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Moira Rayner's 'spiritual' fight for justice

VIDEO

Peter Kirkwood

'Justice has been done,' declared President Barack Obama when announcing the assassination of Osama bin Laden in May of this year. And generally, around the globe, the actions of the Americans were applauded in ridding the world of this terrorist demagogue.

The very next day, true to form, barrister and human rights activist, Moira Rayner, went into print in *Eureka Street* arguing that bin Laden should have been <u>captured alive</u> and given a fair trial. 'We have not achieved justice ... by acting unjustly,' she wrote. 'Extra-judicial killings are, as Osama bin Laden's death was, murder.'

Throughout her long and colourful legal career, Rayner has been an unwavering advocate for human rights. However a series of personal and professional crises in 2005 led to a reappraisal of her life, which included an exploration and discovery of a totally new spiritual direction.

Rayner talks about some of these issues in this interview, one of a series with prominent contributors to *Eureka Street* to mark its 20th anniversary. It took place at <u>Campion Ignatian Spirituality Centre</u> in Melbourne.

She has studied at the centre, recently completing the three-year Arrupe Program that qualifies participants to give the Spiritual Exercises of St Ignatius. The Exercises were originally formulated by St Ignatius of Loyola (1491—1556), the founder of the Jesuit Order.

Brought up in a strict Presbyterian household, as an adult Rayner left this behind and explored secular and Eastern spiritualities before finding the Ignatian Exercises in 2005.

Training as a spiritual director is just one passion of this dynamic and multifaceted woman. She has a law degree with honours, and a Master's degree in public policy. As well as working as a barrister, she has had a leading role in many public institutions that safeguard and foster human rights.

She was Victoria's last Commissioner for Equal Opportunity, and has been acting deputy director of research for the Australian Institute of Family Studies. She was a hearings commissioner of the Human Rights and Equal Opportunity Commission and the first director of the Office of Children's Rights Commission for London.

She is a registered civil celebrant, providing ceremonies for weddings, commitment services, renewal of vows, name-givings, funerals, adolescent rites of passage, coming-of-age, and major life changes.

Rayner now works for a large law firm in Melbourne, and teaches as a senior fellow at



Melbourne University's Law School. She has co-authored several books on governance, human rights, public policy, and the role of women in society.



One lifetime, two Depressions

POLITICS

Robert Corcoran

'Why don't you give them something, Mum?'

'I'd like to, but I can't. Your own father is out of work.'

My mother's words have stayed with me ever since the Great Depression of the 1930s. They followed the departure of yet another sad-faced man who had knocked on our back door that day. He pretended to be selling bootlaces but it was obvious he was simply begging.

The Depression was bad in Australia. The statistical unemployment rate reached 30 per cent, although the reality was worse. Tenants couldn't pay the rent and many were evicted.

Australia had amassed huge war debts, borrowed mostly from English banks. Sir Otto Niemeyer of the Bank of England came to Australia in 1930 and demanded the government reduce spending and cut wage rates. Projects were cancelled, workers sacked. Those with savings clung to their money out of fear and uncertainty.

The 1930s were miserable and a waste of years when Australia should have been building for the future. What had gone wrong?

The collapse of share prices in New York in October 1929 was the trigger, but not the cause. It was lust for wealth by investors and financial manipulators who bought shares, often with borrowed money, in the belief that share prices would keep going up, allowing them to become effortlessly richer. Inevitably, the bubble burst.

The economic disaster caused widespread misery but had one good result. It spurred some economists to question the conventional wisdom of shutting down projects and lowering wages when recessions loomed.

One of them was J. M. Keynes of Cambridge University. He changed from his conventional belief in 'the free market' to the need for government action and financial stimulation in the face of serious economic downturn.

In the US, President Roosevelt took some limited action in accord with the policy Keynes was to advocate a little later. He called it 'The New Deal' and began massive government construction projects such as the Hoover Dam. Employment was boosted and the bad effects of depression were reduced.

After the Second World War, the economic principles adopted by Keynes and supported by others, such as the American economist and author John Kenneth Galbraith, were widely accepted for several decades. In Australia, both major parties adopted Keynesian economic



principles. The original Liberal Party platform included: 'The preparation of a program of public works ... to be put into operation at the first sign of any recession.'

Unfortunately, memories of the Great Depression faded, and in the USA a new generation of economists, such as Milton Friedman, of Chicago University, revived the old, fraught policies of the 1920s. Wall Street, or a significant part of it, once again gambled with borrowed money until, in 2008, the US fell into a deep recession that spread to other countries. When America sneezes the world catches cold.

No wonder crowds throughout the US are now demonstrating against Wall Street - a loose term for those who made huge fortunes at the cost of stability and jobs for ordinary workers.

Typical of this feeling, at the recent unveiling of the Martin Luther King statue in Washington, his son, also Martin Luther King, deplored the unfairness of the top 1 per cent of the population possessing 40 per cent of the nation's wealth. Equally deplorable are the financial rewards and the power of corporation leaders who receive multi-million dollar payments — even when their companies are floundering.

President Obama has suffered criticism over the recession, mostly unfair because he has been hamstrung by a recalcitrant Congress. He injected government funds but, instead of going into new 'Hoover Dams' or hospitals, they have been swallowed by the same financial institutions that were largely responsible for the trouble.

Meanwhile, high unemployment persists in the USA, and the super-rich refuse to make any concessions, but hold on to their low tax rates and concessions.

Australia has fared much better through the crisis. Substantial government funds were provided promptly, albeit with some mistakes, for projects that employed workers. Economic health and stability were maintained and valuable projects completed. Australia set a good example for the governments of other countries.

I have seen two serious economic crises during my lifetime, with reasonable stability in between. With hindsight, it is not hard to see that a now-discredited economic theory was forced upon Australia at the time of the Great Depression — causing misery— and that a contrasting economic principle has been successful here in recent years. We may refer to it by the awkward term 'Keynesianism', or more simply, as 'common sense'.



Race against grief

FILMS

Tim Kroenert

The Cup (PG). Director: Simon Wincer. Starring: Stephen Curry, Daniel McPherson, Colleen Hewitt, Brendan Gleeson, Jodi Gordon. 106 minutes

The big test for any historically based sports film is how well it manages to sustain emotional engagement and dramatic tension, despite the common-knowledge nature of the events. In 2002, jockey Damien Oliver rode Irish horse Media Puzzle to Melbourne Cup glory, one week after his brother, Jason, was killed in a racing incident. (The brothers' father, Ray, had died under similar circumstances when they were children.) *The Cup* recreates the tragic and inspirational events in style.

Curry — known mainly for his comic roles in *The Castle* and those AFL themed Toyota commercials — provides a solid dramatic turn as Damien. As the film begins Damien is already an acclaimed jockey, having won his fourth Racing Victoria Limited Scobie Breasley Medal for riding excellence. The film then turns immediately to his family relationships, notably with Jason (McPherson) and their mother Pat (Hewitt). These human relationships are at the film's heart.

Damien is due to ride Media Puzzle in the Cup, and the early signs are good: they easily win the Geelong Cup, seen as a precursor to Melbourne. However when Jason is killed, Damien is thrown into turmoil. His grief tests his own resolve, as well as the faith of Irish trainer Dermot Weld (Gleeson). Damien must also consider his mother, now twice bereaved by the sport, and his wife, Trish (Gordon), suddenly acutely aware of the dangers of sitting astride 400kg of galloping horseflesh.

The Cup dwells at length on Damien's struggle with this dilemma, to ride or not to ride. Perhaps too long, given that we all know what decision he ultimately made. The film risks being mired in the maudlin, but is carried through by Curry's strong performance and solid contributions from a supporting cast that includes TV comedian Shaun Micallef, credible in a straight role as Damien's former trainer and mentor, alonside Australian cinema staples Tom Burlinson and Bill Hunter.

Make no mistake, *The Cup* is sentimental, even romantic in its portrayal of horseracing.

But it is also refreshingly traditional. None of the parochial jokiness, boutique idiosyncrasy, or blood-and-boobs edginess that tend to be the mark of many modern Australian films. Just a straight-faced, straight-laced drama, with a polished script, unashamedly nostalgic score, the scope and scale to demand a cinematic viewing, and uniformly good performances from a fair dinkum Aussie cast (no Hollywoodised expats here). Squint and it could be 1983.



No coincidence that *The Cup* harks back to the golden age of Australian cinema. Wincer helmed Australia's other great horseracing film, *Phar Lap*, two decades ago. *The Cup* operates as a quasi sequel or update of that film, referencing the great horse himself and ruminating on the changeless nature of Australian horseracing. This changelessness is also reflected in the film's classical style.

Wincer uses a variety of tactics to achieve verisimilitude. Distractingly, this includes sore-thumb cameos from a cavalcade of sports commentators, including Bruce McAvaney, Dennis Commetti and ABC Radio's *Coodabeen Champions*. On the other hand, its references to the Bali bombing, and the influence upon Damien of AFL star Jason McCartney's (played by Rodger Corser) heroic behaviour during that incident, is more efficiently and effectively handled.

When the big finish does arrive, *The Cup* executes every trope (read: cliche) in the sports film playbook — simmering build-up, slow-motion finish, cross-cutting between the russet thunder on the track and the variously anxious and excited audience reactions — in order to ramp up the tension. That it succeeds in getting audiences barracking for Oliver all over again, despite the well-known outcome, is testament to good technique over innovation.



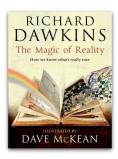
Atheism vs religion: half time update

RELIGION

Andrew Hamilton

Recently public interest in the aggressive form of atheism represented by Richard Dawkins and Christopher Hitchens, and in the religious response to it, seems to have waned.

This half time break gives commentators a chance to grab a pie and sauce, to say who is likely to win and to assess the success of the respective game plans. Casual spectators can also satisfy their curiosity about whether this is a preliminary match or the Grand Final.



Most observers would acknowledge that the Atheist team has won in a few positions on the field. Their aggressive attack on religious belief has appealed particularly to people who have separated themselves from their religious roots, but still feel marginal unease or resentment. They find support for the break they have made in the polemic and in the claim that a scientific world view is sufficient.

The debating skills of the Atheist champions, too, have made some Christians more hesitant in their belief.

Both teams have scored own goals. Catholic players, especially, have been distracted by the scandal of sexual abuse and the deeply rooted clerical attitudes to power that it has disclosed. But by their heavy handed polemic the Atheist team has also alienated many people who see in it the intolerance that it decries in its religious opponents.

The game plan of the Atheist team has been to keep the ball in their forwards and to batter their way downfield, forcing the Religious team to play the game on their terms. They rely on books and lectures by their heavy hitters that draw publicity and debates against weaker opponents.

The Religious team has generally responded by trying to slow the game down and to win penalties for unduly rough play. Interestingly, Dawkins has changed tack in his handsomely produced new book, *The Magic of Reality*, with its avuncular chiding of religious silliness.

The bookies have set the half-time odds slightly in favour of the Religious team. They are believed to have greater institutional depth. It is feared that the atheist team, which relies strongly on a few individuals, may tire towards the end of a long game.

The status of this game is more interesting. Despite the passion with which it is being fought, the game looks more like a preliminary than a Grand Final. This means that both teams must prepare themselves to meet an even more formidable opponent with seemingly



impregnable defensive skills.

This opponent is a Western culture in which all affirmations of large meanings drown in a swamp. Whether it be the sole sufficiency of science or the divinity of Christ that is affirmed, the affirmation is heard with a shrug, and is smothered in uncommitted tolerance. Against such a defence both Christianity and atheism struggle to make ground with their assertions about the nature of reality.

The game plans of both the Atheist and the Religious teams are likely to be counterproductive in the main game. Negative attacks on each other's large claims will not win over the uncommitted, but will succeed only in confirming suspicion of all large claims about the nature of reality.

Polemic against atheism and analysis of the prevailing culture will have a minor role. Religious and Atheists alike will be reassured at seeing their champions go snorting into battle laying blows. It helps team morale. Broad analysis of the deficiencies and origins of our current culture, too, help underline the Christian commitment to the truth of its affirmations.

But both polemic and dismissive analysis tend to increase scepticism among the uncommitted. To win them other strategies are needed.

The challenge will be to find a point at which people with an inherited suspicion of large affirmations of truth might be drawn to engage with deeper questions of meaning. This point must touch what matters most deeply to people. For most it will have to do with their own and others' humanity.

The best way of engaging at this level will be through reprsentatives whose admirably human and humane ways of living are clearly and attractively animated by faith. An attractive life characterised by a practical concern for the most vulnerable human beings may commend the large vision of the world that underlies it. It may also encourage discussion about the kind of culture that might best sustain a humane society.

Finally, of course, any team that hopes to win over culture will also have to avoid own goals and demonstrate a match between its rhetoric and its on-field conduct.



Unemployment angels and demons

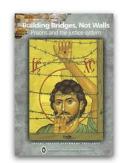
COMMUNITY

John Falzon

No matter how you twist them the facts about poverty in the lucky country just keep shaming us.

You can see the tip of the iceberg on the streets of our capital cities and regional centres where you will come across people whose lives are exposed to the elements and to the eyes of all who pass by.

We are even seeing new divisions emerging among low-income households! Fourteen years ago the unemployment benefit was 91 per cent of the single pension. Now it is only 65 per cent.



Peter Whiteford, of the Social Policy Research Centre at the University of NSW projects a fall to a miserable 33 per cent. He notes that, after you take out the costs of the cheapest capital city accommodation your average single Newstart benefit recipient was left to survive on \$16.50 a day.

Australia spends less on transfer payments than the average of the wealthier nations in the OECD.

Data released this week and prepared by the St Vincent de Paul Society's Victorian Policy and Research Manager, Gavin Dufty, on relative price changes, has shown that people on low incomes are being forced to make such devastating choices as whether to go the doctor or buy food. As he puts it: 'to survive today you've got to compromise the future'.

The research shows that the price of essentials such as electricity and rent has gone through the roof over the past six years while discretionary items such as entertainment and holidays have increased only a little or, in the case of high street fashion, have actually gotten cheaper.

Two months ago I received an email from a young man in Queensland. He was writing to thank Vinnies for the stance it takes on the side of people who are demonised for being unemployed. He told me his story. Here are some bits of it:

I rent a single bedroom unit for \$200 per week.

Around five weeks ago I was retrenched from my job of four years. I do not own a car and do not have sufficient funds to purchase a car. Public transport being what it is around here makes finding work very hard. In fact one job I applied for that I got an interview for I had to knock back as I realised I could not get to the place of employment via public transport.

With Centrelink payments and rent assistance I would get around \$295 per week. I need



power ... and a phone, and I use the internet to help find work ... so without even thinking about food, clothes, transport etc. ... I have around \$40 a week to live on ...

Now I'm in a situation where I can't afford to live here so I am thinking of going back to Tasmania to live with my mother ... because the Government in its wisdom doesn't pay a single person enough to exist on their own, I find I have to move to a state with less job prospects ...

I am currently on Newstart sickness benefits for anxiety and depression brought on by my situation. I don't know what to do ... keep going I guess ... that's all you can do...

Keep going. Yes. That's all any of us can do.

There are those who will say: *Mate, you can turn this around if you want to. It's a matter of choice.* They are wrong.

I don't blame people for thinking this way. Sometimes it is all they know. They hear the relentless message that people are to blame for their own marginalisation. It follows that to support someone in this situation you are 'enabling' them to keep doing the wrong thing.

But social security payments are not the end of the story. Neither are they the beginning. We are in the situation we are in because of a gradually increasing transfer of wealth and resources away from the commons and towards the private few.

In the 17th Century an anonymous English wit penned the following piece of doggerel:

The Law locks up the man or woman

Who steals the goose from off the Common,

But leaves the greater villain loose

Who steals the Common from under the goose.

Then, as now, the common wealth and common good are systematically purloined. Then, as now, it is far easier to construct a method of individual punishment in place of a vision of social justice.

The 2011 Bishops' Social Justice Statement *Building Bridges, Not Walls: Prisons and the justice system* points out that between 1984 and 2008, while rates of crime either stayed steady or fell, the number of Australians in prison per 100,000 people almost doubled. The majority of Australian prisoners come from the most disadvantaged sections of the community.

Aboriginal imprisonment rates have jumped by more than 50 per cent over the past ten years, with an Australian Institute of Health and Welfare report showing that members of the First Peoples now account for over a quarter of the prison population in Australia.

It is a dangerous thing to denounce the causes of oppression. It is also dangerously



counter-cultural to announce that another kind of world is possible. But, as the martyred Archbishop Oscar Romero put it so beautifully:

Even when they call us mad,

when they call us subversives and communists

and all the other epithets they put on us,

we know we only preach the subversive witness of the Beatitudes,

which have turned everything upside down.

We are called by our common humanity to struggle for a just society; for the sacredness of those on the margins, and their liberation from the structures that exclude them; for a 'turning upside down', to use the revolutionary principle of the Beatitudes. There is nothing more beautiful or more human than this struggle. Anti-poverty week is a time to revisit this imperative.



Jesus' desert odyssey

FICTION

Iane Iervis-Read

Forty days he was wandering in the desert. The devil was riding on his back and what a burden it was to bear in all that soft sand, mountains and mountains of shifting sand without solid ground beneath it. The weight of only another devil could send a man to the bottom.

The devil had a black hair tail like a horse and it sat upon the man's shoulders, warding away the flies for both of them. The flies, the circling birds, the ribcage dogs, fine and lean despite mangy coats — some animals were there to remind you of your death.

One desert dog came to walk beside the man. The devil hissed and spat and tightened its legs around his torso, but the man greeted the dog kindly. The dog had no problem looking him in the eye. Its eyes were sharp and black, the eyes of a meat-eater, but not cruel and not ironic.

When I fall you'll eat me, Dog, said the man. He moved one foot after the other and the dog swaggered beside him, panting lightly despite being used to the heat.

Yes, said the dog, but take your time. I'm not too hungry yet.

Forty days is a long time to wait, said the man and at this the devil trilled with laughter, flicking its tail so that it whipped the man in the eye.

Forty days? it snickered, My Lord, you're human remember? This is a desert. I am the devil and that is a dog.

The dog laughed at what the devil had said. It wasn't a wicked laugh but the laugh that a grown-up gives at the antics of a child.

Right enough, said the dog. Right enough.

And they plodded on together, the man and the devil and the dog.

The day began to close and the night sky drew over, littering the desert with millions of ice-cold stars. The sand was already cool on the surface when the man lay down upon it to sleep. His body was a little out of his control now, the way it fell so heavily before him as soon as he decided to rest.

The dog lay down beside him and asked, *Aren't you going to eat something?*

The man shook his head. His eyes were already shut to the night.

The devil shivered. It had skin like the skin of snail, which had risen into sharp goose pimples, and the sweat coming off it smelt of roasting meat. The devil clung to the man like a



fat tick, digging deeper with its claws at every sound of the night, and it did not sleep a wink.

The dog also ate nothing, though this was not its custom, and slept beside the man with its head between its paws, comfortable in the sand. The dog woke to the devil looking at it. The whites of the devil's eyes were wide and it bared its teeth now in a strange nervous gesture.

I'm not like you, said the dog. So you needn't worry.

Not like me, said the devil, but not like him either. I'm watching you.

You'll need to sleep if you're to last the coming day, replied the dog.

The devil spat at the dog, who went easily back to sleep but keeping one eye alert to the devil as any dog would.

At times the devil could not stop chattering. Its teeth would be rattling in its jaw, head clanging up and down with the rate of babble, but all the while it was producing no actual words at all.

The dog was a creature of few words and when it did speak, did not address the man as My Lord. It was a relief to the man, his throat coarse with thirst and his feet blistered raw, to be without the extra burden of being exalted — to be an equal with the dog, walking silently beside it over the molten sand. The creature felt to him a friend, though he knew it awaited his death, and the devil never stopped reminding him of that with a hot, prickled voice in his ear.

The man ate nothing and so the dog ate nothing. When the man couldn't walk any more, the dog continued walking and so the man continued walking. The sun hammered down upon their brows and shadows shifted and dissipated as they approached.

The devil never took a step, though it directed the journey. Sometimes it would ride the man like a chariot with its horny feet curled around his shoulders. At other times it would cower in his arms like a fallen cat and the man held the devil because it was afraid.

Every night the devil gave birth to roast chickens and jacket potatoes and gallons of wine which it swilled and gobbled, sucking the oil from its fingers. It shrugged when the man and dog refused the steaming food. They always refused it, for they knew it was fresh from the devil's arse, but even so their saliva glands opened and wept.

Every night the devil gorged itself with food, in order that it might survive the next day, and every night it was afraid.

The man and the dog had empty stomachs, and in the daytime saw as much of what was not there as what was there, but in the night their vision was clear and neither was afraid of the dark.



My Lord, whispered the devil, close and wet in the man's ear, that dog is going to tear you to pieces as you sleep. You must stay awake.

But the man continued to sleep, every night for 40 nights, with his neck bare to the stars and the dog breathing warmly a short distance away.

The devil said, My Lord, let's eat the dog or at least let's leave it behind.

But instead the man shook the devil from his shoulders and he and the dog walked together to the edge of the desert.

Well it's been 40 days, said the dog, and you haven't fallen.

Sorry Dog, said the man. *I know you were hungry*.

Don't worry, said the dog. You'll be back.

Right enough, said the man. *Right enough*. And he walked away.



Modernising Islam

POLITICS

future.

William Gourlay

Perhaps the events of the so-called Arab Spring will put paid to the common misperception that Islamic societies are resistant to or incapable of reform and that, by extension, Muslims in general are unwilling to embrace 'modernity'. At the heart of the uprisings that have spread across North Africa and the Middle East is a popular desire for change. These are examples of Muslim peoples railing against the status quo, using peaceful protest as a means to demand a better

Various quarters have attempted to claim credit for catalysing these popular uprisings. The Iranian Supreme Leader, Ali Khamenei, heralded the protests across the Middle East as an 'Islamic awakening' inspired by Iran's 1979 Islamic Revolution. Closer to home, former prime minister John Howard remarked that the Arab Spring 'might' have been encouraged by the ouster of Saddam Hussein.

Neither claim is convincing: why has it taken so long for any 'awakening' to ripple outwards from Tehran, and how do the travails that Iraq has endured since 2003 amount to an inspiring model?

An alternative explanation can be found within the Middle East. It is perhaps no coincidence that the Arab Spring followed closely on the heels of widespread popular protests in Iran in 2009, following a presidential election widely regarded to have been manipulated to ensure the Islamic regime's then-preferred candidate won.

The popular imagination holds that Islamic societies are gripped by a 'seventh-century mindset' that smothers innovation and reviles change, so that if change is to come to the Muslim world it must be imposed or catalysed from outside. Yet as even conservative commentator Daniel Pipes recently remarked, Islam is not static. Widely overlooked in Islamic history are repeated instances of home-grown attempts at reform, political and religious.

From the mid-19th century, intellectuals across the Islamic world, stung by comparisons with a rapidly modernising Europe, sought to address the shortcomings that beset their societies. Later known as the Islamic Modernists, these intellectuals advocated political, economic and cultural change.

Here the example of Europe was a guiding light, but not one to be slavishly imitated. The Islamic Modernists warned against a propensity for *taqlid* (imitation), whether of Muslim tradition or European example; rather they highlighted *ijtihad* (reasoned interpretation), a principle applicable equally to Islamic scriptures or imported social models, and a process that



would allow the recalibration of European modernity so that it could become compatible with the social and cultural milieu of Islamic societies.

One of the weapons in the armoury of the Islamic Modernists was the then relatively new medium of the press. Here was a means to reach out to the broader populace, informing, educating, promoting debate and advocating change. Amongst the profusion of periodicals that sprung up from Mombasa to Malabar, was the Azeri weekly periodical *Molla Nasreddin*.

First appearing in Tbilisi in 1906, *Molla Nasreddin* was an immediate success. Published in Azeri Turkish it captured an audience across the Caucasus, Central Asia (both then part of the Russian Empire) and Iran. Named after the legendary wise man-cum-fool revered across Eurasia, *Molla Nasreddin* displayed, in its illustrations, cartoons and commentary, a satirical and sardonic take on the issues of the day.

A new publication, *Slavs and Tartars Presents Molla Nasreddin*, brings together a collection of the periodical's covers and artwork. Lively, sometimes garish, two-colour cartoons reveal an impish sense of humour and highlight the editors' concerns: women's rights, the interference of foreign powers, the role of religion in society and government, press freedom, conservatives aiming to forestall progress, education.

Molla Nasreddin did not long survive the arrival of the Communist regime, ceasing publication in 1930.

One doesn't need to be an astute observer to realise that in parts of the Islamic world little progress has been made on the issues that the periodical raised. Indeed, the residents of the modern Azeri capital, Baku, remark that *Molla Nasreddin* is as relevant today as it was in its heyday.

And for all the intellectual passion of the Islamic Modernists, they too were overcome by new political currents — Arab nationalism, the Cold War — that swept the region.

Nonetheless, the Islamic Modernist movement, and the lively press that it spawned, constitute a powerful attempt from within the Muslim world to address contemporary societal and political ills. Reform is a difficult and slow process. Protests continue in post-Mubarak Egypt, unemployment is rising in Tunisia, and violence is ongoing in Syria and Libya, but it would appear that popular momentum is on the side of those desiring change.

And while the periodical has been replaced by the mobile phone as the medium of choice for the modern reformer, it would seem that the ethos of the writers of *Molla Nasreddin* of a century ago persists, that change can come from within to create an indigenous modernity and a brighter future.



You are not alone

POETRY

Shane McCauley

Jazz

Sparks outlasting the fire, music burns the ceiling — a person could shout for help, not wanting to be heard, or whisper a truth in some unknown ear:

this flammable sound would hail him carelessly as a liar. The crisp crowd understands there is no need for risks, no unquenchable pyre, here in the deep blood's casualness;

no need for the nag of redemption where meaning is pulse, a teetering joy so easily digested, life such vulnerable, soaring breathing.

Only the fire brigade of silence tames these curlicues of heat, abashed stranger holding stranger in wild furnace of this beat.

Japanese Garden



To harmonise with, or to improve upon? The gardener borrows the surrounding hills, arranges stones around a patch of sky —

or a miniature mountain might thrust from some backyard, its silky grass hand-trimmed.

Rocks themselves can be unruly, and must be brushed, unadorned. A hundred clans of moss might flourish beneath the maple leaf (A deeper red last year, says an expert on autumn).

Even the pines are protected from snow, outcrops joined in marriage, a solemn festival for each flower, azalea or camellia or dancing iris.

Meudon



It is mist that moves here cloaking statues mild giants that haunt and wait

that have grown here brought into being by nothing larger than a man's hands.

Naked as wind the slave breathes toward his freedom.

Morning has begun edging white around the black and tangled trees

here and there burgundy leaves stuck on damp stone

and though no-one is with you it somehow seems



that you are not alone.



Religious retreat on Wall Street

EDITORIAL

Michael Mullins

To regain perspective on life, we might take a break from our work and family, to reflect, and — if we're religious — pray. Usually we'll go somewhere quiet, away from people. That's because it's our continuous and often rushed and unsatisfactory contacts with others that invariably disconnect us from the core of our being.

But it's just possible that doing the opposite — becoming part of a crowd — can achieve the same end of making us whole human beings, and consequently more effective contributors to humanity.

That, in a way, is what those in the Occupy Wall Street movement are doing. As Jewish activist Jake Goodman <u>says</u>, 'all people who share a love of humanity should actually make the effort to disrupt the routine of their own lives and take the time to put their feet on the street'.

Fordham University theology professor Tom Beaudoin <u>compares</u> the protests to religious ritual, as if Occupy Wall Street is a large-scale spiritual retreat, albeit one that is loud rather than silent.

In other words, the practical outcome is arguably less important than the process of renewing the humanity of the participants. If Occupy Wall Street ends with the protestors appearing to have achieved nothing, it's quite likely they will have achieved a great deal.

There is a pretend 'Detailed List of Demands and Overview of Tactics' <u>published</u> on the Occupy Wall Street website. The demands are unrealistic, and even the document admits that their actual purpose is to create a 'crisis-packed situation' that will open the door to negotiation.

The 'crisis-packed situation' is an ingredient of what Beaudoin calls the ritual, and is intended to create the spirit and conditions for change, rather than try to force change. Beaudoin says:

'Whether or not this action is immediately politically effective, such protests can have long-term spiritual and political effects, when they embody visions of a possible future that influence the larger social imagination, and when they sculpt the desires of the protestors themselves for the better.'

In a traditional religious retreat, we make a temporary exit from our regular existence in order to put ourselves right with the world, for the good of ourselves and humanity. Goodman believes the protesters are doing much the same thing, 'philanthropising with their



feet'.

Those who are not so wealthy 'engage in their own type of philanthropy, which they are doing with their feet on the street' rather than with large dollar donations. Often the best thing we can to do further particular causes is to demonstrate that we believe in them.

'They cannot exist unless you believe in them, and the media/general public will not know you believe in them unless you actually show up and make the crowd look larger. Truly, sometimes all you have to do is show up.'

It's all about the power of symbol, which is more deep-rooted and longer lasting than concrete action alone or, in some contexts, bullets.



Abbott faces fallout from Gillard's Big Week

ENVIRONMENT

Tony Kevin

So it is done. What Rudd and Turnbull couldn't achieve as party leaders in 2008—2009, Prime Minister Julia Gillard and Climate Change Minister Greg Combet last week achieved, in the face of implacable opposition from Tony Abbott and a well-funded, climate change denialist, do-nothing lobby.

It took courage and political skill to bring this off. And it may yet cost Gillard dearly. Abbott has so comprehensively poisoned the wells of public discourse on climate change that Labor could lose government over this in 2013. But I hope these newly passed bills will mark a turning of the tide.

Gillard decided after the 2010 election to turn the crisis of a hung Parliament into an opportunity to move forward with the Greens and Independents, to gain policy outcomes that Rudd could not achieve when he had a lower house majority.

The Greens in the Senate would not then support Rudd's halfway-house to climate change reform. So Rudd tried to go forward with the like-minded Turnbull. As a result, first Turnbull, then Rudd lost their party leaderships.

Abbott has convinced many voters that Gillard betrayed her pre-2010 election pledge not to pursue carbon pricing. I regard it more charitably as an electoral promise that was overtaken by an election outcome. As a person who takes seriously climate science's prognosis of disruptive anthropogenic global warming, I see this outcome as a blessing.

It is ironic that the Greens now support a halfway-house reform not too different from Rudd's CPRS which they refused to support in 2009. Rudd may well rue the unfairness of this. But that's politics.

The fact is that Rudd, Gillard and the Greens have been on a learning curve since 2008 as to what is achievable in Australia and over what timescales. For my own part, when I look back now over my book <u>Crunch Time</u> I am struck by the fundamentalism of parts of it.

Influenced by the views of climate scientist James Hansen, I wrote that emissions trading would not achieve results quickly enough; that international emissions trading with poor countries would inevitably be corrupted and ineffective; and that only a massive program of direct government investment in national grid conversion to renewable energy would meet the needs of the day.

Now, I find myself supporting the Labor-Green compromise bills passed last week. I guess I have, like both Gillard and the Greens, moved on from my earlier views.



When I wrote my book I was seeking to contribute to an urgent process of public education on the need for Australia to do something real about climate change. I saw the public discourse in 2009 infected by spin and hypocrisy. It was going nowhere.

Since the 2010 election, I see Labor, the Greens and Independents working together to get good laws passed. The first steps in reform are the hardest, and it can only get better from here. Full marks to Gillard, once she had decided to change course, for staying the new course resolutely.

Astutely, Gilllard and Combet framed the challenge unthreateningly as being about economic reform, moving to a clean energy future, harnessing the latest technologies, and keeping Australia competitive in a fast-advancing changing world economy.

Labor thus pressed 'hope' buttons and steered debate away from the 'fear' buttons the Coalition and shock-jocks were pushing. Gillard, in her stoic way, supported Combet, Wayne Swan and Penny Wong in making these reforms seem unthreatening, fairly painless, even boring. Some union figures (such as Tony Maher of CFMEU, at the National Press Club on 12 October) gave level-headed support.

As Australia moves into the new carbon pricing environment and the sky does not fall in, the wisdom of this calming strategy will become more apparent. Wiser industry heads already are <u>welcoming</u> the greater certainty of business settings. I believe voters may follow.

Abbott will then face a worsening dilemma. If he continues to <u>rage</u> about his 'blood pledge' to revoke the laws, he will alienate industry groups that now want stability above all. But if he goes quiet, he will validate Labor's portrayal of him as a cynical opportunist who stands for nothing but gaining power.

Abbott's style of political opposition, which may yet win him the prime ministership, has in my view damaged the civility of Australian public life. There are two parallel universes in the parliamentary chamber that seem no longer to meet except in gladiatorial contest. There is hardly any sense of a common pursuit of the national interest, and a fading recognition of the integrity of those opposite.

Can our polity recover from this? Or could this bare-knuckles style of politics finally turn off the mass electorate? Could the more civil figure of Turnbull ever regain the Liberal leadership, if Abbott continues as now? It seems to me that these are all quite open questions now.

I see Australia's main policy challenges now as interconnected: re-tooling our economy and society for a safer energy and climate future; the deflationary impact of GFC Phase 2 if European and US policy failures depress the global economy again; spreading the fruits of the Australian resources boom equitably, and stopping it from hollowing out our manufacturing, retail and small business economy; the role of higher mining taxes and a sovereign wealth



fund in this effort; maintaining Australia's security and the good opinion of our Asian neighbours in the evolving balance of global power; treating refugees with love and respect no matter what their race or faith or means of arrival.

It will take great wisdom, and a return to civility in our politics, if Australia is to face these challenges successfully. Last week's votes on the energy bills may be the beginning.



'Perverted' Sharia slaps artistic freedom

MEDIA

Ellena Savage

Marzieh Vafamehr, the Iranian actor currently detained in Iran and awaiting corporal punishment for acting in the Australian film *My Tehran for Sale*, is the victim of a perverted legal system that has long abandoned any pretence to public interest. Ironically, the film's protagonist, played by Vefamehr, is a young dissident actor whose stage work is banned in Tehran by the authorities.

Vafamehr is close to my age, a middle-class urban woman forging her way in a discipline that demands artistic and intellectual freedom. As an artist, and moreover as a human, her dignity and safety need to be secured, within or without the context of an Islamic state.

I'm drawn to this case as a young woman forging my own way in the arts. I can't imagine the trauma of being imprisoned and sentenced to corporal punishment simply for working.

Although my own politics are to the (sometimes far) left, circumstances have not arisen that required me to act as a true dissident. I enjoy the privilege of having an identity and nationality that afford me legal protection against persecution unless I deliberately harm others.

This liberty needs to extend to all people.

It is easy to critique Iran's judicial system from a secular, democratic position. The Ayatollah's rule of law is archaic and unjust. It is rule by terror and suppression. But perhaps it is more useful to critique the law from a better understanding of sharia, and its place in contemporary Iran. It did not arrive in a vacuum.

In its recent history, Iran saw its democratically-elected prime minister Mossadeq deposed under the orchestration of the MI5 and the CIA, and its resources de-nationalised in the interest of British and American companies. The re-installed Mohammad Reza Shah, although friendly to foreign interests, was incompetent and despotic, infamous for SAVAK, the brutal secret police force.

Under the Shah's rule, religious leaders faced incredible persecution alongside secular political agitators. The 1970s saw the development of a unique brand of Shi'a Islamism, which was as popular for its anti-western nationalism as it was for its radical theology; Iranian communists and nationalists wielded a great deal of influence in the move towards the 1979 revolution.

In contemporary times, the popular appeal of sharia to both liberal and fundamentalist Muslims is pragmatic and political as much as it is religious. In the Muslim world, the fall of



the Ottoman Empire and the ensuing spate of neo-colonialism, conflict, and cronyism of the 20th century saw western and non-western political actors perform gross humiliations across western asia with impunity.

In this context, the sharia proposes rule by law, through law; a viable means of holding governments to account.

As a synthesis of traditionally Islamic and secular laws, the Iranian revolutionary constitution is full of contradictions. Firstly, it advocates the sovereignty of the people through an elected assembly, and secondly, it advocates the sovereignty of God, and the law as interpreted by the religious guardians.

The traditional sources of sharia law in the Shi'a faith are the Qur'an, the example set by the Prophet Muhammad, and *ijtihad*, or highly informed personal reasoning, executed by religious scholars.

This third source of law, *ijtihad*, which is more prevalent in Shi'a faith than in Sunni Islam, opens up the legal discourse to radical and potentially liberal interpretations. It promotes reason over blind obedience, providing the impetus for reading both text and context in the construction of rulings, and acting within a spirit of human and religious justice that should advocate for the public interest and human dignity.

But in this tradition, rulings can be arbitrary and political: where the maintenance of political authority is concerned, interpretations mirror these interests.

Vafamehr's conviction is a clear example of political censorship outside the confines of Islam. Her conviction bears no value to Islam or the interest of the Iranian people. Muslims should fiercely resist the imposition of crony politics onto the slate of religiously inscribed law.

Iran's appalling human rights record has been met with some minor international diplomatic sanctions; travelling dignitaries have been refused entry to several EU countries. And yet the question of any direct international intervention in Iran is irrelevant and patronising: the construction of law in Iran is, if anything, a direct historical reaction to the violence of foreign intervention in the 20th century.

Vafamehr's conviction profoundly contravenes the nuances of an Islam that ostensibly promotes the human dignity and the spirit of the intellect. Without intellectual freedom, nothing positive can flourish.



Syria's hopeless democracy dream

MEDIA

Ruby Hamad

The conflicting stories surrounding the case of Syrian teenager Zainab al-Hosni epitomise the confusion inherent in that country's six-month-old uprising. Seemingly certain at times to topple the Assad regime, and at others, to strengthen it, the situation has reached a point where it is almost impossible to predict the outcome

Believed to have been tortured and beheaded by the government, the teenager made a surprising appearance on Syrian television late last week. Family confirmed it was indeed al-Hosni although they expressed doubts as to whether the images where captured before or after her alleged killing.

Meanwhile, Syrian officials, in the words of the <u>Sydney Morning Herald</u>, have 'sought to score a propaganda coup' with her appearance, where she claimed to have run away from home because of physical abuse at the hands of her brothers.

Who is telling the truth? Even for those of us with family in Syria, it is virtually impossible to determine what is actually happening. Talking to those inside by telephone can be dangerous, with even Assad supporters conceding phone tapping is widespread and endemic. With travel restricted by roadblocks and safety fears, many turn to state television for news.

Authorities, aided by a compliant media, have local residents claiming anti-government protestors are 'troublemakers and terrorists' bent on bringing chaos and Islamism to the secular state. Rumours of weapons smuggled in from Salafists groups in Saudi Arabia are rife. Meanwhile, opposition groups accuse authorities of detaining and torturing family members of activists operating from abroad.

The protests, which two months ago were spread across the country, have largely flagged. However, that's not to say the uprising is quashed, yet.

Recently, *The New York Times* reported that the flashpoint city of Homs, in the country's southwest, had descended into a civil war-like state with both sides carrying out 'targeted killings' and 'rival security checkpoints' resulting in a 'hardening of sectarian sentiments'. For Syrians themselves, the prospect of a full-blown civil war comes as <u>no surprise</u>, particularly one starting in Homs.

Homs, in the country's south, is a microcosm of the nation. A Sunni majority town, it is also home to several minority groups including Christians and Alawites.

The latter is the Shia offshoot sect to which Assad and most of his cabinet belong. The animosity between Sunnis and Alawites goes back centuries and has only been exacerbated by



the strong-armed rule of the Assad family, beginning in 1970 with Bashar's father, Hafez.

So despised were the Alawites that many Sunnis refused to accept them as true Muslims. With the Syrian constitution mandating that only a Muslim could be president, it took religious decrees by prominent clerics, declaring Alawites part of the Shia creed, to allow the elder Assad to take power.

Unlike the largely homgoneous populations of Tunisia, Egypt and Libya, Syria is, like Iraq, fiercely sectarian. Under the stifling Assad regime, which allowed no room for dissent, they have managed to live together, perhaps artificially, more or less at peace.

There have been occasional outbreaks of dissent such as the Muslim Brotherhood-led uprising in the city of Hama in 1982. The elder Assad's ruthless response left <u>more than 20,000</u> dead.

The current regime's increasingly violent response to the protests is fuelling resentment towards the Alawites, who fear reprisals on an unprecedented scale should the revolution succeed. As Edward Walker, a former US ambassador to Israel and Egypt, remarked, they are a 'reviled minority ... and if they lose power, if they succumb to popular revolution, they will be hanging from the lamp posts'.

Homs is now the scene of midnight gun battles, armed revolutionaries and assassinations, reinforcing fears that a post Assad Syria is more likely to sink into civil war rather than sail into democracy.

A few months ago, Assad looked to be all but gone. That brought mixed feelings to those of us who dare to dream of a free Middle East, and who had feverently hoped Assad would make good on his promises of reform.

Those who desire (and are willing to die for) democracy surely deserve democracy. But in a country as sectarian as Syria, the reality may not match the dream. Like neighbouring Iraq which continues to suffer tit for tat attacks, the foreseeable future of Syria, with or without Assad, looks grim.



Bolt case a win for free speech

MEDIA

Dilan Thampapillai

There are three fundamental rationales that are often advanced in favour of free speech. The first is that free speech advances the search for the truth. The second is that free speech supports individual freedom and autonomy. The third is that free speech is essential to a liberal democracy.

It cannot be denied that racial vilification laws impact upon the freedom of speech. This is the entire purpose of racial vilification laws. These laws operate in a manner akin to defamation laws. Both defamation and racial vilification laws operate as a type of personal injury law. That is, where harm is done to a person's reputation or dignity the law offers a course of action and a remedy.

The difference between defamation and racial vilification laws is that where the former is concerned with individual reputation the latter is concerned with a group's reputation and dignity.

The basis for racial vilification laws is twofold. Firstly, every individual has a right to live with dignity in Australia without facing vilification on the basis of their race, colour, national or ethnic origin. Secondly, racial vilification undermines equality by lowering the status of a defined group within the eyes of the community.

One of the fundamental purposes of speech is to persuade. It follows that speech which can be characterised as racial vilification has the capacity to negatively influence others against other races. Accordingly, it is consistent with a general prohibition on racial discrimination to make some instances of racist speech unlawful under the Racial Discrimination Act subject to certain conditions

Paradoxically, the <u>Andrew Bolt case</u> has actually advanced each of the three rationales that typically support free speech.

First, the litigation and the judgment have exposed a number of falsehoods in Bolt's writings. If the articles stood unchallenged these falsehoods would have remained on the public record. A democracy must be a marketplace of ideas, but no market prospers when false claims go unchallenged.

Second, the imputation in Bolt's articles, that the light-skinned individuals in question were too 'white' to be Aboriginals, would have the effect of lowering the status of those individuals and other light-skinned Aboriginals in the eyes of the wider community. This would diminish their individual freedom and their ability to freely and happily identify with their racial and ethnic group.



Aboriginality is an important topic. It is worth debating, particularly in the context of affirmative action policies. The individual freedom of others to raise concerns about the definitions of Aboriginality or affirmative action measures has not been lost. All that Part IIA of the Racial Discrimination Act does is to impose a condition that such matters be discussed reasonably and in good faith.

Presumably, this involves not presupposing misconduct on the part of others or publishing false claims about them.

Third, equality is crucial to a democracy. It is just as crucial to a democracy as free speech. A democracy cannot flourish when some members of the community are free to say what they want while others are forced to speak from the margins of society.

Many of those who were the plaintiffs in the Bolt case have been important voices in Indigenous affairs. It does tend to get overlooked in debates upon racial vilification laws that racial vilification itself is a form of 'silencing'. That is, if the status of a racial or ethnic group is diminished within society then speakers from that group face a harder task in having their voices heard.

Many pro-free speech advocates are seeking to use the Bolt case as a justification for changing or scrapping the racial vilification laws. These laws have been on the books since 1995. They survived the 11 years of the Howard Government. A moderate amount of jurisprudence has developed under these laws. Yet, no other case in the last 15 years has lead to any calls to scrap or amend the laws.

Part IIA of the RDA is not perfect and there are aspects that may warrant reconsideration. It would be desirable to see some uniformity in Australian racial vilification laws at a Commonwealth, State and Territory level as to the harm threshold. Part IIA of the RDA, which is concerned with whether a speech act 'offends, insults, humiliates or intimidates' arguably sets the threshold lower than other State and Territory laws which are concerned with 'hatred', 'severe ridicule' or 'severe contempt'.

But if the articles in the Bolt case would have contravened a standard of 'severe ridicule' or 'severe contempt' anyway, then it is difficult to see why this decision should warrant changing the laws.

It might be that in almost every other case under the RDA the unsuccessful defendants have tended to be people at the margins of society; Holocaust deniers, disturbed individuals or others whose racism has been blatant. Bolt writes his opinions from within Australia's mainstream media. Surely the identity of the defendant cannot be a sound basis upon which to change the law.



Kids key to Malaysia solution shambles

THE MEDDLING PRIEST

Frank Brennan

The Gillard Government's shambled attempt to legislate for offshore processing of asylum seekers arriving by boat will be debated in the House of Representatives today. On Tuesday night, the Parliament was provided with further evidence of how unprincipled and unworkable is the so-called Malaysia solution, especially when it comes to the removal of unaccompanied minors from Australia.

The Report of the Legal and Constitutional Affairs References Committee on Australia's arrangement with Malaysia in relation to asylum seekers was tabled in the Senate. Not surprisingly, the Coalition and Green senators on the committee slammed the proposed arrangement. But trying to defend it, the Government senators decided to take aim at the Commonwealth ombudsman who oversees immigration decisions made by Commonwealth public servants on Australian soil.

Labor Senator Trish Crossin told the Senate she thought the ombudsman 'performed significantly unprofessionally during the course of this inquiry'. She did 'not believe that the evidence the ombudsman gave before the Committee was at all credible or well sourced and documented'. When governments start shooting their own officials you have to be concerned.

Central to the Malaysian arrangement is the need for Commonwealth public servants to make pre-removal assessments of vulnerable individuals who ought not be removed off-shore. Government senators noted that the Department of Immigration and Citizenship 'indicated that in relation to children, a 'best interests of the child' assessment would be undertaken in the pre-removal assessment process, thus meeting Australia's obligations under the Convention on the Rights of the Child'.

The Department has drawn up pre-removal guidelines for the assessment of all boat arrivals to ensure 'the non-refoulement of a potential transferee where that person fears persecution in Malaysia; the identification of vulnerabilities and heightened risks, particularly focusing on unaccompanied children; and fitness to travel'.

But these guidelines were not included in the paperwork accompanying the arrangement between Australia and Malaysia signed on 25 July 2011. They were not available to the ombudsman before the parliamentary inquiry, despite a request for same. They were not included in the Department's submission to the parliamentary inquiry. They were not made available to the parliamentary committee until a week after its hearings concluded.

Liberal Senator Gary Humphries who chaired the Committee told the Senate, 'The Committee was deeply disturbed by the absence of that information. The question of what



those guidelines say remains a very open question for the Senate as a whole.'

The guidelines state:

Unaccompanied minors are particularly vulnerable. Where it is established that a minor is unaccompanied, pre-removal assessment officers should consider:

the views of the child, taking into account the age and maturity of the child

the short, medium and longer term protection, developmental, psychosocial and other needs of the child

the existence of special procedures to deal with the special needs of unaccompanied minors in the proposed country of removal, including appropriate accommodation, guardianship arrangements, the availability of any tracing arrangements and the likely availability of solutions for unaccompanied minors.

The actions of the pre-removal assessment officers will be overseen by the ombudsman whose reputation has already been trashed by the government of the day.

How could any Australian public servant in good faith decide that it would be in the best interests of a child that he or she be removed to Malaysia because, to quote Crossin again when presenting the Senate committee report to Parliament on behalf of the Government, 'we want to ensure that if you get on a boat in Indonesia and make your way to Australia — that is, to Christmas Island — then not only will you not be processed in this country but you will not be resettled in this country'?

How could it ever be in the best interests of the child who is a genuine refugee to be sent to a country where they will be placed at the end of a queue which is 95,000 long? Under present Australian law, the Minister for Immigration is that child's guardian. The child cannot be removed from Australia except with the consent in writing of the Minister.

In July, the High Court made it clear that the Minister's consent would be subject to court review. So the Gillard Government now wants to amend the Immigration (Guardianship of Children) Act 1946 so that a child can be removed without the need for written consent of the Minister reviewable by a court.

It is envisaged that a child removed to Malaysia will be subject to the Malaysia Child Act 2001, and an official of the Malaysian government will become their legal guardian, once an Australian public servant has signed off that the removal of the child to Malaysia is in the child's best interests.

The Gillard Government does not want its own minister having to make that decision. It wouldn't want a court ever looking at it. And presumably, it would want to appoint a new ombudsman.



Meanwhile the Government tries to paint UNHCR as being supportive of all this. But two weeks before the Senate committee hearing, Erika Feller, Assistant High Commissioner for Protection at UNHCR, and Australia's most senior UN official, belled the cat when she told ABC Radio:

'Our position was always, and I have to repeat this again, was always predicated on there being effective pre-transfer arrangements in place to safeguard the most vulnerable from being more exposed, made more vulnerable through transfer to Malaysia.'

When would an unaccompanied minor who is a bona fide refugee ever be less exposed and less vulnerable by being removed from Australia to Malaysia which is not a signatory to the Refugee Convention and whose ratification of the Convention on the Rights of the Child is so circumscribed that the fundamental obligation not to discriminate on the basis of 'race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status' is applicable only if it is 'in conformity with the Constitution, national laws and national policies of the Government of Malaysia'?

No matter how the Gillard Government paints the canvas, it can never be in the best interests of an unaccompanied minor who is a refugee to be removed from Australia to Malaysia. And if such kids are irremovable, they will continue to arrive in Australia by boat. As Feller says, 'Proper arrangements (need to be) made for those who shouldn't be transferred because of their vulnerabilities.'

The Malaysia solution is either unworkable or unprincipled. Just look at the kids.



Revitalising a 'hollowed-out' Church

THEOLOGY

Andrew Hamilton

Most Australian Catholic Bishops are in Rome this week for their five yearly joint visit to the Vatican. Most popular reflection on the visit has focused on issues internal to the Catholic Church, such as the dismissal of Bishop Bill Morris, the handling of sexual abuse and the introduction of the new translation of the Mass.



But the conversations involved in the visit will certainly also cover the broader situation of the Catholic Church in Australia and pastoral strategies appropriate to it. The papal emphasis on New Evangelisation, with its emphasis on winning back non-practising Catholics and on commending the Gospel in a secular society may focus this discussion.

It is helpful to set reflection on Catholic pastoral strategy in a larger context. The situation in Australia, as indeed more generally in the West, is not specific to the Australian Catholic Church. It is shared with other mainstream churches. It also characterises other voluntary groups in society, such as political parties and service groups.

Most churches are ageing and diminishing in numbers. They struggle to communicate an understanding of church beliefs to their children or to win them to church allegiance. As a result those with a strong understanding of faith are elderly. Ministers within churches are also fewer and ageing.

The diminishing number of clergy and of well-grounded church members puts pressure on outreach to needy groups and on the churches'voice in society. The call on resources means that there are fewer ministers available for full time grass roots involvement in hospitals, prisons, schools and so on.

In church organisations involved in these fields, too, it is harder to find young administrators who are both professionally qualified and have hands on experience through the churches.

This double hollowing out tends to limit churches' engagement with governments on public policy. Church leaders are more likely to see themselves as uninformed. They also face greater demands in caring for the good order and maintenance of their churches. The public voice of the churches becomes muted.

The goals that the pastoral strategy of any church needs to set itself are to nurture the faith of those who are committed, to pass on faith to the next generation, to attract to the church those who are on its margins and outside, and to commend Christian values in public life.



In reaching these goals, the Catholic Church does face specific challenges. The allegiance of many committed and well-instructed Catholics has been tried by the response to sexual abuse, to the marginalisation of women and to what is seen as high-handed Vatican exercise of authority.

The Catholic Church also gives a high place to priests in leadership of local communities. But at a time when there are few candidates for priesthood, the limitation of future priests to unmarried men makes it difficult to supply that leadership.

The Australian Catholic Church also has some distinctive resources. It includes a high proportion of migrants whose teenage children often attend church more regularly than those of the Catholic population as a whole. It also has a strong institutional presence in health, social outreach and education with much stored wisdom.

In similar situations dramatic solutions are always seductive. Savanarola's Florence and Calvin's Geneva represent the attraction of a return to fervent antiquity. So did Mao's Cultural Revolution, with its attempt to rejuvenate the spirit of the Long March by demonising and harrying older Chinese for their laxity, and co-opting the enthusiastic young so they could lead the nation back to the simplicities of the early revolution. Their children, of course, inherited the spoils of their later turn to acquisitiveness.

More effective strategies will build on the strengths of the Catholic Church. They will include valuing the wisdom and familiarity with the full Catholic tradition of older Catholics, and encouraging them to share their wisdom.

They will also look to nurture leadership within the laity, from whom must come the energy for church renewal and responsibility for commending the Gospel to society. The Catholic educational, spiritual, health and outreach organisations are the natural resource for developing lay leadership. Priests, of course, have a central place in animating lay leadership.

Any strategy will also need to focus on young Catholics, offering them opportunities to grow in their understanding of faith and in spiritual depth. It will also be vital for them to have opportunities to work with marginalised groups, so that future Catholic engagement with society is based in companionship with the poor.

Whatever pastoral strategy is followed, however, it is unlikely to produce quick or dramatic results. The cultural and economic factors that have contributed to their diminishment are not conducive to rapid growth. But they do open a new space for open and committed churches.



Alzheimer's erosion

NON-FICTION

Vin Maskell

We are standing by the life-saving club, chatting about the erosion caused by the high tides. Biggest in a while. Photos in the local paper. Stories on the weekend news.



The sea has taken a tonne of its sand back and now the asphalt ramp from the clubrooms down to the beach is pretty much gone. And the sand-dune between the water and the clubrooms? Gone too. There's a drop, a cliff, a fall.

Clyde is wearing a sweater with the life-saving club logo. He knows this beach as well as anyone. Me, I'm a blow-in, a part-timer, a youngster. Clyde, he's a permanent.

He knew my parents and has outlived them by 20, and 10, years. I ask about his health and about his wife Vera. He tells me that three years ago he bent down to bowl at the bowls club and couldn't get up. 'I fell. My legs gave out from under me. I couldn't tell them what to do.'

The doctor told Clyde he had glandular fever and needed a real rest, maybe a spell in a nursing home. 'I asked, But what about Vera? Who will look after Vera?' Behind his glasses his eyes reflect the bruise of the question.

The doctor told Clyde that Vera could go into a nursing home too, one with extra facilities.

'I said, What? The two of us apart, in different nursing homes?'

The doctor said, Maybe that's what's needed.

Clyde didn't agree. Couldn't agree. Wouldn't agree. Even if his energy was ebbing away.

'I've been looking after Vera since 1996,' Clyde tells me, there outside the life-saving club and the broken ramp, where plastic orange bunting warns sightseers. 'I wasn't going to stop because of glandular fever.'

The erosion of his wife's health started before 1996 but that was the year Clyde realised he had a full-time job on his hands. A permanent job. No easy retirement here, down by the beach, down by the rise and the fall of the waves, by the drift and the pull of the tides.

The sound of the sea is constant here, rolling or crashing onto the shore, then over the diminishing dunes and into the bushland, where the houses try to - not so much hide - as hold their place.

No, no nursing homes for Clyde and Vera.



Clyde and I talk sport and the weather but Vera's always on his mind.

'Her memory's gone,' he states. 'I only ask her one question each day, the same question.'

Clyde's thin lips are breaking into a smile.

'I say, Who's your best mate? And she looks at me as if I'm stupid!'

We are standing by the life-saving club. The sea rolls out and it rolls in again.



Skating over Bali bombing remembrance

POLITICS

Vincent Chadwick

Six years ago the fountain at Lincoln Square in the inner Melbourne suburb of Carlton was transformed into a memorial for the victims of the 2002 Bali bombings. Two hundred and two stars shine from a granite slab set among 91 water jets representing each Australian life lost; 22 Victorian names are inscribed on the side.



The same area was once a hub for skateboarders. Today, many still come to practice leaping onto the ledge and gliding along on their back wheels, past the 22 names. Office workers eat lunch from Tupperware containers in the sun. The ancient trees rustle overhead. Students walk from their serviced apartments down to the university. Couples canoodle on the grass, trams rattle past, parking inspectors amble by.

These are the vicissitudes of remembrance. At the Holocaust Memorial in Berlin young children regularly clamber over the sombre grey pillars. A sign on the door of a nearby Donut King reads 'Please do not eat donuts on the Holocaust Memorial'. By contrast, current Pentagon staffers are encouraged during their lunchbreak to sit atop the commemorative benches of the National 9/11 Memorial in Washington. '

It seems fitting that a monument to peoples' lives be filled with life.

Are we capable of holding two ideas in our head at the same time? Is it possible to respectfully skateboard over a memorial to the Bali bombings? Is ongoing deference compatible with an active engagement with place?

I asked a friend who has been skateboarding in Melbourne for over ten years. 'Every skater knows which areas get the most security,' he says. 'We'd probably skate the Shrine of Remembrance if we could.'

But I ask what would happen if someone were laying a wreath at Lincoln Square. Would he still skate the memorial? 'Even though it's a rebellious culture,' he replies, 'I don't know anyone who would skate on the memorial if they could see that someone was paying their respects.'

Arfa Kalok, who holds a Masters of Public Art from RMIT, has argued that Lincoln Square bears two contrasting personalities — one contemplative, the other cheerful. She defines a successful public space as one which 'brings so much meaning to the society', and says that in this sense Lincoln Square has prevailed.

She calls it a 'people place', where anyone can go to feel 'a sense of community'. The City of



Melbourne claimed the site was chosen for its water, sunshine, brightness and proximity to young people at the university.

Anyone can visit Lincoln Square, but only our intimate selves are privy to what we see reflected in that fountain. Some have remarked that the difficulty in making the area public is that we relinquish control over its use. The Berlin Holocaust Memorial was treated with an anti-graffiti coating, though this did not stop five swastikas being sprayed during its first year.

The difference is that the skateboarders at Lincoln Square do not exist in opposition to the Bali memorial, but in unison with it. They use it, interact with it on a daily basis. Who are we to say what thoughts it brings about in them? They are surely more likely to encounter the victims of Bali than many of us.

On the other hand, a different kind of trespass may be taking place. The French philosopher Pierre Nora famously wrote that 'Memory is blind to all but the group it binds ... History, on the other hand, belongs to everyone and no-one.' Perhaps this is part of the tension played out as what was a personal tragedy for some becomes for most a chance to mull over how our world has changed in the decade since 9/11 and Bali.

Nora continues, 'Memory takes root in the concrete, in spaces, gestures, images and objects; history binds itself strictly to the temporal continuities, to progressions and to relations between things. Memory is absolute, while history can only conceive the relative.'

Today public and private — history and memory — will intersect. On Lincoln Square the fountain will recede as it does every year, and become a reflection pool. Just for a day, hopefully the skateboarders will too.



A mother should not know her offspring too well

POETRY

Various

How My Mother's Embroidered Apron Unfolds in My Life

(After Gorky)

A single scene pinches the thread from time

An open book on a disused sewing table;

She disgorges wondrous polysyllables.

She smells of Sunday baths

(My father smells of cut grass)

I write my name in nervous print, I think,

Tracing her imparted wisdom,

And stain the paper, but scar the table

With the force of my shaking hand.

Now I am sitting in the Church at FourviA"re,

Harsh light breaks the hill into shards,

But the dome itself is cool and damp and grey And she is primrose pink, and leafy gold.

She is a mosaic of blood, and green and saintly blue.

A single swallow breaks the silence, skips

From end to end to end again.

A morning's liturgy—the one bird's crackling claws

Searching for the coolness of the crypt.

She, like him, would be aghast,

At the weeping litany of my sins.



But that confession is not mine to make or answer to.

A mother should not know her offspring too well.

From the moment the apron string is cut, we are free to be

And to bring, make or undo, whatever the hell we want to

Such is the mother's lot, such is our blessing.

Sometimes, sitting down for dinner, or working on a draft,

I think of the time I traced the Murrumbidgee on the table's oak.

- Robert Mullins

Survival

Unencumbered and freed from battle, from duty and the designs of men, freed from the siege of Leningrad two boots at ease on a suburban shoe store's counter.

Here where transactions are quietly civilized there's a sense of menace in the dark boots' presence, in the wooden soles, in their uppers of patchworked scraps of leather, each roughly bound with a horsehide band.

Once they were desperately cobbled together yet well enough to withstand grey days and star-spread nights



and the brilliant firestorms of war.

See them stumbling over ice,

standing shadowless in snow,

pacing through the slush,

avoiding the bodies of horses and men,

the seeping lifeblood, a gaudy red.

You'd say the spirit of these boots survives,

saved by good fortune

or by someone who understood.

They have known the colour of the blizzard,

the whip and the sting of the wind

and the cold, the cold.

— Elaine Barker

For Osip

 $...\alpha$...and the centuries / Surround me with fire....

- Osip Mandelstam

A hand from a passing boat

Lifts shadow

Cold is sung

And lifted

Into the boat of night

Bars creep along the moon

Silver cigarettes

Flaring in a cool torch



You wandered among

Reflections

A shadow of the song you were

Passing

Fragments of heaven

To those who stood with you.

— James Waller



Love, the Northern Territory Intervention's missing ingredient

POLITICS

Andrew Chalk

Amnesty International chief Salil Shetty <u>described</u> as 'devastating' the plight of Aborigines in central Australia after visiting communities in Utopia at the weekend. 'I've been to many places in bad shape in Africa, Asia and Latin America but what makes it stark here is when you remind yourself you're actually in one of the richest countries in the world'.

Many Australians have reached a point of believing that the difficulties afflicting Aboriginal communities are beyond address or that if they are to be overcome, it will take the type of heavy handed, and often humiliating, compulsion that has characterised the Northern Territory Intervention.

There is at least a widening consensus that welfare, beyond being applied for emergency purposes, quickly becomes a poison that destroys a person's capacity for self-reliance. Generations of welfare within a community, black or white, can produce an almost post-apocalyptic outlook.

But welfare is not the only scourge facing Aboriginal communities. Another, perhaps deeper, malaise is the great loss of confidence which many Aboriginal people feel in their dealings with the main society; a situation bred by decades of misunderstanding and discrimination. It is a malaise that now also extends to their dealings with one another.

In a debate between rights and responsibilities that is becoming increasingly shrill, Noel Pearson has called on us all to look to Asia, and in particular to Singapore, for models of community development that may offer a path out of our national tragedy.

Whether Singapore, which achieved its extraordinary success through a near totalitarian approach, is an appropriate or even possible option is open for debate. Relevantly though, Singapore has its eyes cast eastwards to the Philippines where the National University of Singapore sends its business students to study a grassroots community development model known as Gawad Kalinga.

Meaning 'to give care' in Tagalog, Gawad Kalinga was founded by a Filipino, Tony Meloto, who drew his inspiration while living in Melbourne. In 1995 he returned to the Philippines to work amongst the gangs in one of the poorest and most violent squatter settlements in the country, a neighbourhood of over a million people in northern Manila called Bagong Silang.

For over a decade, he trialled different approaches to building self-reliant, safe communities before developing a model that is now being scaled across the nation. Since 2003 Gawad Kalinga has built over 2000 'intentional' communities and directly helped around a million people. Much of this has been done with minimal government support but with the assistance



of over a hundred thousand volunteers.

The model is founded on the building of values within the community, particularly values that reinforce notions of servant leadership. Whether the villages are Christian, Muslim or indigenous, the value structures have proven to be remarkably similar. It is from these values that villagers are supported in developing constitutions that then govern the affairs of the village. Resources follow, rather than precede the governance. The enterprise is also founded on the confidence which the care and support of committed volunteers bring to an impoverished community.

Gawad Kalinga is teaching a country to not be afraid of its poor but to see them as their brothers and sisters, the country's hope and future. Volunteers arrive from the middle class suburbs to work beside the squatters in constructing villages; corporations donate the materials (and often their own labour) and local governments assist by providing land.

Areas that were once no-go zones through gang, ethnic or religious violence are now safe. Areas that once housed their residents in cardboard and tin squalor now boast well built, brightly coloured homes with landscaped gardens that the residents have built for one another. One squatter helps his or her neighbour build their house, one village helps its neighbouring village rise from poverty. No one is too poor that they have nothing to give. Each becomes their brother and sister's keeper.

'Love' is not a word that generally finds its way into government policy documents. Yet love is central to our ability to see our own dignity and a sense of that dignity is at the heart of our ability to realise our humanity, regardless of our situation.

Gawad Kalinga by giving care has produced a cultural transformation that is becoming an economic transformation, engaging all sectors of society in a campaign to eradicate poverty through care. Even the national Congress is now coming to the party, having formulated the *Nation Building Through Volunteerism Bill* which aims to support the work of Gawad Kalinga and other volunteer driven organisations with resources and while tuning government agencies to complement the communities' efforts rather than dictating the approach.



Not quite Saint Steve

EDITORIAL

Michael Mullins

Steve Jobs was wearing jeans and bare feet when, in 1985, he announced to colleagues that he had been sacked from his own company because he 'did not wear the right pants'. He did not choose to be sacked, but he said in his 2005 Stanford Commencement address that it was the best thing that could have happened to him because it led to one of the most creative periods of his life.

Leaving the 'heaviness' of the pressure to be successful in a large corporation gave Jobs the freedom to rediscover and pursue the work he loved. 'You've got to find what you love,' he told the Stanford students. 'The only way to do great work is to love what you do.'

Perhaps wearing jeans in a corporate environment reflects a corporate death wish. But it was not exactly that. Put simply, he was not afraid of death. At the age of 17, he was struck by a popular quotation that inspired him to 'live each day as if it was [his] last'. That gave him what it took to follow his heart for the rest of his life.

'All external expectations, all pride, all fear of embarrassment or failure — these things just fall away in the face of death, leaving only what is truly important. Remembering that you are going to die is the best way I know to avoid the trap of thinking you have something to lose. You are already naked. There is no reason not to follow your heart.'

These words suggest Jobs possessed an inner freedom characteristic of mystics and saints, such as Saint Ignatius Loyola, founder of the Jesuits. There are also echoes of Ignatius'
Discernment of Spirits in Jobs' advice to clear away the clutter of expectations on the surface before making an important decision:

'Don't be trapped by dogma — which is living with the results of other people's thinking. Don't let the noise of others' opinions drown out your own inner voice.'

But it is important not to canonise Jobs just because he is one with the saints in his internal disposition. Ultimately he needs to be judged by his actions. To this end, stage performer and activist Mike Daisey admirably plays the role of devil's advocate.

Daisey, who was in Australia last week, has <u>documented</u> the sub-standard conditions of workers manufacturing Apple products in China. The ABC's Tony Jones asked Daisey on <u>Lateline</u> last Thursday whether Jobs had been so focused on his devices that he was blind to the workers' conditions. 'He was far too smart,' Daisey suggested. 'He made calculated decisions along the way.'

For good reason, Steve Jobs is already one of the most popular role models for business and





creative people. Like all role models, he is imperfect. We can only hope that those who seek to imitate him truly adopt his spirit of inner freedom and choose to follow his passion but not his ruthlessness.



Abbott and Costello meet Catholic Social Teaching

POLITICS

Brian Lawrence

The latest debate over Tony Abbott's religious beliefs and their potential impact on Coalition policy arose from an <u>article</u> by former Federal Treasurer Peter Costello in the Fairfax press on 28 September regarding Abbott's decision to rule out the re-introduction of individual statutory employment contracts.



Abbott's decision was consistent with the position taken in the 2010 election when he <u>declared</u> *Work Choices* ...ædead, buried and cremated... and an assessment that the current provisions for the making of individual flexibility agreements provide sufficient workplace flexibility.

Why, Costello asks, restrict your options when you are going to be attacked on your workplace relations policies, no matter what you say? Implicitly, he is making the point that the polls are so strong for the Opposition that it does not have to rule options in or out as it did in 2010.

The article is about much more than these short points. It is, in substance, an attack on Abbott's decision *and* his economic philosophy, delivered by way of an attack on the National's Barnaby Joyce and the Democratic Labor Party (DLP), represented by its newly-elected Senator, John Madigan. Costello targets Joyce's protectionist inclinations and the DLP's past collectivist policies.

Costello apparently fears that collectivist and protectionist views may have got into Abbott's head through his past associations with the Catholic-dominated DLP.

By pointing to the large number of Catholics on the Opposition front bench and their past associations with the DLP and/or the Catholic school system, he indicates that his concerns may be more general.

But, as his discussion of Joyce's Jesuit education shows, the real source of Costello's fears is Catholic Social Teaching.

Costello is well aware of the broad history and basic principles of Catholic Social Teaching on workplace and economic relations, and their inconsistency with the free market fundamentalism espoused by some sections of his party. He is, to be sure, more comfortable in the company of free-marketeers.

There has been a high degree of consensus among Catholics about Catholic Social Teaching on work, workplace rights and economic relations since the seminal articulation of modern



Catholic social teaching by <u>Rerum Novarum</u> in 1891. It underpins the thinking of many Catholics from the left to the right of the political spectrum. Social justice is at the heart of that teaching and remains part of the Catholic DNA.

But unanimity across the spectrum should not be confused with action in support of those values. Some Catholic politicians, especially when politically-aligned with free-marketeers, have failed notably to articulate and press a social justice-based view of the economy and economic policy. This is hard to understand because the view would attract wide support across society.

These values are not inconsistent with right-of-centre politics, either in Australia or elsewhere. In referring to the presence of Catholic voters across the US political spectrum and the failure of some Catholic Republicans to articulate a Catholic view on a range of policies, well-known Republican commentator Michael Gerson wrote in the Washington Post earlier this year:

'But though it is hard to identify a distinctive Catholic voter, there is certainly a distinctive Catholic teaching on politics — a highly developed and coherent tradition that has influenced many non-Catholics, myself included. Human life and dignity, in this view, are primary. The common good takes precedence over selfish interests. Local institutions — families, churches, unions, religious schools — should be respected, not undermined, by government. The justice of a society is measured by its treatment of the poor and vulnerable.'

Costello's article is not just about a specific workplace relations issue, but about a conflict between economic philosophies and different approaches to a wide range of social policies. Of course, the alternatives to free market fundamentalism come from many sources and traditions. But for Costello the clear and present danger is found in the values of the Catholic social tradition and Catholic Social Teaching.

We are yet to see a robust response from Abbott. If he does respond in a way that takes proper account of the *values* of this tradition and teaching and *applies* them to contemporary issues, the response will probably broaden his political appeal, not narrow it.