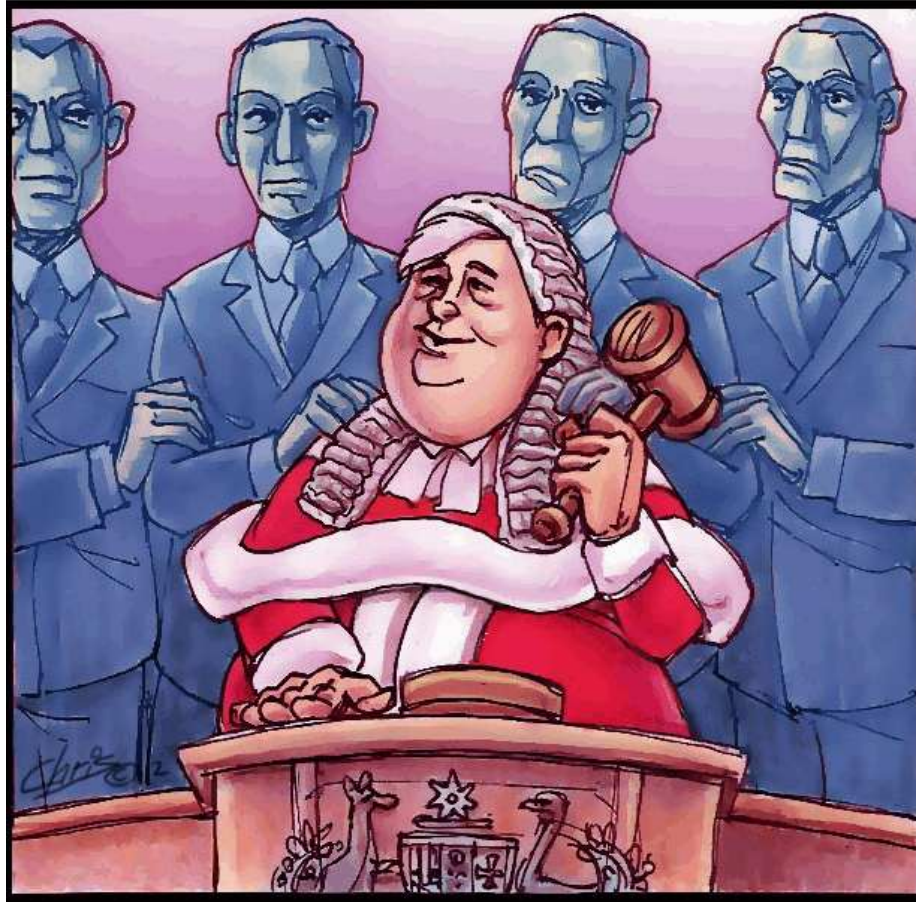


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## Mythologising the Queen

### POLITICS

*Philip Harvey*

Born three years after the accession of Queen Elizabeth, my memory is coloured by events, punctuated by sub-clauses, and swayed by the influences of this woman's life. In this regard I am no different from any other Australian over the age of say 40. How exactly to understand these traces in memory is more difficult to discern.

Those brought up with the *Book of Common Prayer* each Sunday of their childhood were asked to pray in intercessions for the Queen and all the royal family.

It was never explained then that we had the prayer book because we had the Queen, that the English Civil War had left scars on the English psyche which argued for centuries of monarchy. Australian hesitancy to adopt a republic is, I believe, explained in part by this British refusal ever to go back to the disasters of Cromwell.

My parents' generation were avid followers of the young Elizabeth. Teachers and elders read me A. A. Milne's poem about Christopher Robin going 'down with Alice' to Buckingham Palace, as though it were an everyday occurrence. That they themselves had never been to London was beside the point. They were in a constant state of going to watch the changing of the guard, even if it was only in their own minds.

A similar statement about the barriers between us and them, subjects and royals, was made by that defining artistic phenomenon of Elizabeth's reign, The Beatles. John Lennon sang about the miserly Mean Mr Mustard who 'goes out to look at the Queen, only place that he's ever been, always shouts something obscene', a warning to Little Englanders to get real and expand their horizons.

One curate in our parish was the complete royal watcher. He knew every twig of the family tree, could quote quintessential quips from court history and knew more about Mrs Simpson than was proper. He claimed to dream about the royal family regularly and believed everyone had dreams about them. It was pointed out to me once that he had no family of his own and the royal family was a helpful substitute.

This easy familiarity with an idealised dream family collapsed for me at the impressionable age of 20, when I had to absorb the dismissal of the elected Australian government by her majesty's representative.

When Sir John Kerr handed Gough Whitlam the papers indicating that he was sacked, Whitlam's first question was, 'Have you notified the Palace?' Kerr's reply apparently was, 'It's too late for that now.' It is ironic that the republican

movement was kickstarted not by a bushranger like Ned Kelly or a suave politico like Paul Keating, but by an industrial lawyer who late in life developed vice-regal pretensions.

To this day it is not clear what Elizabeth thought. As historian Geoffrey Blainey observed at the time, Kerr's actions revealed not how close the nation's relationships were with England, but how far apart they had become.

There is a saying that the French are republicans when there is a monarchy and monarchists when there is a republic; many Australians enjoy a similar two-mindedness. Malcolm Turnbull is persuasive when he says that in Australia there are now more Elizabethans than monarchists. For most people of my parents' generation this would have been heresy. Meanwhile the mythic reality of Elizabeth's reign is only enhanced and remade.

Like all the monarchs of England, Elizabeth is a literary creation as well as a human being. The majority of her subjects know about her through words and images. Most everything I know about Elizabeth is only through artificial means: newspapers, films, books. This hyperreality is intensified by decades of opinions and stories, ranging from the inexpressibly effusive to the effectively unprintable.

The code of not repeating what the Queen says in private is well kept, such that the myth will blow out of all proportion when she dies and the 'full story' goes public. Elizabeth is supposed to be highly informed and witty, but I cannot instantly think of one witty thing she has said in the 60 years of her reign.

The curate was probably right when he said we have all dreamt about the Queen. These traces of memory blur into our unconscious, which is why I finish this reflection with two other works of popular period art.

In 1982 an intruder to the palace was found sitting at the edge of her majesty's bed. He was harmless, the alarm was called off, and questions were raised about security.

This incident inspired the alternative Manchester band The Smiths to write their black-humoured classic 'The Queen is Dead'. There is nothing innocent about the intruder in this song, who claims to do something very nasty with a rusty spanner. He commits the crime on the grounds that he feels lonely and needs someone to talk to.

The song plays to the shadow side of our relationship with people in positions of power. Assassination, or the imaginary possibility of ridding ourselves of those with influence over us, towards whom we are jealous or angry, is a possibility there in the unconscious. How we choose to counter that temptation is another matter.

A more positive person from the world of the unconscious is The BFG. Queen Elizabeth, or a person precisely fitting her description, is one of the main characters in Roald Dahl's wonderful children's story.

Sophie gets to know the Big Friendly Giant, a benevolent character who collects good dreams and distributes them to children in the secrecy of the night. All the other giants are going out eating people and to stop this vicious destruction Sophie and the BFG go to the one person who will be able to help.

Breaking into the palace they freak out the staff, but the Queen remains completely well-mannered and attentive, calling for breakfast to be served and making the BFG feel at home.

Dahl makes Queen Elizabeth the centre of calm, the person inside us who is rational and conciliatory, the problem solver. Not only is she not afraid of the BFG, she believes what he says and acts on his information. She is the way out of our present crisis. Without her, who knows what we might have to do next?

## Tolerance and Islam

### VIDEO

*Peter Kirkwood*

Earlier this week there was shock and outrage around the globe at the massacre of scores of women and children in Syria by forces loyal to President Bashar al-Assad.

Part of the tension causing the present conflict is the fact that Assad and his supporters belong to the minority Shia Alawite sect, about 10 per cent of the population, which Lords it over the majority Sunni Muslims who make up 75 per cent of Syria's citizens.

Assad represents a very secularised stream of politicians now being challenged and overthrown in many Arab countries. His motivation is not religious, and is largely to do with a ruthless maintenance of political power which is at odds with the ideals of his religion.

Among Muslims worldwide, roughly 85 per cent are Sunni, and the remaining 15 per cent are Shia. Most Shia live in Iran and Iraq. The divide between these two 'denominations' of Islam is poorly understood by non-Muslims.

The scholar featured in this interview is a Shia Muslim who belongs to the Ismaili branch of Shi'ism. Dr Reza Shah-Kazemi typifies the blend of intellectual and spiritual approaches to faith that is a mark of progressive Shia Islam. He speaks about his vision for tolerance and dialogue with other faiths based on Quranic texts.

The divide between Sunni and Shia dates back to the early years following the death in 632 CE of the Prophet Mohammed. The dispute was over who could lead the Muslim community and had little to do with basic beliefs and practices. Sunni and Shia Muslims believe the same basic tenets, and worship and pray in the same way.

From the beginning the Sunni majority held sway, arguing that any close companion of the Prophet could be Caliph (leader). The Shia minority argued that only those of the Prophet's blood lineage could lead, and, like him, they would have special powers of inspiration and interpretation of the faith.

The first three Caliphs were not direct descendents of the Prophet, but the fourth, Ali, who came to power in 656, was the Prophet's cousin and son-in-law. Shia Muslims regard him as the first legitimate Caliph, or as they call it, as Imam. Their name comes from the Arabic, Shia-i Ali, which means followers or partisans of Imam Ali.

Imam Ali was assassinated in 661, and some 20 years later when Shia believers moved to have Ali's son, Husain, proclaimed as Caliph, he and his family were also killed. Thus began a history of thwarted claims of Shia leaders to the Caliphate.

Gradually the Shia splintered over which descendant of the Prophet they recognised as leader.

[Ismaili Shia Muslims](#) form one the three biggest Shia groups worldwide, and their present leader is [the Aga Khan](#) , who took on the Imamate in 1957 at the age of 20. He is the 49th Ismaili leader claiming direct lineage to Ali and his wife Fatimah, and through her to the Prophet Mohammed, as she was the Prophet's daughter.

Shah-Kazemi studied international relations and politics in the UK at Sussex and Exeter universities before obtaining his PhD in comparative religion from the University of Kent in 1994.

After a stint working at the Institute of Policy Research in Kuala Lumpur, he is presently a research fellow at the [Institute of Ismaili Studies](#) in London. As well as other writing and speaking engagements, he is managing editor of the [Encyclopaedia Islamica](#) , a 16 volume publication on Islam begun in 2008 and due for completion in 2023.

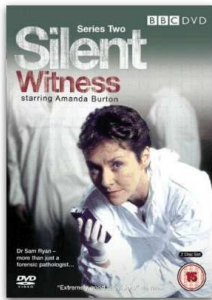
He is the author of several books including *The Other in the Light of the One: The Universality of the Quran and Interfaith Dialogue*; *Justice and Remembrance: Introducing the Spirituality of Imam Ali*; *Common Ground Between Islam and Buddhism*; and *The Spirit of Tolerance in Islam*.

He is currently working on a volume of essays entitled *In the Spirit of Dialogue: Essays on Islamic Spirituality and Inter-religious Understanding*.

## The Pope's butler did it!

RELIGION

Andrew Hamilton



The affair of the Pope's butler, who has been accused of leaking Papal correspondence, was a violation of papal privacy. It will also have been a tragedy for the butler himself. But I found it diverting. It offered, too, a new perspective on more fraught conversations about the Catholic Church.

Catholics get used to being asked why they are Catholic. Sometimes enlivening, sometimes desultory conversation ensues. But more recently the questions have had a harder, almost accusatory edge. People ask, 'Why are you still a Catholic?'

The tone of this conversation reminds me of the British television series, *Silent Witness*, with its array of driven forensic scientists and unsmiling police officers awash in body parts, all wholly committed to expose the horror of the human heart, to seek justice for the forgotten and to expose the guilty.

I imagine them asking me, 'Are you not complicit in this?', as they point to the bones of an abused boy episcopally covered up. 'Must you not dissociate yourself from this contempt for women?', they say, waving a religious sister's knife-stabbed robe. 'How can you tolerate this abuse of authority?', they call, opening trays full of the tongues of silenced priests and tracheas with new translations stuffed down them.

The scene takes place at night. The atmosphere is tense and claustrophobic. I am caught without escape.

But suddenly the scene and the characters change. I am in the golden light of the lethal English countryside, and a host of batty aunts, tweedy twits, lovelorn teens, flummery vicars, peppery colonels and salty squires, assorted tramps, main chancers, and the occasional corpses dropped off in copses, who populate *Midsomer Murders*, converge on a huge crumbling ancestral estate.

We arrive in time to witness the police unmask the murderer, who has also nicked the ancestral silver and is busily melting it down and disguising it as shoehorns. And of course, in the tradition of the great English murder mystery, the villain is the butler. The butler has freed me from the dark world of forensic melodrama into a comic universe.

The story of the Pope's butler offers a broader take on the Catholic Church. The reality of Catholic life, like that of other churches, includes the inexcusable, the brutal, the indefensible and the appalling. It also includes the potty, the mediocre, the bombastic, the confused and the sheepish. And as well there are the idealistic, the enduring, the courageous and the constant.



These three categories do not represent different groups of people. They and their possibilities run through each human heart, from Pope to peasant. So the unpleasant company that we find ourselves keeping in any church has also to hold its nose when keeping company with us.

So whether we can responsibly still stay in the Church is not decided by the list of bad or absurd things Catholics, from high to low estate, do, however authoritatively. The question is whether the story, the hope and the shared life that have held us in the Church can accommodate and handle our constant discovery of the disreputable company we keep.

In my judgment the story that lies at the heart of our faith does accommodate massive evil and stupidity, and also encourages us to hope for a better church and world. The story tells how the son of God shared our human life, called a group of incompetents to join his inner group, experienced the darkest side of human malice, including betrayal and denial by his friends, and appalling torture and execution after trial in a kangaroo court.

Then he rose from the dead to show that life is stronger than all the things that make for death and to invite us to live generously.

If we base our lives on this story we should expect to find in our Church and world the depth of horror in *Silent Witness* and the superficiality of bumbledom in *Midsomer Murders*.

But we would also need to find our faith supported by evidence of goodness, of refusal to give up on justice in Church and world, of love, hope, constancy and forgiveness in the most unpromising of people and of places from prisons to cathedrals.

Those of us who still stay in churches have found these things run even deeper than the indefensible, the unspeakable and the ridiculous.

## When kids and cancer is a laughing matter

### FILMS

Tim Kroenert

#### ***Declaration of War (M)***

A French film about a young couple who learn that their infant son has a malignant brain tumour; on paper *Declaration of War* sounds as if it could be either unbearably maudlin or tear-jerkingly trite.

This impression might be reinforced when I mention that the man and woman in question are named Romeo (Elkaim) and Juliet (Donzelli), Parisian actors, and that during one scene they break into song, declaring their love and devotion for each other in the tradition of the most mawkish of movie musicals.

But in fact *Declaration of War* offers a fresh and even energetic perspective on its well traversed subject matter, which these fanciful elements actually reinforce rather than undermine.

The film, like its characters, frequently finds respite in humour. During the early stages of Adam's diagnosis their pediatrician, whose office is cluttered with toys, reaches for her phone to call a colleague. She begins to dial before she realises she has picked up the plastic receiver of a toy phone.

Romeo and Juliet themselves seem permanently at play with each other and with their son Adam, exchanging quirky quips and good-natured physical interaction.

But humour is juxtaposed with intense emotion. When Juliet later rings her parents and Romeo's to break the news of Adam's illness to them, we aren't privy to the teller's words, but only witness the hearers' visceral distress. Detailed dialogue could not have made this sequence more effective.

*Declaration of War* is at its strongest during the moments when humour and pathos work hand in hand. In one powerful scene, a sleepless Romeo and Juliet on the eve of Adam's surgery confess their deepest fears to each other: that their son will die, or acquire a severe disability.

Having spoken these things aloud, they turn this, too, into a game, each adding to this list of fears to the point of absurdity. Far from making light of the situation, they find, in intimate humour, genuine solace from genuine fear.

The film's emotional authenticity is no accident. Elkaim and Donzelli co-wrote the screenplay based upon events from their own lives, and Donzelli directs with a spirited and sometimes captivatingly frenetic determination to expose the emotional strengths and vulnerabilities of both characters.

The chemistry Elkaim and Donzellishare is undeniable, and they are able to swiftly transition between moments of conflict and easy intimacy.

When Romeo and Juliet first meet they quip that they are doomed lovers, and in a way they are, although not in the way that their Shakespearian namesakes or the film's downbeat subject matter might suggest.

From the perspective of plot, the film's ending is slightly clunky, perhaps reflecting the sometimes haphazard 'plotting' of life itself. But *Declaration of War* ends on a satisfying and hopeful if not happy note, where the significant casualties of war may not be enough to eclipse the substantial victories.

## **Australia and Afghanistan's mutual kindness**

### HUMAN RIGHTS

*Carmel Ross*

Last week Australia's Prime Minister Julia Gillard met with Afghanistan's President Hamid Karzai. The purpose was the signing of a long-term aid agreement between the two countries signalling an ongoing commitment by Australia to this struggling nation which, in Gillard's words, 'is one of the poorest nations on Earth'.

Mostly what we hear about Afghanistan is reports of seemingly intractable military conflict involving some of the ugliest aggressors known to humankind. Yet to dwell on the dominance of conflict in the daily lives of Afghan people is to realise that as in all war-torn nations, destruction takes place at a multiplicity of levels.

Most apparent and shocking is the large-scale loss of life, military and civilian, Afghan and non-Afghan. Then there is the highly visible destruction of buildings and other infrastructure.

But there are other foci of destruction that undermine the heart of the country — the loss of human services such as education and health care, the loss of communities, the loss of family stability, both economic and social, and the loss of confidence that this country will ever see peace within the lifetime of those currently living.

Australia is by no means the only nation contributing aid funding to Afghanistan. But media reports suggest Australia's aid is higher than that of other allies providing funds. That is commendable given the already high cost of Australia's military involvement in Afghanistan over the years.

In light of the signing of the new aid agreement, Gillard spoke of Australia's intention not to 'abandon' Afghanistan once military forces are removed in 2014. Karzai spoke with sincerity about Australia's aid as 'kind and generous', and said that to have this support meant this was a 'happy day' for his country.

Humanitarian aid to other nations is rarely free of political motives. This is not necessarily wrong or exploitative. It is more likely a practical acknowledgement that where troubled or poor nations sink deeper into poverty and despair, political strife flourishes. Well-spent aid funding allows nations to rebuild and recover not just their buildings and infrastructure, but also the services and support that build their sense of wellbeing and hope.

The extraordinary levels of military threat that continue to undermine political stability and peace in Afghanistan must place a significant burden on Karzai and his government. It would require exceptional courage and strength for them to face the task of guiding their people to a better life and future.

Yet Karzai spoke to the International Security Assistance Force members of his wish that his country will no longer be a 'burden' to those now giving military support, who will have withdrawn the 130,000 troops now stationed in Afghanistan by the end of 2014.

The language of international aid following years of military aid is more likely to be political than personal. Yet the phrase used by Karzai to describe Australia's support, 'kind and generous', is not the usual language of international relations, nor of politics.

Karzai's choice of words is, itself, kind and generous. Our words are shaped by our thoughts and attitudes, and go on to shape the thoughts, attitudes and behaviour of those who hear them. In a world whose political culture is often based on self-interest and exploitation, Karzai's words suggest another perspective. They are words of the heart rather than the strategic mind; words that stress the global human relationship we are all involved in.

Relationships between nations might be more enriching for all involved if those who conduct them allow themselves to experience and express their humanness in their dealings with their international colleagues.

## The Queen's 60 years of good behaviour

NON-FICTION

*Gillian Bouras*

I can remember the death of King George VI, father of our Sovereign Lady Queen Elizabeth II, who is, in case anybody has failed to notice, about to celebrate her Diamond Jubilee, the 60th anniversary of her coronation.



On the morning of 6 February 1952, I went to the breakfast table, where my father was reading *The Sun*. He always started with the back page, for the important sports news: this was just the natural way a red-blooded Aussie male read the paper way back then.

The mandatory silence brooded over the breakfast table, but I was just old enough to read, and knew a screaming headline when I saw one. THE KING IS DEAD: the letters were the biggest I had ever seen.

At the start of the official period of mourning the police wore black arm bands, flags were flown at half-mast, and public functions, including school assemblies, started with one minute's silence. And it took everybody quite a while to get used to the necessary gender change in what was then Australia's national anthem.

Sixteen months later the mood was much lighter, and we had moved to a country township in the Wimmera district of Victoria. The Powers, whoever they were, decreed that coronation celebrations had to take place.

So take place they did. Great were the preparations, many were the rehearsals, and primal scenes of rivalry erupted with monotonous regularity as those same Powers decided which children should do what in the display at the local football ground.

I was wildly jealous of my sister. She was to wear full Scottish kit while riding a float that bore scenes from British history, while I was condemned to being a foot-slogger: it was a big come-down from playing a fairy in the Bendigo centenary celebrations two years before.

I am still in touch with three of my Wimmera classmates from all those decades ago. When I contacted them, one recalled wearing a red cape made out of crepe paper, the second wore blue, but the third, like me, had to make do with a lousy old white sheet that our mothers thought they could part with. And white was a relative term in the days of blue bags and before the invention of White King, speaking of royalty.

Picture the scene on 3 June 1953: children, graded as to height, and in their separate coloured rows, marched up and down to band music, and at a given moment, having been drilled to within an inch of their lives, knelt down to form the letters ER II in suitably patriotic patterns. I have an idea the effect would have

been good when viewed from the air; I'm not sure what it looked like from the very modest grandstand.

My fellow-sufferer in sheeting recalls, proudly, that he was at the end of the crossbar of the E; I haven't a clue where I was.

At about that time I told my mother that I would like to be the Queen.

'No, you wouldn't,' she declared, roundly.

'Why not?'

'Just think what it would be like, always having to be on your best behaviour, whether you'd got out of the wrong side of the bed or not.'

I grew up to become an Australian Labor Party voting royalist. I don't imagine there are many of us left, and anyway fickle fate decided that I should live in a republic. And that's another story, a great many of them, in fact.

It seems to me now that the Queen has been (mostly) on her best behaviour for a very long time. The problem is that conscientiousness and devotion to duty now seem to be outmoded virtues. But many people my age, despite our political affiliations and persuasions, admire them still.

Happy anniversary, ma'am.

## **God gathers dust**

POETRY

*Peter Gebhardt*

### **The banquet**

*(after Tiepolo's [painting](#) , in the National Gallery of Victoria)*

Looking at that painting,  
Which you love so much,  
I see something new each time.  
You cannot avoid the whippet's bum,  
Or the little man, furtive, on the run.  
Mark Antony broods, looks smug,  
A smirk, a wink and hope for more than a hug.  
Cleopatra knows the territory,  
Hostessing has been her constant history.  
She has launched barges of gold,  
Burnished, men have been bought and sold.  
Today we are playing for high stakes,  
And we are all watching for the breaks.  
Then, suddenly, pearl-drop into a goblet of vinegar,  
A toast to the assembly and a gentle gesture.  
The bet's won,  
The pearl's done.

### **The Terminus**

Over the years you will have seen  
Time and time again  
Cinematic repetition in black and white  
The trains pulling into the stations  
Buffer-end of travel  
Journeys finished — for the time being —  
And through the deliquescence of puff



You search for a visitor,  
The visitor steps, platform-bound,  
Searches for the host.  
It is unsurprising  
There is no meeting.  
In the morning you will dip your toes  
In the waves, tentative  
Then walk and walk the sands  
Take in the pier and think of the time  
You took the ferry across the strait,  
High custom given by a young friend  
In gratitude for listening  
Grace and gravity.  
Memories are made of gratitude  
The joy of thankfulness, Goneril  
And Regan could never relish  
Remembrance, reciprocity was not in their  
Diet.  
Walking the sands and feeling the sift  
You know few things  
Nothing for certain  
But caring sharing and giving  
Are the tender of choice  
The spirit is fed by gifts  
And the horse-blanket always keeps you warm.  
It's a seasonal gift  
A legacy to embrace.  
One thing — Oh! a contradiction indeed —  
Is certain  
God gathers dust

Never hoards it  
For he has new urns to make  
For us to admire and, sometimes,  
To love.

**Miracles do happen**

It might only be a small one,  
    a dandelion dancing  
in the heat of the day,  
    it lands on you  
    a moment of silver  
        of lace  
brief  
    the melting of an icicle  
        of a snowflake  
            thousands of stars  
    snow on red berries  
        the bloodtide turns  
            the stars seek watchers  
    patterns in simplicity  
the miracle of friendship,  
the warmth of embrace,  
the celebration of dawn.

## **Aboriginal Australians inherit racial fear**

### INDIGENOUS AFFAIRS

*Brian McCoy*

Reverberations from the killing of 17-year-old African-American Trayvon Martin three months ago continue. The unarmed Martin was shot by George Zimmerman, a 28-year-old Hispanic-American and community watch coordinator for a 'gated' community in Sanford, Florida, who perceived Martin to be acting suspiciously.

The police charged Zimmerman with murder in the second degree but only after enduring significant media and political pressure. Much of the media scrutiny has emphasised race and violence, fear and prejudice. It has brought into light and public discussion the topic of The Talk.

I had never heard of The Talk before. But, in the weeks following Martin's death, it was out there on the airwaves. The Talk is what African American parents give their children when they become old enough to step out into the world and take the risks that being seen in public can create. The Talk sets out guidelines for behaviour, especially for young males. It seeks to protect them from what their parents believe is a very dangerous world.

What makes The Talk different from other conversations that many parents have with their teenage children is that it is based on race, skin colour and fear. It belongs to an oral tradition where people who have experienced racially-based discrimination and violence teach their young to be aware and cautious when they are in public.

It is based on the premise that one is likely to be judged by the colour of one's skin, and that such judgements can lead to violence, imprisonment and even death.

The Talk varies from family to family but can include rules such as: 'Never leave a store without a shopping bag', 'Never loiter outside, anywhere', 'Never go anywhere alone' (but travelling in a group can also be dangerous), 'Never talk back to the police, and, if you are talking with them, never reach into your pocket'. And, most confronting of all, 'If you go to enter a lift and there is a white woman there by herself, wait for the next one'.

Recently I've been asking some of my Aboriginal friends if they experienced The Talk when they were young and whether they pass it on to their children. These conversations have awakened me to a greater awareness of how some of my friends see and experience society today quite differently from how I experience it.

They do believe that they are perceived and judged by the colour of their skin and the manner of their appearance. They are keenly aware that this can make their children vulnerable and open to being accused, hurt or arrested. Their response is an Australian version of The Talk.

These conversations pose a particular context and challenge during this time of [National Reconciliation Week](#) . Aboriginal and Torres Strait Islander parents can perceive Australian society to be much more hostile and dangerous than I and many other white Australians might imagine or experience it to be.

Not only are parents and children affected, but all of society as well.

While the issue seems to be about race and colour, it is most deeply about fear. It is about the fear that surfaces when people encounter others with a skin colour that is different, and darker, than their own.

While I believe we are a far more tolerant Australian society than we were decades ago, I do not believe this fear has fully left us. While meeting and engaging people of different races is something now quite normal for most Australians, some fears can linger.

That there might exist an Australian version of The Talk is a reminder that as a society we still have much to address if national reconciliation is to be achieved. We need to identify and allay those deeper fears. We need other and more hopeful Australian versions of The Talk.

## **Mob rule on Craig Thomson**

EDITORIAL

*Michael Mullins*

Last week I received an email from a friend who has made a new life in Australia. She complained that Australian officials 'have a tendency to follow the letter of the law and refuse to think outside the box'. But she considers that a small price to pay for the increased wellbeing her family enjoys living in this country. She wrote:

Coming from a relatively lawless country, it has been difficult to adapt to the opposite scenario, where rules control people rather than the other way around. But, having said that, this is what makes Australia a functional, effective, efficient, law-abiding place, and it is precisely the reason we chose to move here.

Rules in general, and the rule of law in particular, promote the common good ahead of sectional interests. More often than not, refugees have fled lawless societies in search of the protection of the law. A well functioning rule of law is a haven for people of good will.

It is particularly incumbent upon politicians to respect the judiciary. But on Thursday our near neighbour Papua New Guinea took a significant step along the road from the rule of law to dictatorship. Prime Minister Peter O'Neill had the country's chief justice Sir Salamo Injia [arrested](#) and charged with sedition. Sir Salamo had upheld a significant ruling that did not serve the personal interest of the prime minister and instead benefited his rival Sir Michael Somare.

By contrast, Australian Prime Minister Julia Gillard did [little more](#) than express disappointment last August when the High Court [ruled unlawful](#) her government's Malaysia solution, which it was relying upon to arrest the drift of political support from the Government to the Opposition.

Former Chief Justice Sir Gerard Brennan [reflected](#) in 1997:

Should a judge be accountable to the government of the day? Certainly not. Should the judge be accountable in some way to an interest group or to the public? The rule of law would be hostage to public relations campaigns or majoritarian interests. Should a judgment be fashioned to satisfy popular sentiment? That would be the antithesis of the rule of law.

Judgment of Craig Thomson should wait for the decision of a judge in a court of law. However, popular sentiment and a populist Opposition have taken hold of the judgment of Thomson to the extent that a judge deciding not to convict him might almost expect the fate of PNG's Sir Salamo Injia.

The first consequence of mob rule is injustice to an individual. But once it takes hold, the real casualty would be Australia's status as a desirable place to live. Migrants and refugees would no longer see Australia as the place to come to enjoy

the protection afforded by the rule of the law. The politicians could finally have their wish because the boats might stop.

## Refugees in the dark over security checks

### POLITICS

*Kerry Murphy*

After being in the community for over a year, a pregnant Tamil refugee and her two children were detained due to an adverse security assessment. Her husband is an Australian citizen.

Detention of refugees for adverse security assessments affects around 50 cases, less than 0.5 per cent of the applications in the last year. These cases have reached an impasse where people cannot be returned to their home country because they meet the refugee criteria, but will not be granted permanent residence in Australia because of the adverse security assessment.

These cases are now going to the High Court in a new [legal challenge](#) .

The human cost of the security process is significant. The issue about adverse security assessments based on undisclosed information may be resolved by the High Court. However delay in the security assessment process also needs addressing, as some refugees are waiting years to get any security assessment.

'Hayder' and 'Mariam' (not their real names) were found to be refugees in mid 2009 and have been living in the community for over four years. They have patiently awaited their security clearance. Every year, they pay for and supply fresh police clearances from the Federal Police.

In 2011 they had a baby and this year they had their second child.

When they make inquiries with Immigration they are told that Immigration is still awaiting the security checks from 'outside agencies'. They are living on bridging visas, and have permission to work, but some employers are not interested if they only have a bridging visa.

The long process is affecting them mentally as they cannot discover why their cases are taking so long.

The security check process is opaque. Applicants fill in a form 80, which is now 19 pages long. Ten years ago, the form was two pages. Each new version of the form adds new questions. Immigration advises people that they send the form to 'outside agencies', which we all know means ASIO.

What happens after ASIO gets the form is a total mystery. Immigration officers have told me they do not know what happens, nor why the process can take so long. Some cases are decided within months, others take years. Under changes made to migration law in 2005, onshore protection applications should be decided within 90 days. But the days of the 90-day decision are long gone.

It is possible to complain about the delay to the Inspector-General of Intelligence and Security. Complainants receive an email which states they will

investigate the matter, but they will not report back to you. The best lines in the email are classic *Yes Minister*:

'Where we identify an issue requiring resolution, we liaise with the relevant agencies about the issue.'

Then, in bold type: **'We will not provide any other feedback but will contact you if we require any further information about the case.'**

That must be very reassuring after years of waiting in detention or in the community.

The Refugee Convention provides for cases of refugees who can be excluded from protection by the Convention, but the bar is a high one — the criteria consist of crimes against humanity, war crimes or a 'danger to the security of the country'. Such cases in Australia are rare and there is a review process in the Administrative Appeals Tribunal (AAT).

But if someone has an adverse security assessment, the refugee is unable to comment on the adverse assessments, or even see what the assessment is. ASIO is effectively making determinations which are unreviewable and non-disclosable. This is a denial of due process.

The consequences for the refugees are Kafkaesque. They potentially face a lifetime detained for reasons they are permitted to neither know nor challenge. No wonder some people are responding by self-harming, and there have been suicide attempts in detention centres. These attempts are only the manifestations of a more pervasive depression and diminishment of humanity that [last long beyond](#) the time of detention.

It is too soon to speculate on the chances of success in the High Court. However, ethically the process and its consequences are unacceptable. It violates the dignity of those affected. It will also diminish the reputation of the departments making the security assessments.

Over the years, state and federal governments have accepted that decisions of bureaucrats cannot be blindly accepted and ought to be subject to an independent review process. Adverse security reviews are possible in limited circumstances for Australian citizens, but non-citizens are excluded from even this restricted process.

Not every person who applies for a visa will undergo a security check. It would take far too long to process the several million visa applications each year. At some level there is a risk assessment of which cases require the full assessment and which do not. Those applying for protection visas are likely to be the most scrutinised, whereas someone with a UK passport coming on a visitor visa is unlikely to be checked at all.

There may be information which is highly sensitive in a security assessment, but



surely there is some way the negative assessment can be reviewed and the sensitivity of the security information maintained.

This is the [view](#) of the Joint Select Committee on Australia's Immigration Detention Network. It recommends a new process in such cases with an amendment to the ASIO Act to enable review of such cases be conducted in the Security Appeals Divisions of the AAT. The Government says it is 'considering' the recommendations.

Politically, there is a balance between Australia's security, and the requirement to adhere to International Human Rights obligations. Since 9/11, the balance has swung in favour of more security checks. This is understandable politically, however for these cases the balance is weighted against the human rights obligations.

Meanwhile many people are waiting, some in detention, uncertain of their future. Even more people like Hayder and Mariam keep waiting and waiting for a resolution of their case.

The High Court or even a law change may reform the problem about non-disclosure, but further reform is needed to address prolonged delays in the security assessment process. Prolonged processing delays are adding a further level of anxiety to often traumatised people.

## Accidental white heroes of Aboriginal culture

### INDIGENOUS AFFAIRS

*Dean Ashenden*



An academic project to chronicle one of Australia's great 'songlines' has run into trouble from an unexpected source. A front-page story in *The Weekend Australian* [quoted](#) Yankunytjajara elder Yami Lester damning an Australian National University and National Museum of Australia project as a 'Trojan horse into forbidden ground'.

'Saying they want to preserve our culture is rubbish,' said Lester. 'White do-gooders ... need their boundaries defined.' Lester, it should be emphasised, is widely respected for the quiet dignity of his lifelong campaigning on behalf of his people.

Anthropology and its relatives certainly have form. For many decades any desire to do the right thing by Aboriginal people ran a distant second to a lust for loot and kudos, to which the desert peoples of South Australia and the Northern Territory, including the Yankunytjajara, were particularly vulnerable.

On land of marginal use to the Europeans, they survived long enough for the emerging discipline of anthropology to arrive on the scene. And they were so accessible. The Overland Telegraph Line, and therefore a track, and then a railway line, ran right through their country. Central Australia became a happy hunting ground for anthropologists.

Among the first to get there were Frank Gillen and Baldwin Spencer, neither the kind of man you would want to have looking after your sacred knowledge. Gillen travelled north in 1874 as an uncomprehending rather than malicious 19-year-old telegraph operator who gawked at the young Aboriginal women and sent reports back to his mates in Adelaide marvelling at a diet of 'snakes and lizards and herbage'.

Spencer turned up 20 years later, a young academic star, and member of the Horn scientific expedition. He had attended as a student the first-ever lectures on anthropology at Oxford in 1882, and therefore knew all about the Aborigines. 'Just as the platypus laying its eggs and feebly suckling its young, reveals a mammal in the making,' he wrote, 'so does the Aboriginal show us, at least in broad outline, what early man must have been like ...'

When Spencer and his fellow expeditioners arrived at the Alice Springs telegraph station in July 1894 they were greeted by the officer-in-charge, Gillen. Spencer and Gillen got on famously, not least because both were fascinated by the Aborigines. After 20 years in central Australia Gillen knew a great deal about them, and Spencer knew that what Gillen knew was pure academic gold.

They agreed to write a book. Their classic *Native Tribes of Central Australia* was published only five years after their first meeting, but in that short time something important happened, to both men.

Gillen's years on the Line had made him deeply sympathetic to Aboriginal people, but with Spencer's endless grilling and prodding in dozens of letters he began to grasp something that sympathy alone had not revealed.

Almost quivering with excitement and incredulity, he dared to think that the Aboriginal spiritual world was not so different from the Catholic faith of his youth. Gillen was the first European to comprehend the universe of the 'Dream Time' (his neologism) and the 'songlines' of current dispute.

For his part, Spencer found he greatly enjoyed the company of Aboriginal people, took wonderful, humanising photographs of people going about the ordinary business of their daily lives, and came to realise that, as he put it with sharp irony, 'the black fellow has not perhaps any particular reason to be grateful to the white man'.

Pivotal in their epiphany was access to a huge ceremonial cycle of up to six ceremonies a day over three months of 1896—97, an unprecedented revelation of a vast spiritual world hitherto scarcely guessed at by Europeans. Just why the 'Aranda' (Arrente) men granted this extraordinary access has been much speculated upon.

Many motives may have played a part. Hunger, a consequence of the European invasion, was probably one — Gillen stumped up basic supplies for more than 200 people for several months so that the ceremonies could be conducted. Gratitude was another — several years earlier Gillen, as Sub-protector, had caused a violent cop to be put on trial for the murder of two Aboriginal men, an act appreciated by the Arrente but detested by the whites.

And perhaps there was a diplomatic motive, a reaching out through senior men to a people too powerful to be resisted? They may even have had cultural preservation in mind. T. G. H. Strehlow, working in adjacent areas a generation later, was asked by many senior men to provide a safe repository for their treasure.

Many Aboriginal people have since been grateful to Spencer and Gillen and other anthropologists for doing rather more good than they intended or anticipated. Anthropology's records, artefacts and photographs have been crucial in transforming the European view of the Aboriginal world, and to the partial recovery by Aboriginal people of language, culture, land, and identity.

Lester's coruscating attack on the ANU-ANM project must be set against strong support for it, according to the *Weekend Australian's* report, from other members of Lester's community.

The real gratitude belongs to the Arrente men who made it all possible. But it

seems unlikely that they realised that the price to be paid was, as Lester puts it, 'exposing the most sacred of Aboriginal men's law to unready women and children', which would 'further weaken our culture and humiliate traditional ... men.'

Gillen's epiphany was one beginning of anthropology's desire to do good, sometimes so acute as to be immobilising. Anthropology took over from the missionaries the task of leading white advocacy for Aboriginal interests, and of defining what should be done. They found it no easier than the missionaries, however, to know where 'good' lay, and less possible than ever to turn to the Aboriginal people themselves for the answer.

There, as everywhere, are divided views related to divisions of role and power. If the *Weekend Australian* report is accurate, opposition to the ANU-NMA project is led by men, while support for it is led by women.

If there is any consolation to be found in this small part of an enormous tragedy it is a grim one: the Yankunytjajara people are lucky to have the problem. The great majority of Aboriginal cultures and peoples did not survive long enough to have it.

## Sandal-wearing pinkos of the modern era

BY THE WAY

*Brian Matthews*

I don't know what it is about sandals, but they seem to have stood for many commentators as emblems of all that is effete, pretentious and, ultimately and by extension, corrupt in those who choose to wear them. George Orwell, in his *The Road to Wigan Pier*, launched perhaps not the first but certainly one of the most resounding sallies against sandals and their wearers.

Discussing the perception of socialism in England in his day, he suggests, 'It would help enormously, for instance, if the smell of crankishness which still clings to the socialist movement could be dispelled. If only the sandals and the pistachio-coloured shirts could be put in a pile and burnt, and every vegetarian, teetotaller, and creeping Jesus sent home to Welwyn Garden City to do his yoga exercises quietly!'

Warming to the task elsewhere in the book, he laments that socialism seems to attract 'with magnetic force every fruit-juice drinker, nudist, sandal-wearer, sex-maniac, Quaker, 'Nature Cure' quack, pacifist and feminist in England'. He goes on to include 'vegetarians with wilting beards', and 'that dreary tribe of high-minded women, sandal-wearers and bearded fruit-juice drinkers who come flocking towards the smell of 'progress' like bluebottles to a dead cat'.

Sandals seem to have fallen into some desuetude after Orwell's vigorous assaults, though assiduous research reveals a thin line of reference over the years keeping them at least on the periphery of political discussion.

On 8 April 2010, writing in the *Homeland Security Watch*, Christopher Bellavita reported on the gradual development of rumour and misunderstanding surrounding a Qatari diplomat, Mohammed Al-Madadi.

Madadi was caught apparently attempting to ignite an explosive in his shoe on a United Airlines Flight to Denver. Further investigation revealed that he was covertly extinguishing a forbidden cigarette by placing it under his shoe, which, as it turned out, was not a shoe but — you've guessed it — a sandal.

Christopher Bellavita couldn't help himself: 'First reports about a 20-something, nicotine-addicted, sandal-wearing, low-level diplomat', he [headlined](#), adding 'are usually wrong'.

As the central ingredient in antipodean vituperation, sandals have a healthy record. Reporting on the Finkelstein media inquiry, the *Daily Telegraph's* Miranda Devine referred to 'sandal-wearing freelance journalist and prolific tweeter Margaret Simons'. Simons riposted, in a piece entitled 'Sandalgate: and the most gratuitous media reference is ...', by auctioning the offending sandals then conceding to the wishes of the successful bidder by establishing an award 'for

most gratuitous reference to personal appearance in the media’.

But if Orwell’s sandal salvos have passed the test of time and lived on into a political age and hemisphere at least the equal of his in squalour, his colours may have been lowered by former prime minister Paul Keating. In a stoush with Sydney mayor Clover Moore, Keating says she ‘has no concept of a metropolitan city, she’s an inappropriate person to be Lord mayor of this city because she thinks it’s a city of villages, she’s for low rise, she’s for sandal-wearing, muesli-chewing, bike-riding pedestrians without any idea of the metropolitan quality of the city’.

‘Is the former prime minister really saying that anyone who opposes Barangaroo is a sandal-wearing, muesli-chewing, bike-riding pedestrian?’ the mayor riposted. Well, yes actually. Close and fearless analysis does appear to confirm that is exactly what he’s saying.

Like Orwell with his teetotallers, vegetarians and fruit juice drinkers, Keating wields the broad brush and is not too worried where the paint splashes: both men’s epithets are of their time, but ‘sandal wearing’ survives nearly a hundred years of vituperation to be the star insult for each of them.

Just as for Orwell the faux socialists were a ‘dreary tribe’, for Keating the ‘tiny voice of opposition’ emanates from a ‘miserable view of the world’ and, he adds, not to put too fine a point on it, a ‘miserable, microscopic view of the world’.

This is all stirring stuff and Clover Moore’s plea to ‘play the issue not the man’ does come across like a ‘tiny voice’ amid the tumult.

Her namesake, Suzanne Moore — sometime *Guardian* columnist — must have felt tiny-voiced as well when, having repeated the false report that Germaine Greer had had a hysterectomy, copped this rejoinder, complete with shoe — though not sandal — imagery: ‘So much lipstick must rot the brain,’ said Greer, going on to describe Moore’s appearance as ‘hair birds-nested all over the place, fuckk-me shoes and three fat layers of cleavage’ — a dead set Sandalgate winner if ever I saw one.

Perhaps our dreary, miserable political scene might be a little enlivened, though probably not uplifted, if Peter would swap Slipper for sandal, if Craig Thompson would grow a beard (which, given his alleged occasional need for anonymity, might be handy) and take to fruit juice, and if the female parliamentarians would give more serious thought to their footwear and its libidinous as well as its podiatric possibilities.

Under such reformed conditions, an election could become a shoe-in, recalcitrant members would be brought to heel, the boot might sometimes be on the other foot and at least some of our august representatives might be made to toe the line.

## Traipsing Turkey's deep, dark soul

### FILMS

*Tim Kroenert*

***Once Upon a Time in Anatolia* (M). Director: Nuri Bilge Ceylan. Starring: Muhammet Uzuner, Yilmaz Erdogan, Taner Birsnel, Firat Tanis. 150 minutes**

A group of police, medical and legal professionals unearth a corpse from a shallow grave, and are outraged to discover that it has been hogtied. The confessed murderer (Tanis) says it was not sadism but expediency that prompted him to bind the limbs in such a fashion: it made the body easier to transport.

The man's blunt pragmatism seems equally horrific to his outraged captors. Yet moments later they too commit an absurd horror, as they attempt to stuff the body into a car boot in order to transport it back to town. Someone has forgotten to bring a body bag, so a tarpaulin is used to loosely shroud the body. It is debatable whether the murderer or the ones who purport to restore justice have treated the body with the greater indignity.

*Once Upon A Time in Anatolia* is laced with such dark ironies and psychological uncertainties. It paints a time and place where human behaviour is determined by slack bureaucracy, and where natural empathy (let alone grace) seems ever at odds with an encroaching world-weariness that borders on apathy.

The title alludes to Sergio Leone's *Once Upon a Time in the West*, and Turkish filmmaker Ceylan's film does bear stylistic comparison to Leone's vast spaghetti western. It is as epic and brooding as the Turkish steppe upon which its bleak fairytale unfolds; long takes of striking landscapes, riven by the sounds of trickling water and creeping breeze, establish a powerful sense of place, against which the human characters are merely interlopers.

Among them are the confessed murderer and his brother; a police chief with a point to prove (Erdogan); a cocky prosecutor haunted by a metaphysical delusion (Birsnel); and a doctor (Uzuner) undergoing an existential crisis of his own. Over the course of one long night, they traipse the fields and knolls of the steppe, searching for the body; the killer, who was drunk when the crime occurred, has forgotten where he buried it.

As the night progresses (and both before and after the body is eventually discovered) confidences are shared, sympathies shift and characters' integrity is tested. The doctor's willingness to share a cigarette with the prisoner stands in stark contrast to the police chief's latent brutality. The police chief himself has his own insecurities that further try his temper. Almost every supporting character gets his moment beneath Ceylan's sickly spotlight.

The doctor, the closest thing the film has to a hero, observes proceedings from inside a quiet, crippling languor. It is contagious, too, gradually eroding, for

example, the romantic, spiritual notion that the prosecutor harbours regarding a loved one who appeared to have predicted the time of her own death. The doctor applies a gentle cynicism to this fancy that by the end of the film has the prosecutor considering a far less palatable reality.

At two and a half hours, meditatively paced, and dense and soulful, *Once Upon A Time in Anatolia* is deeply rewarding to reflective viewers. Cinematographer Tonino Delli Colli probes human faces with the same intent and intensity with which he regards the terrifyingly beautiful landscapes; as if to iterate the ways in which the menace, mystery and majesty of the natural world are mimicked in human nature.



## Teaching students to fend for themselves

### EDUCATION

*Dilam Thampapillai*

How long will it be before a student sues their university for failing to get them into their dream job? We are now seeing in Australia the first case of its kind in which a former student is suing her high school for failing to get her into law at a prestigious university. How long then before this type of litigation replicates itself at a tertiary level?



A former Geelong Grammar student, Rose Ashton-Weir, has [launched](#) a legal action in VCAT against her *alma mater*. The basis of her lawsuit is that the school failed to adequately support her during her time at the school.

Media reports of the hearing include a claim that negative feedback over an essay left her confused and made her doubt her ability. It is also reported that Ashton-Weir was placed on internal suspension while at the school and that her reports indicated she did not complete her school work.

The emergence of this type of litigation is a bad sign for education in Australia. Litigation is the most extreme form of a negative student culture.

Commenting on the Ashton-Weir case, Michael Stuchberry [wrote](#) in *The Drum* about his experiences as a high school teacher with students who expected to be spoon-fed and made threats when they did not immediately get the materials and advice they wanted.

If students of this caliber are indulged at high school then they are likely to be problematic at a tertiary level.

There are numerous similar writings from other high school teachers identifying the entitlement mentality displayed by some high school students. Similarly, there have been writings by several academics that have discussed and analysed a growing number of pushy and demanding students.

I would think that these students are greatly outweighed by a larger number of reasonable and considerate students. Nonetheless they definitely have an impact on the experience of teaching.

The danger is that students that have unreasonable expectations and who make illegitimate demands will eventually push a lot off capable teachers out of education. Yet, students of this ilk cannot exist without a cultural and institutional framework that validates their behaviour.

Indeed, our broader policy moves on education set student expectations. For example, what is the take home message from the existence of websites like 'My Schools' or 'My Universities'? What are we to make of the focus on 'teacher

effectiveness'? We seem to have drifted away from notions of student responsibility and towards a belief that the teacher is the single most important determinant in student outcomes.

By mainly focusing on teacher 'outcomes' we might be sending the wrong signals to young students. Teachers do need to be supportive, but students have to take responsibility for their own learning. Self-sufficiency is an important skill. Moreover, given the type of work environments they will encounter in the future, their capacity to work independently and respond appropriately to feedback is crucial.

To this end, negative feedback is a valuable part of the education process. Students need a basic framework within which to evaluate quality in their work and learn from setbacks.

Another undercurrent in the Ashton-Weir litigation is the notion of a [market mentality](#) in education. That is, that education is a commodity and that the student is a consumer. There are different views on this; to some the student is the 'consumer', while to others the student is the 'product'.

The market mentality does have something to offer in education. Students need to be prudent in their choices, and to think about education as an investment is not a bad thing.

Yet, there are shortcomings in this approach. Education is fundamentally a public good. It is also a very human process, and communications are not always perfect. Nor is it easy to measure value in education; a lot of the benefits from education take a while to appear.

In the long run we need to think about the message our policy debate on education sends to students. We need to think about identifying and communicating legitimate expectations and behaviours. If we can get the balance right, we can produce mature and sensible students who are suited to careers that involve life-long learning.

## Thought under threat at Australia's universities

### EDUCATION

*Paul Collins*

Canberra is a funny town. Mostly we're pretty laid-back, but occasionally the citizenry gets stirred up about something. When that happens, look out!

Professor Ian Young, vice-chancellor of the Australian National University recently found this out, to his cost. His proposal to asset-strip (there is no other term for it) Canberra's prestigious School of Music led to a public furore and the biggest university demonstration in 30 years.

The ANU isn't the only university in financial stress. Recently there were loud protests at Sydney University against increasing rounds of staff redundancies. This is the long-term result of the Howard and Rudd-Gillard governments' under-funding of tertiary education and user-pays attitude.

And there is nothing new in vice-chancellors asset-stripping departments, almost always in the non-economics, business and technocratic subject areas. Culture is much more easily dispensed with.

The result of the furore in Canberra has been that the Regional Chamber of Commerce has got a number of local philanthropists together to support the 'continued excellence' of the Music School. Although far from settled, the offer of private money has relieved some of the pressure on Young.

But there is a sinister aspect to this. Young is proposing changes to the syllabus which previously emphasised one-on-one teaching and excellence in performance. He told *The Canberra Times*: 'The proposed new subject offerings are designed to appeal to a wider and perhaps different group of students' and focused on subjects such as 'music and media technology', 'the music industry' and 'the pursuit of a portfolio of [unspecified] activities'.

That is he wants to move away from the pursuit of excellence to subjects that can be done on the cheap. Young lets the cat out of the bag when he protests that he believes that these 'new subjects' are 'no less profound'.

This is but the latest manifestation of deep-rooted problems in tertiary education. They go back to the Dawkins educational 'reforms' of 1987-8 which introduced what Judith Bessant calls 'the indiscriminate application of market models and values, a commitment to user-pays systems and the widespread application of entrepreneurial language and practices'. From then on only departments that paid their way were favoured.

Dawkins also broke down distinctions between universities and colleges of advanced education which emphasised vocational training. The consequence of turning CAEs into universities had the effect of confusing two separate educational purposes: the skills and knowledge needed for the workplace, and the skills of

critical and creative thinking and scholarship as deeper ends in themselves.

As J. H. Newman said in his *Idea of A University*, 'Knowledge is not merely a means to something beyond it, or the preliminary of certain arts into which it naturally resolves, but an end sufficient to rest in and to pursue for its own sake.' In the School of Music context replace 'knowledge' with 'excellence in performance' and you have 'an end ... sufficient to pursue for its own sake'.

The long-term result of the Dawkins approach is that serious study is replaced with popular substitute subjects, while non-profit-making arts subjects are neglected and even mathematics and hard science are struggling to attract students.

Perhaps we need to re-establish the distinction between universities and vocational institutions. Universities should focus on high-level teaching, thought and research, and highlight the arts, science and the cultural values that are essential to and underpin our civilisation. Vocational education is something different; it is a preparation for a specific skill or task in life and should be taught differently.

In his ideal university Newman wanted undergraduate students introduced to a comprehensive knowledge of culture before specialisation by undertaking a 'liberal education' before commencing a professional education. To some extent this is retained by Harvard University and in Australia by Melbourne University.

Newman also separates the task of teaching from that of research. 'To discover and teach are distinct functions; they are also distinct gifts, and are not commonly found united in the same person.' Interestingly the ANU began as a research university and its research function is still carried on in high-level, non-teaching schools.

If nothing else the contretemps over music education in Canberra has confronted us with the need for a serious re-think about tertiary education.

## The grand champion of mothers

NON-FICTION

*Gillian Bouras*

When I became a mother for the first time, my mother was there for her baby, not for mine. It had been a difficult birth. 'Heavens,' said Mum, 'You look just as you did after a hard day at school.'

Dimitrios was brought to me, and of course I thought he was beautiful, but I still wasn't blind to his cone-shaped head, his bruised and puffy eyes, and his generally battered look. Nor was I deaf to his full-throated bellow. 'Poor little pet,' said the nurse, 'he's got a shocker of a headache.'

Me, I felt as if a speedy arrow had found a bull's eye in my heart. 'Oh, Mum,' I said, 'I'm so worried about him.' My mum laughed her head off. 'You're stuck with that feeling now,' she replied. How right she was.

It's not fair, but everything, for good or ill, and life being what it is, the admixture of both, begins with the mother. And it's all in the luck of the draw. My best friend, for example, had a cold and rejecting mother who actually told him he was a mistake.

Once we discussed Winnicott's concept of the *good-enough* mother, and I mentioned a reference made by Canadian writer Robertson Davies, who makes one of his characters say that he is fed up with people moaning about their mothers. I quoted: 'We can't all have the Grand Champion of Mothers.' And then I laughed.

'But you did,' my friend replied.

The wistful yet matter-of-fact statement wrenched my heart. 'You're absolutely right. I did.' I thought of what I had had, and what he had missed: the luck of the draw.

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I cannot believe that my mother has been dead 18 years, for I still see her in my mind's eye as a beautiful woman and spirit at every stage of her life, and I still hear her unfailingly witty good sense clearly in my mind's ear. Greeks who knew her considered her like Nana Mouskouri's voice: too perfect.

Parents are not necessarily naturals at their task. Mum's own childhood was not perfect, not by any means, but she had great skill in giving her three children most of what she had lacked, a skill that must have come in part from her wonderfully nurturing older sister. Muriel stood in for an over-taxed widowed mother, who was often so exhausted that she fainted in the kitchen of the boarding-house she had no choice but to run.

My grandmother worked in order to guarantee her family's survival. My mother

worked in order to give us more opportunity: she was a gifted teacher of children in their first three years of school. She regularly taught classes of more than 40, but she still had time left over for us: she made sure of it, even though her whole life was a balancing act. But perhaps that's what motherhood is about: balancing.

The balance began to be threatened when I was a young mother, as that generation of women wanted children, but also wished to work for the sake of their own fulfillment. Now the threat is worse, as women strive to be perfect mothers even while they are holding down demanding jobs.

American writer Anna Quindlen maintains that the lives of modern mothers are a combination of the Stations of the Cross and a decathlon. Quindlen's mother, who wasn't a career woman, and did no ferrying of her children to ballet, music, and the rest, gave her offspring freedoms that today would have the police and a case worker on the doorstep. But, says her daughter, 'wherever she was felt like a safe place'.

One of Quindlen's own children has told her that what he most remembers is having a good time.

That's a balance children need: security and fun. We started our days with both, for Mum would wake my sister and me by snapping on the bedroom light. She never let us down, and we would laugh ruefully as she called out a wartime slogan: *Wake up, Australia! Rise and shine. Your country needs you.*

I told my kindred-spirit friend this. He said, 'I'm sure your mother rises and shines in your heart every day.' How right he was. How right he still is.

## **Autumn on Australia Street**

POETRY

*Brenda Saunders*

### **Australia Street**

I know it's autumn when exotic imports  
lose their cargo of leaves  
Empty branches startle the sky  
Northern cut-outs curling in the sun  
catch on fence wire at the school  
flooding gutters after rain  
In summer the gumtree in our yard  
slims down, mindful of the dry spell  
Oily crescents pressed underfoot  
soften the asphalt under the line  
Loose bark hangs in strips for weeks  
like forgotten underwear  
Gum nuts line the pathway to the bin  
tiny hulls, our hidden progeny.

### **Un-titled**

Dark hands  
beat the silence  
Curled tight they hold  
the anxious moment  
— let others slip by  
Years of blackness  
spread across the palms  
— rivers dispossessed  
tributaries  
going nowhere  
Time runs out

with the present fear  
— a lifeline held  
in metal cuffs  
caught at the wrist

**Truce**

A man carries a child  
on shoulders  
braced for war  
Small hands  
hold arms  
raised in surrender



## Communities cooperating to kick coal

### ENVIRONMENT

*Colin Long*



Mick spent years working for the State Electricity Commission in Morewell, Victoria, until privatisation saw massive job losses and the outsourcing of many remaining jobs.

Many of Mick's mates never worked again, and the early days of hope created by good redundancy payments petered out into years of forced idleness, low self-esteem, financial troubles and family stress. Mick got casual work with a maintenance contractor, but for three years was given on average two months a year work.

Mick's experience has made him sceptical of politicians and others coming down to talk about opportunities from the transition to a low carbon economy. With Morwell and other towns of the La Trobe Valley still dependent on brown coal burning power generators, action to tackle climate change sounds more like a threat than a promise.

The task faced by the Gillard Government, and others interested in real action on climate change, is not persuading people like Mick that climate change is real — it's making sure they aren't cast on the scrap heap during the process of economic restructuring, and ensuring that they are properly involved in this process.

There is no point pretending that action to reduce the threat of climate change will have little effect on the structure of the Australian economy. The issue is not about how to protect industries and communities from change: it is about how to manage change in a socially just and democratic way.

A first step might be to acknowledge the political and institutional impediments to a just and sustainable transition. As the controversy over the Government's carbon price policy has demonstrated, our political system and media are unable to deal with complex long-term policy issues maturely.

The exposure of the political system to lobbying and manipulation by narrow interest groups such as mining companies and other major polluters impedes the development of sound policy.

The Australian business lobby has shown itself to be adept at rent seeking, but reluctant to engage with the possibilities of the transition to a low-carbon sustainable economy.

The Government will need to think carefully about industry restructuring and community transition. Leaving it up to 'the market' and those who have most power in the market — business — is a recipe for further rent seeking based on manipulation of adjustment funds. There will be no guarantee that money intended for industry restructuring will be used to help workers, rather than for

redundancies or to off-shore business activities.

Industry restructuring must be seen broadly, and not just involving particular businesses. Restructuring must involve whole communities. This requires the widest possible engagement with communities, and the implementation of effective governance arrangements, particularly around allocation of restructuring funds.

Along with efforts to price carbon pollution and invest in renewable energy, we need to start devising governance structures to enable the transition. In regional areas that are highly dependent on heavy polluters, this might take the form of Community Transition Authorities (CTA).

These would engage with stakeholders: businesses, unions, local governments, community organisations, local people, community service and infrastructure providers and so on. Representation on the CTA would be determined by a mixture of appointment (by businesses and unions, for instance) and direct election.

The CTA would establish goals, which might include a vision for the type of economy (perhaps the preservation of a focus on manufacturing; or transition to high-tech services; or an increase in tourism), as well as population and social development targets.

The primary purpose would be to allocate and manage funding for transitional programs broadly conceived and not restricted to industry. Specific industries seeking funding for restructuring would apply to the CTA, which would consider the application against a number of criteria: need; effectiveness in achieving the goals of the CTA; contribution to reducing greenhouse gas emissions; and ameliorating other environmental destruction.

CTAs would replace the Government's Regional Development Authorities. RDAs have little direct democratic input and operate according to a consultative model rather than a participatory democratic one. They provide advice on how to get government funding, rather than democratically controlling its distribution.

CTAs would operate according to deliberative democracy principles. Plans, proposals and applications adopted by the CTA would be subject to public deliberation, during which proponents and experts present their cases in open public forum and can be questioned and challenged. Such forums could be streamed on the CTA's website. The members of the CTA would consider the information and decide on appropriate action.

It is important that we begin to develop such new approaches to governance. People like Mick must be part of the nation building exercise that creating a clean economy could be — not its victims.

## Give circumcision inequality the snip

EDITORIAL

*Michael Mullins*

There are convincing arguments both for and against infant male circumcision. Medical authorities [supporting](#) the practice describe it as a form of vaccination. Those [against](#) regard it as potentially risky surgery that is 'unnecessary, irreversible and harmful'. Unlike female circumcision, there appears to be no certain case for the state to determine whether or not non-therapeutic infant male circumcision should take place.

In 2009 a detailed [issues paper](#) of the Tasmania Law Reform Institute canvassed the criminalisation of the practice on human rights grounds. This was a response to calls for clarification of the law to determine if those performing the procedure could be charged with committing assault or abuse, and whether parental consent is a mitigating factor.

Tasmania's then Children's Commissioner Paul Mason said: 'Everyone is entitled to bodily integrity, to protection of their own body from injury by another without their consent.'

But doctors advocating the procedure as a preventative health measure can also mount a human rights argument along the lines of every child having the right to access the best available health outcomes. It would be self-defeating if the 'protection' afforded by one right prevented the 'access' offered by another.

The obvious problem is that infants are not capable of giving consent, and [experts](#) argue that the procedure becomes problematic once they're old enough to decide.

Necessarily it falls to parents to make an informed and responsible decision, and there's nothing wrong with that. It is subsequently important that they have the means to exercise the option they've chosen. Regrettably this is not always the case, and their decision can be reversed by their economic circumstances. Middle and higher income families could easily afford the cost of up to \$800 but low income families cannot.

The cost will become a major issue if the Federal Government goes ahead with plans to remove non-therapeutic infant male circumcision from the list of procedures that qualify for Medicare payments unless it is found to be necessary in particular cases. There is already inequity in the fact that public hospitals do not perform infant male circumcisions in most states.

Advocates are calling for an end to the ban on the procedure in public hospitals and a substantial increase in the Medicare benefit for the operation.

It is empowering for parents to have the ability to contribute to the quality of life of their children through responsible decision making, but alienating if

inequitable funding models make decisions for them.

## If Clive Palmer was a High Court judge

### POLITICS

#### *Politics*

Imagine that in a few months, perhaps following a hefty donation to the Labor Party, Attorney-General Nicola Roxon announces the appointment of the High Court's newest judge — Clive Palmer.



The Honourable Justice Palmer sets about rewriting the law in radical new ways. Directors of mining companies, His Honour holds, are not subject to regulation by ASIC because of a hitherto unrecognised 'ensuring Australia's prosperity' exception. He further decrees that disbanding the Australian Greens is constitutionally valid, being necessary for the defence of Australia against the CIA's incursions into our coal industry.

Surely such an appointment would be wrong, and could be challenged in some way? Actually, no.

Due to the impending retirement of High Court judges William Gummow and Dyson Heydon, two new judges will soon be appointed. The position is one of the nation's most important. Few wield more power over Australia's affairs, a fact recently reiterated when the High Court declared the Malaysia solution unlawful.

Yet the 'process' of High Court judge appointments is so shadowy as to barely deserve that label. High Court judges are appointed at the absolute, unchallengeable discretion of the Attorney-General and Cabinet. Unlike many other government decisions, there are no criteria the Attorney-General must take into account.

The situation is rendered more anomalous when one considers the importance Australia places on the 'separation of powers' doctrine. It is often called upon in public discourse, and treated with reverence in our constitutional law. The High Court sits at the apex of one of the 'powers', the judiciary. The Attorney-General sits close to the apex of another, the executive. And yet the Attorney-General is responsible for appointing High Court judges.

A modern-day constitutional drafter would be ridiculed for proposing a system so open to abuse.

In the Hindmarsh Island Bridge case, it was considered too great an infringement of the separation of powers doctrine to let a judge prepare a government report on the Bridge. But apparently it is no infringement at all of this doctrine to let one power choose which people the other power will consist of.

You might think this is just a theoretical problem — that in some third-world fledgling democracy, such an unaccountable, unprincipled system might be cause for concern, but in civilised Australia, we can trust our representatives to do the

right thing. You would be wrong.

It is difficult to say whether the most unprincipled High Court appointment was Gough Whitlam appointing his own Attorney-General, Lionel Murphy, in 1975; Joseph Lyons doing the same with John Latham in 1935; or Robert Menzies appointing his cousin Doug in 1958.

In more recent times, the abuses have persisted, albeit less flagrantly. In a speech at Adelaide University, Alexander Downer admitted that ideology was a relevant factor in the Howard Government's High Court appointments — first, that they were black-letter lawyers, not activists, and second, that they would favour the Commonwealth over the states in deciding who is allowed to do what under the Constitution.

Heydon and Gummow, both Howard appointments, are renowned and outspoken black-letter lawyers. Moreover, Downer hinted that John Doyle, the soon-to-retire South Australian Chief Justice, widely tipped to be SA's first High Court judge, was overlooked by the Howard Government because he served for many years as SA's chief barrister, and would thus be too sympathetic to the states in their constitutional battles with the Commonwealth.

A. J. Brown reveals in his recent [biography of Michael Kirby](#) that the Keating Government rejected Doyle on similar grounds, instead appointing Kirby — but only after Gareth Evans convinced Keating that Kirby was sufficiently left-wing, despite being a monarchist. Evans' exact words were that the Court needed 'an adventurous spirit up against all those other fucking Tories'.

Such partisanship cannot be good for our system of government. Having the members of our judiciary selected, at least partially, on their political and jurisprudential ideology and beliefs about federalism is wrong in principle and may even have observable adverse effects.

It may be, for instance, more than coincidental that our constitutional law has been heading in a direction that interprets the powers of the Commonwealth in broader and broader terms. A particularly notable example of this development was the WorkChoices case, in which the High Court affirmed the power of the Commonwealth to regulate industrial relations, a power that any casual reader will find difficult to locate in our Constitution.

This arcane state of affairs has not been allowed to persist in the UK, that great enemy of arcane constitutional arrangements. The UK instead has a Judicial Appointments Commission, which takes the appointments process out of the murkiness of the Cabinet room, and hands it to a committee of lay persons, judges, and lawyers, who appoint judges through a transparent process of nomination and interview, according to specific criteria.

Legal academics Simon Evans and John Williams have proposed a similar system for Australia, although they wish to trial it with lower courts before

applying it to the High Court.

It is well past time Australia adopted such a Commission. The judicial appointments process requires reform, both to maintain the integrity of our democracy, and to ensure the judiciary develops our law in a way that furthers the public good, not the Commonwealth government or a particular ideology.