fill in his Oxfam subscription form and then was about to hang himself out of remorse would have greatly misunderstood the situation. What do you think about that kind of example?

Remorse is a concept which I don't really have a great deal of use for unless it is a way of reminding ourselves that what we have done is wrong and we should try to improve upon that. I suppose that's exactly how you would expect a consequentialist to understand that notion, but I think that you can talk about that notion in that way and preserve

what's valuable in it. So, from that point of view, hanging yourself isn't a desirable thing in either case, whether you shot a few Indians or failed to contribute to Oxfam. In either case what you ought to do is say 'Well, I'm going to try to do the best that I can to try and improve the position of people in India or wherever.' The other difference between the situations, I guess, is that if you fail to donate to Oxfam you don't know who has been harmed by this and that obviously makes a psychological and emotional difference to whether we feel remorse or not. But I don't really think it makes a difference to the wrongness of what is done. Of course I am not saying that shooting people or not giving to Oxfam are exactly on all fours. I've said in *Practical Ethics* why there are differences between acts and omissions that we ought to keep a grip on. But I do think that one could well feel remorse for having failed to contribute to Oxfam in the appropriate circumstances and it would be particularly where you know about people who have suffered from it. If you went through a village and found that people have starved or lived in utter misery for many years and you tried to find out why and they said 'Well, Oxfam came here with this wonderful project, we were much happier, the children were healthier, we were getting enough to eat but the funds ran out and Oxfam told us they couldn't go on with it' and you thought 'Gee, during that time what was I doing—I was buying myself all sorts of luxuries I didn't really need and I could have made sure that that project continued'. I would have thought that remorse would be a perfectly appropriate feeling in that context.

*Gaita questioned the assumption of the desirability of a community consensus on such issues as euthanasia. What is your view of that?*

I don't have a problem with consensus if it is a free consensus in which dissenting views can be expressed. It seems to me that, for instance, in the Netherlands now there is a broad consensus that doctors should be able to assist terminally ill patients to die under certain specified conditions. But there is nothing that stops

the small minority that don't like the situation from dissenting and expressing their views against it. I don't see any particular great virtue in fifty/fifty divisions. But I do agree with John Stuart Mill that if no one is ever going to disagree with something it becomes a kind of dead truth, it is not a living truth.

*Gaita is quite bleak in his views about the contemporary state of universities, viewing the professionalisation and the publication of academics as undermining the notion of an academic vocation and the disinterested pursuit of truth. How do you view the situation?*

Not in that way. I think that the fact that academics have become more public is all to the good. I think that it improves the connections, the links between the community and the university. There is no good in a university being wonderfully academic if it has nothing to do with most of the community.

Professionalisation can be a bit of a problem. I would agree with that. I would see much more of a threat to the universities in the pressures that they are now under to be productive by certain set criteria. This includes teaching, where we have to try and get more and more students to justify our budgets. But it also includes research, where we are under a lot of pressure to get government research grants, because this is a way of showing we are academically competitive, and so we change the direction of our research so we can justify spending money. (Philosophers don't really need to spend money at all.) I think that has

had a corrupting effect on the universities.

**S**O I'M NOT BLEAK; I think that there are still lots of good things about universities in Australia. I am concerned about some of the directions they have been going in the last few years, but not for exactly the same reasons Gaita is. ■

**Peter Singer** is Deputy Director of the Centre for Human Bioethics and Professor of Philosophy at Monash University. His books include *Animal Liberation*, *Practical Ethics*, and *How are we to Live?*

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is what policy there should be, given the fact of disagreement, which is the classic liberal problem.

But then the question becomes 'Whose agreement or disagreement is relevant here?' In the case, say, of deciding whether to let a child with spina bifida die, do we only consult the parents and the doctor involved in each particular case? Or do we try to establish a general policy that reflects community opinion? In the case of 'ordinary' murders we would never let just the people concerned sort it out among themselves—community consensus is relevant. I think it's a really hard question and I don't know the answer.

Do you think it is good for someone such as Peter Singer to be viewed, as many do, as something of a moral guru? I'm not suggesting that he sought such status, but simply noting that there are many readers who attribute their fundamental moral re-orientations to his writings.

Well, somebody could be completely re-oriented as a result of reading Singer's book without thereby taking Singer as their guru. A preacher or a real guru says to believe something and you believe it; a guru says 'Do such and such' and you do such and such. That's not the way Singer works. He doesn't have a whole lot of prescriptions baldly stated in a charismatic way so that people will follow them.

What he has is a way of arguing, very often on the basis of things that you already believe, that makes you see implications of what you already believe for something else that you hadn't realised before. That's the old consistency point again. People can change in what they do as a result of moral argument and as a result of philosophical argument.

I really think that's what Singer manages to do in his readers. And to say that the readers are then following a guru is to put a very cynical slant on it. It is to suggest there is no role of reason here at all but that it's all just some kind of rhetorical flourish and brainwashing.

*What is your view of the stifling of Singer's lectures in a number of*

*German universities? Gaita suggests that, though it is improper for lectures in a university to be stifled, it may on occasion be fair for opposition to some public speaker to take the form of shouting them down or showering them with tomatoes. Do you agree or disagree with that?*

I think in the case of someone speaking at a university, as Singer was, then normal standards of intellectual thought should apply. Universities are places where these things get debated. People with whom I disagree very strongly about the pornography issue get up there and say their bit. We wouldn't agree but we let one another speak.

*Ought we fear to think evil thoughts? Or ought we fear those who seek to tell us that our thoughts are evil? What do you think of Gaita's claims that contemporary applied philosophy runs the risk of corrupting students by encouraging serious consideration of evil thoughts, such as that infanticide is permissible under the same conditions as abortion might be?*

I THINK THAT THERE ARE TWO things that he is worried about. One is the thing we mentioned before about lack of seriousness in addressing important ethical questions, and the other is what the conclusions are. The conclusions have to do with permissibility of killing newborn infants in certain circumstances.

I think once you keep those two things apart, then what I want to say is that there can be a danger, in teaching moral philosophy, that people become flippant about things that it's not really a good idea to be flippant about.

What you're doing very often is teaching very big first year lectures with 200 people. If you can teach them in a way that makes them take things seriously, then that's all to the good. Whether or not you should be scared of certain conclusions, though, is a completely different issue, because you can't tell when you begin an argument where it's going to lead you. So, you can't, as it were, set boundaries to your own thoughts and say 'here is a thought; I'm not going to think it.' There's something a bit funny about that.

From the point of view of the business of philosophy, too, I think that is not a good idea. You oughtn't to say certain things are forever out of bounds, at least as far as your thoughts are concerned; because there are lots of real life problems around—like the problem of whether or not abortion should be permissible, to take one of the controversial policy issues. You have to come up with a decision about them one way or the other. You have to either decide that it's going to be permissible or not permissible.

How are you going to come up with a decision unless you think about all the options? To say one option isn't thinkable when half the population is wanting the answer isn't good enough. You have to do more than say it's unthinkable. You have to say what's wrong with it. You have to back up what you want to say.

To say it's just evil is not good enough from one's own point of view, and it's also not good enough if you're in the business of trying to persuade and engage in intellectual exchange.

*You were saying it's good to be serious about these issues. You don't think it's a measure of your seriousness that you do take some things as being evil thoughts?*

I don't think that's true at all. I think it's quite the opposite. I think it's a measure of your seriousness that you're willing to follow the argument where it leads.

You are not being serious about a moral issue if you simply let it rest on apparent prejudice, and say that something is evil without attempting to say why. ■

**Rae Langton** is a Lecturer in Philosophy at Monash University.

**Steven Tudor** is a student in Law and post-graduate student in Philosophy at the University of Melbourne.



*To say one option isn't thinkable when half the population is wanting the answer isn't good enough. You have to do more than say it's unthinkable. You have to say what's wrong with it.*

—Rae Langton

## Women, power and the early church

**T**HE TITLE OF THIS BOOK is somewhat misleading. Certainly it takes as its starting point the fact of women's leadership in the early years of the Christian church. We are introduced to a number of the more important women leaders such as Mary Magdalen, Lydia at Philippi, Phoebe, the deacon of Cenchreae, the teacher Prisca and the apostle, Junia. It makes it plain that women, at least in Christianity's earliest years, functioned in the church as apostles, prophets, teachers and patrons. However, to call them priests is, at the very least, anachronistic. There is no evidence of the existence during this period of an hierarchical priestly model of sacramental leadership as we understand it today, either for men or women.

I found it disappointing that the book merely skims the surface of the biblical and epigraphic evidence for the way in which women did exercise various leadership roles in the formative years of Christianity. The major thrust of Torjesen's work is the exploration of the social and political mores of the gentile Greco-Roman world which provided the context for this new religious movement. This is social and religious history rather than biblical scholarship or theology. She is most interesting and valuable in her discussion of the gendering of Greco-Roman society, with its distinction between the public and the private domain, and the way in which this was transferred to the ordering of church life. Women's management of household affairs and their right to a voice in the private domain, though sometimes questioned by jurist and philosopher was, nonetheless, a fact of Greco-Roman life. The distinction is expressed clearly by St John Chrysostom in the 4th century:

'Our life is customarily organised into two spheres: public affairs and private matters .... To woman is assigned the presidency of the household; to man, all the business of the state, the marketplace, the administration of justice, government, the military, and all other such enterprises .... [A woman] cannot express her opin-

ion in a legislative assembly, but she can express it at home.' (*The Kind of Women Who Ought to be Taken as Wives*, p.113).

Thus the leadership of women was acceptable whilst the church was based in private households and identified with the social structures of the private sphere.

Torjesen goes on to explore the link between this societal division between public and private spheres and the virtues deemed acceptable for men and women. The distinction here is between the cultural symbols of male honour and female shame. The male virtues included courage, justice, authority, self-mastery. They were integral to the male quest for honour, and were expressed in public. Women were assigned the virtues of chastity, silence and obedience. These belonged to the private sphere and were expressed principally through the preservation of sexual purity; that is, the guarding of female shame.

The available epigraphic evidence demonstrates that, even when a woman was accorded public honour, as a patron or benefactor of the community, it was for her private and family virtues that she received praise. Torjesen notes, for example, the inscription on the statue of one Aurelia Leite, erected by the city of Arneae in recognition of her wealth and influence in city politics. Priestess and holder of the powerful office of gymnasiarch, five times recipient of public honours she is, nevertheless, praised as 'chaste, cultivated, devoted to her husband, and a model of all virtues' (p123).

As Christianity outgrew the bounds of the household, it moved from the private to the public sphere. One expression of this shift is to be found in Tertullian's treatise, *On the Veiling of*

**When Women Were Priests: Women's Leadership in the Early Church and the Scandal of their Subordination in the Rise of Christianity**, Karen Jo Torjesen, Harper San Francisco, 1993. ISBN 0 06 068297 3 RRP \$35.95.

*Virgins*: 'Young women, you wear your veils out on the streets, so you should wear them in the church, you wear them when you are among strangers, then wear them among your brothers. (*De Virginibus Velandis* 13)

Here the rules of propriety for women that applied in the public thoroughfares are now transferred to the inner sanctum of the church. The female leadership possibilities within the private household churches were no longer considered appropriate as male models of authority and order were transferred from the political life of the city to church order. Church documents increasingly fulminated against women performing the now public duties of baptising, preaching or teaching.

Torjesen supports her argument for the transference of the gendering of Greco-Roman society to church life with an exploration of the influence of Greek philosophical concepts of sexuality on the early church fathers. We are, through Augustine in particular, the heirs to Aristotelian dualism and the belief that women were incapable of reason and the control of the passions and, therefore, inferior in both nature and spiritual capability. Sexuality becomes sin, and woman its source. The book pursues this question of the church's attitudes towards sexuality and the resultant denigration of women into the Middle Ages and the Reformation. Its discussion of the development of Christian asceticism and the subsequent struggle to enforce clerical celibacy provides even more evidence of the continued marginalisation of women's roles within the history of the church. However it is here that the treatment becomes too general and I believe the book loses its focus.

Written for the general reader rather than the scholar, *When Women Were Priests* does provide a provocative analysis of some of the philosophical and political roots of church prejudice against women. It makes the hierarchy's continued attempts to justify such sexism on theological and scriptural grounds even more scandalous. ■

**Pamela A. Foulkes** is a biblical scholar.

## Snappy priest

OVER THE PAST YEAR OR TWO the Irish Jesuits seem to have struck gold wherever they looked. They have shared it generously.

They looked upwards in the dining room, and the painting they had lived with for years turned out to be a Caravaggio. After having it cleaned, they handed it over on permanent loan to the National Gallery.

A year or two earlier, Fr O'Donnell decided to open a tin trunk that had lain in the archives for 30 years. He found that it contained over 42,000 photographic negatives, all neatly identified by place and time.

He summoned the experts, who came warily to examine yet another batch of amateur family photographs. They found their wariness justified: the negatives were preserved on acetate film, which as it degenerates has some of the qualities of nitro-glycerine. But the photographs were something else. In quality and range they evoked the work of Cartier Bresson, and were soon seen to be the most important film document of the century. So by another miracle, patronage was found to transfer the neg-

A WEEK OR TWO after its publication, I noticed Shane Maloney's *Stiff* appearing on a best seller list between one book called *Strip Tease* and another one called *Lasher*. But this is not that kind of stiff. *Stiff* describes a multitude of other sins: the body which is discovered in the freezer of the Pacific Pastoral meat-packing works, the luck of one Murray Whelan, the electorate officer in Melbourne's northern suburbs, who has to investigate the murder, and the upper lip of Charlene Wills, the Industry Minister, who employs him to manage her fortunes 'on the ground'.

Whelan gets to work one day to find a constituent demanding restitution from a tattooist. The constituent has had the name of his girlfriend misspelt on his chest and his proposed marriage is in tatters. Whelan tries to palm him off but the gent says that he's 'Adam-fucken-Ant'. For any number of polit-



**Father Browne: A Life in Pictures**, E. E. O'Donnell, SJ, Wolfhound Press, 1994. ISBN 0 86327 436 6

atives on to film, and the round of books and exhibitions began.

The photographs were taken by Fr Frank Browne over a period of 50 years. Apart from his years in Ireland, he served as a military chaplain in the First World War, travelled widely in Europe, and spent two years in Australia, including the outback, when his health deteriorated in the 1920s. In Ireland he spent many years going from village to village to preach missions. Everywhere he went, he took and developed his photographs.

The photographs tell their own story. But Fr Eddie O'Donnell here tells simply and affectionately the story of the man—and provides the narrative around which both the many photographs in this book and the whole collection can be grouped. He emerges as an attractive and resourceful man, with all the ingenuity, self-deprecating sense

'Self at the hairdresser's', Photo by Fr Browne, Dublin 1942.

of humour and slight zaniness which you would need to take a photograph of yourself while under anaesthetic on the operating table.

The crowning story of Frank Browne's life was perhaps his association with the Titanic. His uncle bought him a ticket for the first two stages of its maiden voyage. Friends offered to pay for the third stage to New York, but Frank's provincial ordered him off 'that ship'. As he said, it was one of the few occasions when religious obedience actually saved a life. One of his photographs, published in a Spanish newspaper, represented some children playing on the deck of the Titanic. It turned out later that two of them had been abducted by their father, who had absconded with the governess, travelled on the Titanic under an assumed name, and had taken the children with him. The father went down with the ship; the children were rescued; their mother recognised them from the photograph, and was reunited with them just as they were on the point of being adopted in New York.

On the basis of this life and the photographs reproduced in it, the next book of Fr Browne's work, *Fr Browne in Australia*, will be worth waiting for. It is due for publication in December.

—Andrew Hamilton SJ

## The company you keep

*Stiff*, Shane Maloney, Text Publishing, Melbourne 1994, ISBN 1 875847 00 6, RRP \$12.95

ical considerations he can't be got rid of. Thus, with a slash of the jowly humour which characterises the novel, the character of Mr Adam Ant is born. Whelan lives with his son, Red, who reads earnest books such as *Miranda has Two Mummies* and *Yes, Raoul Is Different*, supplied to him by his mother. On Day One, Whelan puts his head through the roof while he's trying to install insulation bats. Eventually, Adam Ant comes to fix the roof.

In and around Whelan's domestic arrangements, is fitted murder, cor-

ruption and the management of a branch of the party. Apart from a couple of attempts on his life, Murray laconically accepts that investigating the dark side of a meatworks is not necessarily any more politically dangerous than dealing with either Mr Ant or the local Turkish social club, having coffee in an Italian cafe in Coburg, taking his son out for a pizza, or coping with his estranged wife.

Despite its penny-dreadful manners, *Stiff* is perceptive and socially complex. It rests on the hope that somewhere between naïve idealism and complete cynicism there lies a worthwhile political existence. And it's funny hahaha. The ending is set up for the return of Murray Whelan, perhaps in a dozen adventures during which young Red will grow up, move to the eastern suburbs and improve his language.

—Michael McGirr SJ

## TALKING POINTS

### Part-time chaplain required

A vacancy has arisen for a part-time, volunteer chaplain at the Hawthorn campus of Swinburne University of Technology. Both male and female, lay and ordained persons may apply, and terms of appointment are negotiable. Contact: the Rev. David Rathgen, Swinburne University of Technology, PO Box 218, Hawthorn, VIC 3122.

### 'Red Ted'—The Life of E.G. Theodore



In this biography published by University of Queensland Press, Ross Fitzgerald details the life of one of the Labor movement's most controversial figures, 'Red Ted' Theodore—Queensland Premier, Federal Treasurer, publisher, mining entrepreneur and public servant. (In August 1992 *Eureka Street* published, for the first time, correspondence between Theodore and John Wren. In the 1930s and '40s, Theodore's path seemed to cross that of almost every powerful Australian.)

### The New Catechism: Analysis and Commentary

The 12 essays in this handbook published by the Catholic Institute of Sydney together provide a 'user's guide' to the new *Catechism of the Universal Church*. Contributors consider the *Catechism* in all its aspects—historical, doctrinal, moral, biblical, liturgical and pastoral. Copies can be obtained from the Catholic Institute of Sydney, ph (02) 977 6066, fax (02) 977 3581.

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THEATRE: 1

## Mozart in a straitjacket

*Shakespeare has been the market choice of the 1994 theatre season, but Jim Davidson finds competing riches in Louis Nowra's intersection with Mozart.*

**O**PERA IS THE UNANNOUNCED epicentre of a large slice of Louis Nowra's work. The playwright not only admires it, but has expressed envy of the way opera can release the throttle and go straight to a climax of the kind reached in straight plays only after an act or two. While this quality may elude translation into drama, opera nonetheless informs Nowra's whole aesthetic. The tableau-like scenes of *Visions*, set in 19th century Paraguay, almost need music to knit them together, while elsewhere—even in *The Temple*, based on a Christopher Skase-type figure—there are occasional explorations of mood, a certain cruising dithering, that suggest arias without music. It is no coincidence that the composer Brian Howard saw this quality in Nowra's work quite early, and made a very successful piece of music theatre out of *Inner Voices*.

*Inner Voices* also represents the playwright's other preoccupation: 'madness' and the isolation it imposes. Nowra has always had an interest in what he sees as *The Cheated*, the title of an early published scrapbook of press cuttings about them. Their basic humanity is something he has always insisted on; the voices such people might hear are more than matched by the deranged *Visions* of a man sane enough to head a dictatorial government. In the end it is all arbitrary. The point is most clearly made in *The Golden*



*Age*, with its isolated little Tasmanian community, manifested in the group's deemed deficient mental health and subsequent incarceration. Destiny is to some degree predetermined, beyond individual agency; categorisation can be wilful and capricious.

One of the reasons why *Così* is such a fine play is that it draws together these two streams in Nowra's work and resolves them. Basically, the idea is that a group of mental patients are persuaded, by the enthusiasm of a one-time actor, to put on Mozart's *Così Fan Tutte*. The alarm bells of pretension (always within earshot of any Queensland healer) rang a little louder this time: on the surface it looked as though Nowra might be over-indulging his operatic obsession.

**N**OT A BIT OF IT. As it becomes plain that the production (in order to get up at all) must first lose its Italian—and then the music—this *Così* gradually acquires new realities of its own. Despina's magnet is replaced with shock therapy: the arching bodies of the two suitors makes for a telling theatrical effect. Similarly,



in order to satisfy a patient, Guglielmo and Ferrando appear not as Albanians but as Australians in khaki great coats—and cardboard scimitars.

In the past Nowra has often exhibited a wry, sardonic humour, but little in his previous work anticipates the rich comic vein in *Così*. Often this lies in the dialogue, particularly the one-liners of the old actor, Roy: 'Women are God's punishment for men playing with themselves', he says, a line only a madman would utter. Sometimes it lies in stage business, but more often in the jostling intensities of the characters, comic timing arising from juxtaposing their different obsessions. In a way the gestural nature of libretti, with their swift changes of mood and action alternating with trance-like statements of feeling, parallels this nicely. So it was a sound instinct which led Nowra to centre his piece in a gutted *Così* rather than on a straight play.

One of the reasons why the play works, though, is because of Nowra's evident respect for the characters. None of them is made to appear ludicrous, not even the rather threatening pyromaniac, whose hard ques-

tioning edge is relieved by some humour. Even the doped-up musician, more off the planet than most, can after all play a very telling *Ride of the Valkyries* on his piano accordion. And there are many touching moments, as when the woman who has developed an infatuation for the director suddenly turns round to tell him in all solemnity, 'I dedicate this performance to you'. A number of the characters are in fact transformed by having taken part in it; they are given a new confidence, a new capacity to see the world from another point of view.

**W**HILE *Così* THEN can be located as a further exploration of 'madness', it also sits as the second play in Nowra's autobiographical *oeuvre* begun with *Summer of the Aliens*. Around 1971, the time the play is set, Nowra himself was involved in putting on *Trial by Jury* with the inmates of a mental hospital. The young director Lewis in this play is clearly a shadow of Louis. (Shadow is the word: he is the least substantial character in the play, and Nowra, as if embarrassed by his presence, backs off by having him nicknamed

Jerry for much of the time.) The wider events of that time, most notably the moratoriums, also intrude, as does the young activist Nick. This enables a certain amount of parallelism between the themes of the 'bourgeois' opera and issues of love and fidelity in contemporary life, but these are relatively undeveloped. Left-wing language has been reduced to Williamsonian simplicities, while Lewis's girlfriend scarcely provides a feminist perspective.

Still, the play had to be focused on the production of *Così*, and in that it succeeds admirably. By the time we get to the benedictory ensemble that ends the opera (the one bit of music allowed) it is hard not to feel you have journeyed through the making of the piece with the actors. Their imperfect singing over a recording injects a note of appeal, while the tearing away of one sheet after another, as one character holds up a translation of the words, provides a nice note of functional comedy. It is an extremely moving moment, validating the play as a variant of *Così Fan Tutte*. And that, really, is where it should end. Unfortunately another scene follows, where each of the main characters talks to Lewis as they come out of the dressing room. Its only imperative is an autobiographical one; it would be better dropped, the best lines being salvaged and reallocated elsewhere.

The Melbourne Theatre Company put on an exemplary production of this new play. Barry Otto gave a consummate performance as Roy, the one-time actor whose enthusiasm carries everybody along; also notable was Christen O'Leary as Cherry, not least for the way she communicated both her infatuation for Lewis and some awareness of its hopelessness. But it would be invidious to go on, for all the performances were well-judged and memorable.

Not least, *Così* consolidates Louis Nowra's reputation. The ambition has always been there, but now it is coming into focus. Whatever achievements are to come, it is clear that *Così* is a play that will last. ■

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*Having their way with Mozart: Barry Otto, Christopher Gabardi and Hugh Wayland, in the Melbourne Theatre Company's production of Louis Nowra's Così*  
Photo: David Parker.

# Shakin' all over

*Come on down!  
The wheel of  
fortune, Bell  
Shakespeare  
Company-style:  
John Bell, as  
Macbeth, plays  
show 'n' tell  
with a couple  
of weird sisters.*

*Photo: Branco Gaica*

**T**HE FIRST TIME I HEARD about the Bell Shakespeare Company was in July 1990, when Adam Salzer, general manager of the Australian Elizabethan Theatre Trust, enthusiastically explained the organisation's latest project. This was Australian Business Support for the Arts, the object of which was to tout for corporate arts subsidies. The principal focus for this money was to be a touring Shakespeare company, directed by the well-known Shakespearean actor and director, John Bell.

The new company was to begin operations the following year, and two proud boasts accompanied its inauguration. It would perform a selected repertoire of Shakespeare's plays (and others) in a specially designed, transportable replica of an Elizabethan playhouse, and it would operate without government subsidy. The replica playhouse would be set up in container buildings—the Hordern Pavilion was mentioned as a possibility—and the aim was to free Shakespeare from the Victorian proscenium arch.

As things turned out, the Bell Shakespeare Company began its stage life in January 1991, with a performance of *Hamlet* in a tent pitched *inside* the Hall of Industries at the Sydney Showgrounds. The replica playhouse had failed to materialise but, as Ken Healey reported in the *Sun Herald* (13.1.91): 'much of the feeling of the rough immediacy of Elizabethan playhouses [was] generated' among an audience seated around a raised, steel-mesh disk for

a stage. This was a largely unadorned, rather brief and distinctly prosaic *Hamlet*, directed by Bell himself and dressed in the era of its audience, presumably in order to speak more clearly to it.

Critical response to the venture was warm with regard to the project as a whole, if rather muted with regard to the *Hamlet* itself. More interesting for some, including myself, was the accompanying *Merchant of Venice*, which used the same, largely youthful cast, the same set, but vastly different costumes to create a truly interesting repertory season of the two contrasting plays. *The Merchant* was directed by the Canberra director Carol Woodrow, who achieved two remarkable interpretational feats with this problematic 'comedy'. First, she returned Antonio (the merchant of the title) to the centre of proceedings (despite a superbly-tuned and not unsympathetic Shylock from John Bell), and in Patrick Dickson (who also played a wonderfully garrulous old fool of a Polonius in Bell's *Hamlet*) she found an extremely suitable actor to play him. Secondly, she played the relationship between Antonio and his beloved Bassanio (set in a steam bath) with unabashed homo-eroticism, which brought a new twist in in an otherwise admirably uncluttered and gimmick-free production. The other actors (including Anna Volska, who alternated Nerissa with Gertrude, Susan Lyons, who was a

striking Portia, and James Wardlaw, who was already emerging as the company's rather good resident clown), shaped up into a promising ensemble.

But not everything was rosy. After the oppressive, steamy heat of the indoor tent in Sydney, the company endured wild and freezing conditions in February in Canberra, where the tent was pitched out of doors, so by the time they got to Melbourne in March the tent was abandoned altogether. Elston, Hocking and Woods' Athenaeum Theatre was hastily booked, and Shakespeare went back behind the 19th-century proscenium, where, sadly, he has remained ever since. Worse was to follow: halfway through the Melbourne run the Elizabethan Theatre Trust collapsed, taking hundreds of thousands of dollars (and Bell's main support) with it. The planned Brisbane season of *Hamlet* and *The Merchant* was cancelled, and the company appeared to be doomed.

The company bounced back in 1992, however, with corporate support and the addition of a rather flashy *Richard III* to the repertoire, which was further enriched by a vastly improved *Hamlet*. The fresh work on that play has been one of the most impressive features of the company's work in its four years to date. Bell replaced the inadequate John Polson with Christopher Stollery as Hamlet, added another half an hour or so of text and reworked the production in accordance with Michael Scott-Mitchell's new proscenium-arch design. Here was a *Hamlet* to be reckoned with. Even some of the anachronistic

gimmicks worked: this Hamlet carried a gun, but the climactic duel with rapiers in Act 5 was plausibly set up as a test of skill wholly in keeping with the spirit of the world Hamlet and his opponents inhabit in the play.

Bell's *Richard III* was interesting: he directed, and played the king himself (as a barely hunch-backed politician, so that references to his 'deformity' and being 'scarce half made-up' took on emotional and psychological overtones) in a bizarre world as much space-age as medieval in appearance. Scott-Mitchell's set used a series of brooding, moveable walls towering over streets peopled by characters looking as though they were dressed for some kind of surreal fancy-dress party. (The costume designs were by Sue Field.) The king's armour appeared to be fashioned from videotape and computer parts; the Lady Anne (barefooted in a long red gown) was a cross between *The Wizard of Id* and *Vogue*; James Wardlaw (the company clown as Buckingham!) was done up in a huge, high-necked multi-coloured cloak, looking like the frill-necked lizard which is the company's logo, while the Citizens in Act 2 were stylised creatures from the world of George Grosz. To complete this mélange of styles, Anna Volska's Queen Margaret looked (and was played) like Dickens' Miss Havisham.

For all that, it was an impressive production over which Bell strode like a corrupt colossus. The political element of the production (largely absent from the first version of *Hamlet*) took on considerable force, even though Boswell field was hopelessly cluttered. In the futuristic visual circumstances of the production, Richard's cry for 'a horse' also sounded a shade odd. In 1992, the BSC managed to complete a five-month tour, mostly in commercial theatres in Brisbane, Sydney, Newcastle, Melbourne and Canberra.

**F**OR THE COMPANY'S 1993 TOUR (which received Federal Government funding for the first time, in the form of a Playing Australia grant of \$90,000), a lively and extremely

youthful *Romeo and Juliet* (directed by Bell) replaced *The Merchant of Venice* in the repertoire. (To give an indication of the youth of these productions, Tammy McCarthy played Ophelia and Romeo's mother!)

Many commentators saw this production as the company's most even and satisfying to date. The ensemble acting had gained strength and depth (Stollery added a remarkably thuggish Tybalt to his other roles, Patrick Dickson excelled as Friar Laurence, Bell himself—arguably the nation's most illustrious 'supporting actor'—did the authoritarian Prince, Grant Bowler's Mercutio was a highly polished gem and Volska shed modern light on the part of the Nurse), and the verse was spoken by actors who showed, for the first time in many cases, that they knew what they were saying. Above all, the very young, very sexy and very able Romeo and Juliet (Daniel Lapaine and Essie Davis, fresh out of acting school) enabled the play to speak to its young audience with great freshness and conviction. And didn't they just lap it up!

The Bell Shakespeare Company has a strong commitment to youth. As well as obviously selecting young people for its main-house productions while on tour, since its inception the company has performed master classes for students and visited 60 to 80 schools a year as part of its 'Actors at Work' program. I have no doubt that its performance style has also been consciously adopted as a means of appealing to the young: the highly colourful and eccentric non-period costuming is part of this, but so too is the marked tendency to extract as much humour as possible from the plays and the characters.

There was some surprise, then, in the decision to wait until this year to introduce a comedy into the repertoire and, in some quarters, that it should be *The Taming of the Shrew*. For those slaves to the dreaded political correctness, the play still poses some problems, but this irreverently knockabout production seems to have bowled over most critics (with its vaudeville-night framing, Stephen Curtis' consistent, ultra-modern costuming, and such delightfully tricky gimmicks as Tranio

totting up on a smart yellow personal computer the assets he plans to offer as gifts to win the elusive hand of Bianca). And by putting together the company's three greatest assets—Bell as director, and Christopher Stollery and Essie Davis as Petruchio and Katherina—the decision seems to be handsomely vindicated.

But alas, Bell can't direct everything. In a complete turnover of plays this year, *Macbeth* also came on for the first time (*Hamlet* being dropped after three years, *Richard III* after two and *Romeo and Juliet* after just one) and the fact that it has turned out to be a grave disappointment has to be laid at the feet of its director, David Fenton, and of company policy. Bell clearly must act in a number of productions, and clearly he must also direct some of them. Sometimes (as in the *Romeo and Juliet*) he can manage both, but it is asking too much to expect him to do it all the time. He needs a good, permanent associate director who can share in the development of a house style but who can also be given a free hand to direct productions with the same flair and intelligence that Bell himself exhibits.

On the strength of *The Merchant of Venice*, Carol Woodrow looked likely to do the job. (*Merchant* is still the production which had the clearest directorial and interpretative sense at the first attempt; *Hamlet*—good though it became—only got there by degrees.) On the strength of *Macbeth*, (with its heavy-handed *Space Invaders* location and military symbolism, its prosaic approach to the language, wooden characterisation, and its trendy dependence on gimmicks) David Fenton does not.

Still, despite a rocky four years of operation, it is early days yet. Even if the company only brings us one winner each year, it will earn its place in Australian theatre.

The present *Shrew-Macbeth* tour continues in Canberra (4-20 August), Perth (25 August-17 September), Hobart (29 September-8 October) and Launceston (11-15 October). ■

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## Murder, schmurder

*Manhattan Murder Mystery*, dir. Woody Allen (Hoyts), is a subtle work that incorporates the better qualities of Allen's film-making: a script possessed of a hapless, neurotic wit, an intricate plot, and disarmingly casual performances that at times border on improvisation.

When an apartment-block neighbour of Larry and Carol Lipton (Woody Allen and Dianne Keaton) dies, her death arouses the suspicions of some idle but creative New York *literati*. For Carol and the divorced and amorous Ted (Alan Alda), it becomes an obsession that threatens to ruin the Liptons' marriage.

Carol believes that the dead woman's husband was her murderer, and Ted helps in the detective work as part of his plan to win Carol over. But proof can't be found until Larry joins in, hoping to save his apparently crumbling marriage, and a cunning plan to catch the culprit is devised by the beguiling Marcia (Anjelica Huston), whose novel Larry is editing.

The exchanges between these four main characters make engaging viewing, particularly when Alda and Huston are on-screen. The strength of these relationships manage to survive a momentarily disconcerting shift in direction during the middle of the film.

What develops is Woody Allen's slant on the classic whodunnit-that becomes-a-film-the-characters-themselves-are-watching. Their lives and loves are suddenly thrown into a confusion caused by their own hand, though they have no control over how events unfold. Allen's clever use of camera and setting blurs the division between life and art, and his poaching of the mirror scene from Orson Welles' *Lady from Shanghai* serves as a poignant climax to the film.

—Jon Greenaway

## Crash test

*Fearless*, dir. Peter Weir (Village). Hollywood mythology has it that the popularity of a Jeff Bridges' film

es into the chaos after an air crash. It seems ridiculous that anyone could have survived this crash, because bits of the plane are spread over kilometres. But it soon becomes clear that many are alive because Max Klein (Bridges) kept his head, and led them out of the wreck just before it exploded. The fear that Klein overcomes, or rather simply loses during the crash, doesn't return; the rest of the film deals with the sense of exhilaration that such an experience provides, and with the difficulty of sustaining this feeling.

The film's other notable performance comes from Rosie Perez, who plays Carla, a fellow crash survivor. Like Max, she is no longer able to function normally. But Carla was travelling with her baby boy, who died on impact, and she is crippled with grief and guilt at not having been able to hold him tight enough to save him. The central tension of the film runs between the crazy, but internally consistent world inhabited by Max and Carla, and the conventional rationality of everything outside it. Refreshingly, the 'real' world and its inhabitants, including Max's family, are neither glorified, nor portrayed as deathly dull. Ultimately the spell is broken when Carla, mostly because of Max's actions, returns to the real world.

Much of the attraction of *Fearless* lies in the fact that it is often very frightening, and keeps the audience constantly involved. And it's almost a serious investigation of the nature of courage, and of the relationship between fear and sanity.

—Catriona Jackson

### Eureka Street Film Competition

They're just like any family on Christmas Eve, except that Dad is suicidal and talks to angels. And that's not so strange, is it? Caption the above still from Frank Capra's *It's A Wonderful Life* and we'll award two tickets, to the film of your choice, for the answer we like best. Address entries to: *Eureka Street* film competition, PO Box 553, Richmond, VIC 3121. The winner of May's film competition was Lucrezia Migliore, of Taranto, Italy, who thought that Alain Delon would never forgive Fifi for starching the collar of his Drizabone.



is directly related to the number of times he runs his fingers through his hair. By this measure, *Fearless* should have been a box-office smash.

The film's opening scene plung-

## Sharp as ever

*Maverick*, dir. Richard Donner, (Village and Hoyts suburbs) The resurrection of our early TV hero Maverick in a feature-length film is rollicking good fun with the entire cast giving every indication that they are enjoying themselves.

A plot that could have been scribbled on the back of a breakfast menu proves no handicap. The success of the film depends on the exuberance of its stars and here Mel Gibson (*Maverick*), Jodie Foster (*Annabelle*),

and James Garner, the original Maverick, as Marshal Zane Cooper (!) seem to have a marvellous time hamming it up together.

The story is set in the old West of America, and Maverick the romantic, poker-playing gentleman is making his way across the prairies towards the world's first poker championship to be played for a half-million kitty with a required stake of \$25,000. Maverick has two major problems. He is short of the original stake and Evil Forces are conspiring to prevent him reaching the game.

Mel Gibson basically plays Mel Gibson in *Lethal Weapon*, having swapped his V8 for a pony. Although his mannerisms can be annoying, as Maverick he is very likeable. Jodie Foster waltzes through the part of the light-fingered Annabelle. If you add James Garner (for old times' sake), Alfred Molina looking sinister and clearly in need of immediate dental treatment, James Coburn as an evil presence, Graham Greene as an Indian with an eye for commercial exploitation and Danny Glover in an uncredited appearance as a bank robber, the result is a pot-pourri of satisfying nonsense.

Richard Donner's direction should be made compulsory viewing for the *Lightning Jack* team, as an example of what you can do to achieve a box office success with minimal story but tons of flair. As it is, stand by for *Maverick II* plus.

—Gordon Lewis

## Coens meet Capra

*The Hudsucker Proxy*, dir. Joel Coen (independent cinemas) continues Joel and Ethan Coen's fascination with America in the 1940s and '50s or, more precisely, with America's self-image in the Hollywood films of that era. In *Miller's Crossing* the brothers Coen adroitly pastiched one classic Hollywood genre, the gangster movie, and in *Barton Fink* they unravelled, then restitched, Tinseltown itself. *Hudsucker* goes a step further, grappling with the conflict between small-town decency and big-city opportunism. It is the gospel according to Frank Capra and Preston Sturges.

The film opens with a man (Tim Robbins) clinging to the windowsill of a skyscraper high above the streets of New York, steeling himself to jump. A clock above him is ticking away the final seconds before midnight on New Year's Eve 1958, and he shivers as snow falls around him. We are put in mind of James Stewart, poised to leap from the bridge at the opening of Capra's *It's A Wonderful Life*, and allusions to that film and other Hollywood classics are piled thick all through *Hudsucker*. (There is even a good angel, as in *It's A Wonderful Life*, though in true Coen style he is shadowed by a bad angel.)

When *Hudsucker* opened at this year's Cannes festival, many critics complained that it was too self-indulgently a buff's movie. It must be admitted that, even though you don't have to spot all of the film's allusions to enjoy it, doing so certainly helps. But the Coens owe a more basic debt to Capra: like him, they can spin a damn good yarn and find just the right cast to play it.

Robbins, who has the most versatile idiot grin in Hollywood, is thoroughly engaging as Norville Barnes, a dupe manoeuvred into the presidency of Hudsucker Industries by that company's scheming vice-president (Paul Newman). As the villain, Newman almost pastiches his own career with a virtuosic display of mannerisms that recall just about every role he has had from *Cool Hand Luke* to *The Color of Money*. And Jennifer Jason Leigh, as a streetwise reporter who sniffs out Norville's incompetence but falls for him anyway, proves once again that even her truly excruciating voice can drip with sex appeal.

Finally, in *Hudsucker* as in *Miller's Crossing* and *Barton Fink*, the Coens' satirical intent never quite overwhelms their obvious love of the films they are pastiching. Capracorn has a long, wonderful life ahead of it yet.

—Ray Cassin

## Loss of spirit

*The House of the Spirits*, dir. Bille August (Village). Isabel Allende's magical realist novels use elements

of the supernatural and the spiritual to weave their disparate elements together. So, although Bille August obtained Allende's permission to write a screenplay of *The House of the Spirits*, one wondered how the complexities and subtleties of her narrative might be handled. Would this production end up looking like an upmarket *Ghostbusters*?

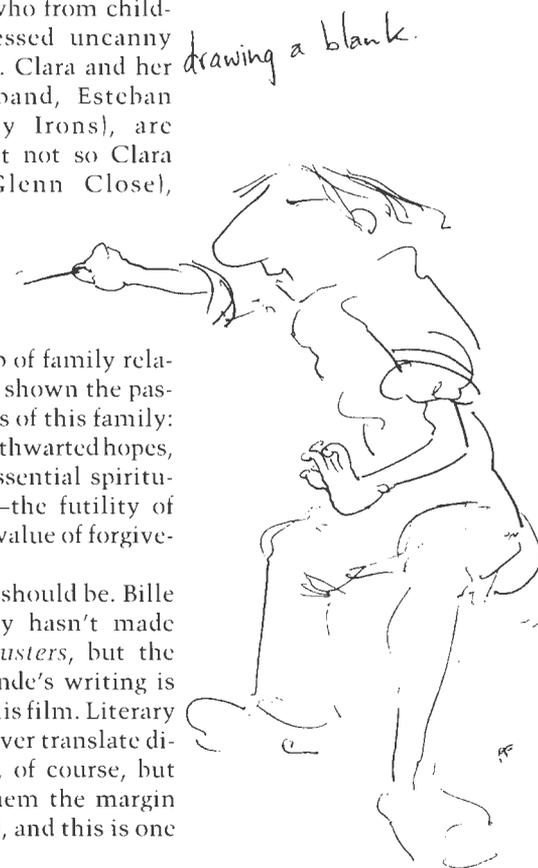
The story follows the fortunes of the Treuba family in a South American republic that, although unidentified, bears a strong resemblance to Chile, where Allende's uncle, President Salvador Allende, was assassinated in a bloody coup in 1973. Coincidentally, this family saga, which begins in the 1920s, ends in the '70s.

The central character is Clara (Meryl Streep), who from childhood has possessed uncanny psychic abilities. Clara and her ambitious husband, Esteban Treuba (Jeremy Irons), are mismatched, but not so Clara and Ferula (Glenn Close), Esteban's spinster sister. Their relationship stirs his jealousy, and through this web of family relationships we are shown the passions and politics of this family: it is a story about thwarted hopes, and about the essential spirituality of people—the futility of revenge and the value of forgiveness.

Or at least it should be. Bille August certainly hasn't made another *Ghostbusters*, but the subtlety of Allende's writing is not reflected in his film. Literary works almost never translate directly into film, of course, but with some of them the margin for error is small, and this is one of them.

There are good things in the film—Close's performance as Ferula, fine cinematography and some audience-pleasing action sequences. But if you're after a film that holds together from start to finish, and which is faithful to Allende's novel, this is not it. It might have the look of the original house, but the spirit is gone.

—Brad Halse





# A mid-winter trifecta

**A** MONTH IS A LONG TIME in television: *Middlemarch* and *Frontline* have come and gone, and *The Damnation of Harvey McHugh* is well into its run. Perhaps it's the ABC's gesture for the International Year of the Family—keeping us home sniffing with serial addiction.

*Frontline* is a satire on Australian current-affairs shows, with recognisable characters and storylines rather than just a bunch of more or less demented sketches, as most Australian television satire has been to date. Rob Sitch as the dubiously personable but intellectually challenged frontman Mike Moore (is his name a Willesee/Munro/microphone joke?) is at his best when allowed by the script to escape out of his over-the-top *D-Generation* mode into a genuine sense of the character, caricature though he be.

The show has improved since it started, with better scripts, fewer local jokes, and more frequent and pointed attacks on the genuinely disgusting aspects of current-affairs journalism: chequebook and foot-in-the-door practices; fine-tuned editing to rewrite the news in accordance with financial interests; manipulation of audience fears and prejudices.

Somewhat frighteningly for potential innocent bystanders, it has also looked at the staggering irresponsibility of journalistic interference with police operations. A recent *Frontline* episode recalled the 'farmhouse siege' affair involving Nine's Mikes Willesee and Munro in cowboy mode on *A Current Affair*, tying up the phone lines to the house. *A Current Affair's* executive producer, Neil Mooney, was reported in the *Age Green Guide* (7/7/94) to have called the *Frontline* episode 'tacky', to which one can only reply 'Quite'. As TV viewers get steadily more screen-literate, such tactics should become less acceptable and less effective as more and more people realise how they work, and in that sense *Frontline* is performing an educative community service.

But as satire goes, it's *Frontline's* bad luck to invite comparison with *The Damnation of Harvey McHugh*, which I think is the best Australian television I've ever seen. Its complexity, subtlety and blithe anti-realism have ensured disappointing ratings; it's one of those polarising shows that develop smallish but dedicated audiences. The outrage scattered round the letters pages of TV guides indicated the degree of incomprehension and sometimes fury it generated in some viewers; one of the reasons for both is that like all first-rate satire it is profoundly unsettling and disturbing, obliging the reader/viewer continually to re-question and re-examine his or her own position through the radical instability of its point of view.

The simplest example of what I mean is the character of Harvey's mum—played with astonishingly sustained inspiration and coherence by Monica Vaughan—who is presented as being both a game, innocent, exploited, chin-up, hard-done-by battler and an appalling monster of unseeing hypocrisy, parochial credulity and Freudian possessiveness. Another example is a scene in which three shortlisted candidates for a public-service job—one gay, one disabled, one black—are

collectively described as 'the equal-opportunity trifecta'. In an earlier episode, Harvey asks St Jude to make a beautiful blonde colleague fall in love with him; she does, but—as a petitioner to St Jude should perhaps have expected—the beautiful Mary, in the course of her attempted seduction of Harvey, reveals that she was called Martin until her operation.

In each of these cases the question one is obliged to ask oneself is: Why am I laughing, and at what? The Mary/Martin episode was particularly rich in objects of satire: in a kind of scattershot way, it targeted faith (blind and otherwise), sentimentality, lust, romantic love (blind and otherwise), constructions of and assumptions about beauty and gender, and—by no means least—the audience's own complicity in Harvey's appalled reaction to the revelations of this hitherto 'desirable', 'beautiful', 'blonde' 'girl'.

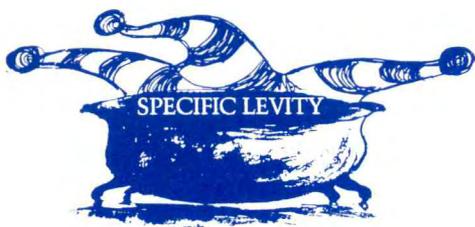
Against a wider backdrop of corruption-at-the-top and sci-fi Frankensteinian hanky-panky, Catholicism and the public service both take a hammering in this series. They are looked at, however, from different angles: the public service is directly attacked as an institution, and both its practices and policies become targets; the church is criticised less directly, through the effects it is seen to have on its innocent faithful, as exemplified by Harvey's mum.

While *Harvey McHugh's* creator John Misto was setting a new standard for Australian screenwriting, I was looking forward to seeing what outrages Britain's Andrew Davies would be obliged to perpetrate in order to fit George Eliot's 900-page epic *Middlemarch* into 360 minutes. A cracking pace and a number of adroit simplifications of plot (and, alas, of character) resulted in a still surprisingly coherent narrative, and some of the translations from page to screen were extremely clever and effective.

In a move unpopular with lovers of the novel but no doubt wholly acceptable to BBC bean-counters, Davies translated the emotive content of *Middlemarch* into its late-20th-century equivalent. Dorothea, for example, is supposed to be a wholly sympathetic character; so her zealous piety—a very 19th-century sort of virtue—is simply missing from the screen version. Another example is the knot of issues around gentility, propriety and honour which makes the Dorothea-Ladislaw get-together so agonising and interminable in the novel; in the series, these are virtually ignored.

Such things seem necessary for a 'successful' series. For purists who want the book and only the book, there is, after all, the book. But having said that, I really can't forgive Davies his opening sequence. The novel's first chapter begins with the words 'Miss Brooke', which is also the title of Book I. In the TV series, the opening shots are of Dr Tertius Lydgate arriving in and observing the town of Middlemarch. The message at the beginning of the novel is 'This is a story about a woman.' The message at the beginning of the series is 'This is a story about a man.'

■  
Kerryn Goldsworthy is a Melbourne writer and teacher.



# Eureka Street Cryptic Crossword no. 25, August 1994

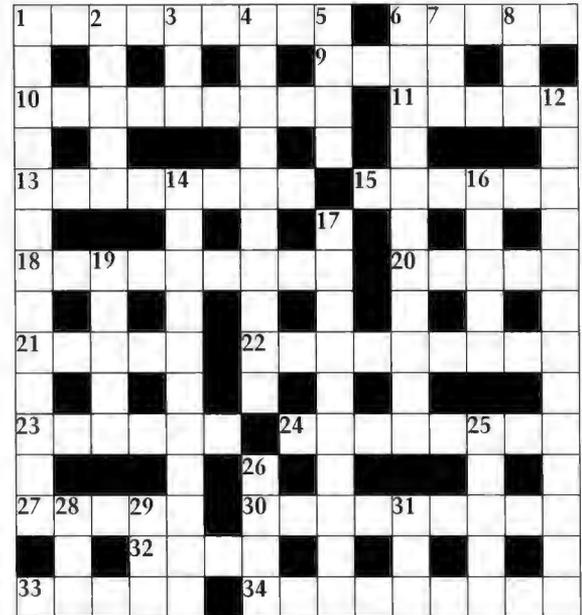
Devised by Joan Nowotny IBVM

## ACROSS

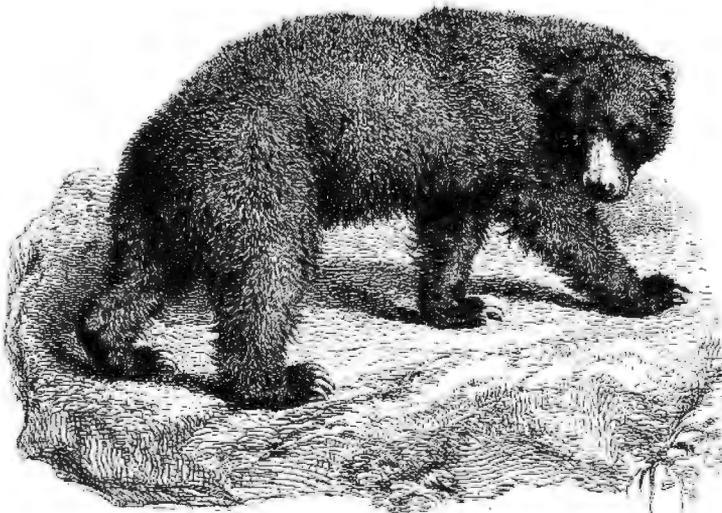
- 1 Sad twin with rotten teeth came last in the Class of '20. (9)
- 6 Sat round in the hope of becoming a holy person —like 12 and 18, for instance. (5)
- 9 Don't begin to touch me! That hurts, I say! (4)
- 10 O! Hell-bent on punctuality! Start class promptly at the signal. (2,3,4)
- 11 Eerily hunt a ghost in its place of visitation. (5)
- 13 Dreadful riot abates, being pointless, in the slaughterhouse. (8)
- 15 Is 12 a medico? She's learned in the Church. (6)
- 18 He spent a month in Europe to start with, before settling in Hippo. (9)
- 20 Measures taken to reach the heights (or depths). (5)
- 21 It is an established custom to have silver in circulation. (5)
- 22 'Do you intend to play the music slightly more slowly?' she asked. 'I don't, Anna' I replied in some confusion. (9)
- 23 'Out!' Gerard began, observing carefully. (6)
- 24 Car's side smashed by Troilus' friend. (8)
- 27 Gives voice to 6-down in youthful days. (5)
- 30 It may be that Peg is about to make pasta. (4)
- 32 Embrace amorously on the Isthmus? (4)
- 33 Oddly, even you, I hear, will come to the rendezvous. (5)
- 34 Where bus went back, rat sat uneasily on the underlying layers. (9)

## DOWN

- 1 'Can I squash an atom by rearrangement of its elements?' asks this great Dominican. (6,7)
- 2 More than needed but gratefully accepted by the batsman, perhaps. (5)
- 3 A row without right produces this bind. (3)
- 4 Before I go between MIT and California, I want to be like a hermit. (10)
- 5 Sounds as if I-down, 12-down and 18 across were wholly perfect. (4)
- 6 Train ditties—those melodies of student days! (6,5)
- 7 Take a breath between articles to express gratification. (3)
- 8 Could be 12-down's sister. (3)
- 12 In the presence of the frightful foe, tears avail her not, saintly though she be. (6,2,5)
- 14 Seated at sea, perhaps, use your senses to appreciate the situation. (5,3,3)
- 16 Though leaderless and confused, strive to come to the Roman fountain. (5)
- 17 In a queer dream, blent with a nursery rhyme fantasy, I saw Mary look after 'er little pet. What a tasty dish! (6,4)
- 19 Old American General may accede to the petition. (5)
- 25 Apply within for the train arrangement. (5)
- 26 King embroiled with donkey makes these requests. (4)
- 28 A frozen delicacy some neurotic eats. (3)
- 29 Is this animal different? Sounds like it! (3)
- 31 What an uncomfortable temperature! Some wouldn't wish otherwise. (3)



## Solution to Crossword no.24, June-July 1994



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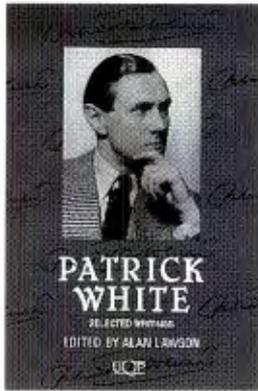
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