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The view from on high is also down to earth: Professor Bob Gregory (pictured above) writes on the comparative welfare of Australian Aborigines and Native Americans, p50 in this month's special supplement on research at the Australian National University.

Cover: From centre top, clockwise: ANU scholars: F.B. Smith, Geoffrey Brennan, Lisa Strelein, Paula J. Byrne, Sir Anthony Mason, Nicholas Brown, Bruce Chapman, Bob Gregory, Judy Wajcman. Centre: Hilary Charlesworth. Photographs by Bill Thomas.

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En-Nobelizing a cause

IT WAS WITH JUBILATION that East Timorese people heard the news of this year's presentation of the Nobel Peace Prize to their popular Bishop, Carlos Belo, and the East Timorese spokesman, Jose Ramos Horta. The prestigious award gives recognition to the demands, by both the Catholic Church and the resistance movement, that a solution encompassing East Timorese rights and self-determination must be achieved. It has focused international attention on Belo, whose outspokenness has often left him isolated, even within his own Church. The occasion drew rare public praise of Belo's role from the Vatican, whose cautious approach to the conflict reflects their concern for the interests of the Indonesian Catholic minority.

President Suharto's refusal to acknowledge the award during his recent visit to East Timor illustrates what Belo has been saying for years—that there has been no genuine feeling of integration in East Timor, from either the East Timorese or the Indonesian sides. Jakarta's signals that the Nobel award will not alter its position on East Timor mean it will continue to use a security approach to control the people. However, the added impetus for change will find Indonesia increasingly having to defend its role there, both to the local and the world community. ■

Louise Crowe has just completed an MA, on the Church and East Timor, at Northern Territory University.

Working it out

JUST PRIOR TO THE SIGNING of the agreement on industrial relations by the Government and the Democrats last month, Peter Sams from the NSW Labor Council and Jennie George from the ACTU appeared on *Lateline* together. Sams has publicly diverged from the ACTU line on occasions, in particular to welcome the opportunity the Workplace Relations Bill will offer for the disamalgamation of super-unions which have not been happy marriages. However, what was more apparent in their television appearance was the similarity of their respective positions on the impending legislation: unions must find ways to organise and represent employees in what will be a tougher environment for workers.

The concessions Cheryl Kernot extracted from Peter Reith will preserve in the new IR legislation—due to come into effect next February or March if the rest of the senate complies—some of the existing safeguards. Most importantly, the Industrial Relations Commissions will be allowed to vet a workplace agreement if there is doubt that it satisfies a no-

disadvantage test, and to arbitrate beyond a core of 18 award conditions originally set down in the bill. These conditions themselves have been expanded to include superannuation and outworkers. Also, state awards will not override federal awards if they do not satisfy the no-disadvantage test.

On the other hand, there is little joy for unions themselves in these amendments. While the right of unions to represent workers as a bargaining agent is partially improved, secondary boycotts will be restored to the Trade Practices Act and enterprise unions will be allowed, provided they have the support of the majority of the workplace. It's no surprise the ACTU qualified its praise for the new version of the Workplace Relations Bill as the union movement still has to come to terms with an industrial system that will cease to be based around the founding principle of unionism—collective bargaining.

The test of this legislation will be twofold, whether it creates new jobs and what kind of jobs these might be. The Government would have us believe that less regulation will translate into lower unemployment. The US presents evidence for this with an unemployment level resting at around five per cent. However research points to more US workers employed in lowly paid, low-quality positions.

We can only hope that Peter Reith and John Howard will be proven right about the capacity of their legislation to kick-start job growth. The concern is that the legislation will reduce the conditions Australian workers should and do currently enjoy. In particular it seems inevitable that the proportion of

part-time and casual jobs will increase. Since the ability of such workers to negotiate with a hard-bargaining employer is compromised by their expendability, it may be that, as Jennie George asserts, union membership is always stronger during periods of conservative rule. But it may also be that in such situations, Australian workers will feel increasingly reluctant to stick their ground and fight.

IF UNIONS ARE TO REVERSE the trend which has seen membership drop from half the workforce to a third in the last decade, and, more importantly, provide Australian workers with a service they need, they will have to perform. In the first place they will have to go beyond grudging acceptance of the casualisation of work: they will have to embrace it. New methods, such as allowing unionists to switch their membership from one union to another when they change jobs and linking the cost of dues more closely with income, should be explored. But more than this, unions have to argue the case for that which for so long has been a given: collective bargaining as the most equitable way of organising industrial relations.

In the best of all possible worlds, which this legislation might convince us is not as far away as we think, unions are an irrelevance. And if that best of all possible worlds doesn't eventuate, there will be a need for a strong and effective union movement. ■

Jon Greenaway is *Eureka Street's* assistant editor.

COMMENT: 3

MAX TEICHMANN

Alexander's ragtime band

NOTHING WAS REALLY SETTLED by the rigged election of Boris Yeltsin, nor would it be of any great benefit if he were to recover and complete his term. Yeltsin would probably need to rule more despotically, and would doubtless be as corrupt and inefficient as before. His confrères would spend their time squabbling, looting Russia, and trying to sell off what's left. Other segments of the Russian federation would start to bolt, with outside help. They mightn't get food, but they would get guns.

Russia proper would decline further into poverty and crime. Mutinies by sections of the army—even regional warlordism—is a possibility. The mafias, whom Malcolm Fraser has recently described as a major ingredient of the Russian economy, could *become* the economy. The US would have gained their revenge, as they failed to do with Vietnam, Cuba—yet—and Libya. Though they're doing fine with Iraq.

Just as China may choose to run Hong Kong with the Triads, so might America use the mafias to help run Russia like Pinkerton's detectives.

General Lebed could possibly change a lot of this, which is why he is becoming a marked man. If the West can buy him, he's in the clear, but not otherwise. He's talking of jobs, security, stamping on crime, taming the mafia and shoring up the Army. Also restoring social discipline and attacking political corruption—and giving Russians back their pride. Lebed proved

a strong, skilful figure in Moldova and Chechnya, and, for his pains, set green eyes flashing among the establishment and counter-establishment.

The ex-Communists could help him into power, but they distrust him. Indeed, they have distrusted generals ever since Trotsky, especially when respected by their troops, and by the masses. Many of Lebed's policies are similar to their own, but whereas most ordinary Russians—soldiers and civvies—are reasonably content with the idea of a Lebed Presidency, still too many still fear the Communists.

It would be an unequal and temporary partnership. But the Yeltsin/Americans, the Mafias, the senior, thrice-bought generals, want his guts for garters. He *has* to stay afloat, and build a party, while Yeltsin drags it out for a while. Not too short, not too long. Once safely in office—and his safety *is* a matter for concern—he just might bring things together. Then there would be a new ball game.

Nato could get out of Belgian 'politics', and pretend there's a Russian threat. Moscow could resume a role in the Middle East in return for Arab loans and broker a deal with Japan in return for money. The possibilities are unlimited. The General shouldn't take off that bullet-proof vest, yet. ■

Max Teichmann is a freelance political analyst.

An ambit claim

From Ian Dunn, Executive Director of the Law Institute of Victoria

Although I disagree with the conclusions reached by Moira Rayner (October 1996) that a person in the circumstances of the friend described by her cannot find appropriate representation, I do agree with the thrust of her article.

Before dealing with the principles involved, it is perhaps necessary to say something about a case such as that which she described in her article. Moira refers to a friend with work-related problems upon which had been superimposed other assaults and insults, and the initial point of Moira's article was that she hadn't been able to find a single lawyer who would act for her. I'm surprised at this suggestion; very frequently I am asked to locate an appropriate lawyer in matters not dissimilar to this and I believe that within half an hour I could identify at least half a dozen firms which provide expert assistance to people in cases such as these.

This doesn't, however answer the principle thrust of the article and I believe that Moira Rayner's point is well made. I also am alarmed at the number of prominent firms which are unwilling to take on a case that could conceivably put them at odds with an important client, and particularly the Government.

In some cases, it is just not sensible for a firm to take on a particular matter. If the firm is, for example, handling a lot of Telstra cases and then acts for someone who wishes to sue Telstra, even in circumstances in which full disclosure is made to the individual client as to the working relationship between the firm and Telstra, the client may subsequently believe that the firm has not done all that it should have done to prosecute the case. Such problems are usually best avoided and most firms with such a relationship with a major client are able to refer an individual to an appropriate firm which has no such relationship.

What is more disturbing, however, is the other problem which Moira has identified. Many lawyers are concerned that if they act for an individual in a claim against the Government (particularly if the matter attracts some publicity) they will be

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'blackbanned' from any consideration of Government work. I often suspect that the lawyers in these firms are being over-sensitive, but there are some scary experiences around demonstrating that governments are much more aware than previously of the identity of the solicitor acting for 'victims'.

Whether the perception is valid or not, the fact remains that the situation certainly has changed, and for the worse. Many lawyers still recall with pride that it was one of Melbourne's major firms which acted (on a *pro bono* basis, of course) for Peter Tait when the Bolte Government wished to execute him. No battle could have been more hard-fought—never could there have been stronger or more bitterly expressed statements from either side—yet Mr Tait was given representation of the highest quality without which he would, undoubtedly, have been hanged notwithstanding.

ing that he was found to be insane. I never heard it later suggested that the firm concerned had suffered any reduction in patronage from the Government, although I am absolutely certain that a majority of the partners in that firm were uneasy about their firm's involvement with the case!

Finally, I should mention the excellent work of PILCH (Public Interest Law Clearing House) in which most of the major Melbourne law firms are involved. PILCH handles the cases which involve some form of public interest and many of its numerous successes have been in case in which 'government', in one guise or another, has been on the other side.

Ian Dunn
Melbourne, VIC

Populate or...?

From G Strauss

I was interested by the views expressed in J.S. Gregory's article 'White Australia, Asia and "la longue durée"' (September, 1996). I say views in the plural because the author gave a fair amount of space to the views of Cohen, Lane, Adams and others, some of which he himself does not agree with.

I do not myself agree with the author's view that multiculturalism is the best policy. I am a migrant myself, but I came here before there was such a thing as a migration policy, except of course, the notorious White Australia policy. There hardly seems to be any need these days to underline the erroneous character of that policy. There were no welfare departments and no special assistance for migrants. In fact, to begin with there was no Immigration Department. Once you were here, you were very much on your own and 'got on with it' as best you could. You took a job—they were plentiful in those halcyon days—and minded your own business. You learnt English in a hurry and got some qualifications in order to get out of the factory work which didn't give you much of an income. You saved up a bit and put a deposit on a house. Your neighbours weren't unfriendly, so long as you didn't tell them too often how much better things used to be in whatever country you came from. On the whole you were too busy to spend much time telling the government how to run its foreign policy. There were not enough hours in the day to

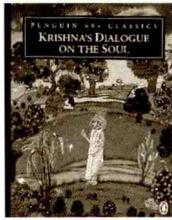
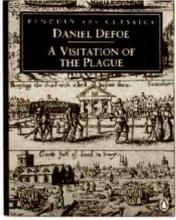
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allow you to demonstrate on the steps of Parliament in Spring Street over events that took place in Europe or elsewhere. We were 'reffos', as such we were tolerated, so long as we minded our own business.

Then came the first post-war wave of immigrants: the Balts, carefully chosen for their Northern appearance. I was among the staff that welcomed the first shipload to arrive in Bonegilla. They were nice people. I enjoyed teaching them. They liked me well enough, not all of them liked each other. The staff soon learnt that the 'Balts' belonged to three different nationalities, that there were differences of language and religion. There was more, but the details go beyond the scope of this letter. There was never any trouble between the Australian staff and the migrants. There was, however, a good deal of trouble among the migrants themselves.

As I am writing this Father Frank Brennan, speaking on 3LO, states that racial vilification is largely inter-ethnic, i.e. between various migrant communities, rather than between Anglo-Celtic people and migrants in general. The news session on the same station reported trouble between Asian students. I could quote further from my own professional experience, but the examples of this inter-ethnic hatred are so numerous that there is no point in further detail.

It appears wrong to maintain a multicultural policy which encourages and funds ghetto formation. If people migrate because they are not comfortable where they are, then there seems little logic in encouraging behaviour which will reproduce in Australia the

sort of friction which drove them out of their country of origin. Worse still, their behaviour spills over into the rest of the community and fouls the nest we all inhabit together, after all. If people come here, it should be with the purpose of becoming Australians first and foremost.

This is not to say that they should not practise their religion or teach their children their own mother tongue. But that sort of thing is confined to the home. When they form clubs, sporting or otherwise, which are based on old national loyalties, when they form lobby groups with a view to bending public policy in the direction of overseas ethnic interest, when they organise public manifestations requiring a large police presence, that is no longer desirable. It is divisive and tends to tear the country apart.



Any migrant is likely to retain a kind of nostalgic allegiance to the country of his birth, even if he was forced to flee for his life; that is only natural. Once here however, he must realise that it is up to him to become an Australian.

The cultural diversity produced by immigration has enriched the country enormously. When I came to Melbourne over 50 years ago, it was drab and uninteresting compared with its rich cultural life today. This flowering of diversity may not be entirely due to immigration, but it owes it a great deal. It is a pleasure to visit Acland Street or Lygon Street. It is a whole lot less pleasant to visit some of the ghettos formed by high-rise buildings in the inner suburbs. These are the result of poor government

policy. I agree with Terry Lane who welcomes all comers, but invites them to leave their guns and arguments behind. It would be a great shame if, as a result of national frictions and the resulting misdemeanours, we had a backlash that deprived genuine refugees of the welcome they should, by rights, receive. If newcomers were dispersed instead of concentrated when they are given settlement assistance, there would be fewer ghettos and less friction.

G. Strauss
Kallista, VIC

I submit

From Esther James

I am in my late twenties and presently live in Melbourne. I have at different times in my life been a registered nurse, a hospital chaplain, a school chaplain (private and state schools) a student (at Catholic schools and universities, and with public institutions) and a homeless person.

It has been a rare exception in my experience that women receive treatment that is equal, inclusive or respecting of their unique contributions as people. In my earliest memory of vocation, I recall asking my local Catholic priest if I could be an 'altar boy'. His laughter and turning his back to me—refusing to even respond—set the pattern I was later to meet constantly. Sadly, the inherent misogyny of the church is inculturated even into the beliefs of women within the church—it is truly sad to see women supporting arguments that deprive them of their inherent, God-given value as people.

The primary barriers to the participation of women in the church are therefore:

1. The lack of recognition of vocation to the priesthood among women;
2. A culture that is controlled by male-centred ideas and language;
3. Inadequate theological studies with a focus on the 'hiding' or 'anonymity' of important women in scripture, and lack of acceptance of women's theological work as valid and important in the greater church.

Underlying these symptoms is a deep attitude problem. It centres

around the concept of gender and social roles: in a church that is called by Jesus to transcend and confront the injustices of the culture in which we live, we are seriously failing to live true to the call of Christ to all believers.

I want to relate something of my experience of the Catholic Church as a child. The sense of awe and wonder of God is something I retain from earliest times, but also an ability to 'take the mickey' out of institutional games. The church building on my school grounds was a hiding place for me as a child. Sanctuary. Even now I have a strong appreciation for the aesthetics of liturgy and creating a place that draws people's thoughts to God. But when I hid there with another student, we would often go into the confessional and spin round and round on the priest's chair, play acting dramatic 'confessional' scenes. We would nearly wet ourselves with laughter.

It was a huge release and even now I appreciate the catharsis. I suppose

there was so little grace and forgiveness demonstrated by a priest who laughed at a sincere young girl who wanted to serve God at the Eucharist, and in the legalistic Catholic rules that ruined my family life for me to take the reconciliation process offered by the church seriously. My mother stayed in a sometimes violent and sexually exploitative marriage because of church teaching about marriage; she bore children that were probably not wanted and harmful to her health because of church teaching about contraception. When I discovered that I was, in effect, conceived in a rape situation, can you imagine how I saw the rules of the Catholic tradition?

In spite of all this heartbreak, I remain passionate about the Christian church. Imagine that. But I refuse to allow it to continue wounding me: I am open-eyed to the brutality of rules for the sake of power and control, and the lack of compassion in many contemporary church actions. I literally weep about practices and worship that deny God's love and God's desire that we believers act in a Christ-incarnate manner.

I have an adult faith that has not shirked the difficult questions about my identity in God, about my vocation, and about the values that are central to the Christian faith. But often I cannot join in prayer, liturgy or worship with believers because the language excludes me as a woman, or belittles other groups, or presents the legitimate Rule of God as some sort of man-made 'kingdom' run by men, for men. I know the language is only a symbol, but a powerful one. These attitudes are just plain old wrong.

There is only so long that one person can stand to pray and sing words that deny their calling and worth as a person, so I find myself avoiding church environments—they are toxic and now I can see the poison. In my strong faith and yet clear-sightedness about the church, I am often lonely and saddened that there are not more people who understand the compelling vision of an inclusive church. Nevertheless, I continue to read contemporary theology, and pray that the call of women to the church, like Mary's prophetic call to Jesus in John 2, will not be met with silence or 'now is not the time', but will see action in word and deed. All the tears of women cannot be for nothing.

Esther James
Melbourne, VIC

Two men

From Allan Havelock

By a strange coincidence two Passionists died close to each other in time. Last month's *Eureka Street* carried an obituary of one of them, Jerome Crowe, a man of the Word. Jerome was a well-known and respected biblical scholar, teacher and priest. Robert Crotty described him admirably.

The other Passionist, the man of wood, was less well-known outside his native Tasmania. Walter Nicholls, commonly and affectionately known as 'Nick', was a master craftsman in wood turning and cabinet making as well as a newly professed brother in the order at the age of 78. Jerome and Nick were as different as the proverbial chalk and cheese, yet each in his own unique way reflected the compassionate love of Christ; the core spirituality of the Passionists.

Nick applied his talents to making furniture and fittings for various churches in Hobart. When one entered St Joseph's Church in central Hobart the ambience generated an unmistakable prayerfulness. Nick's gift lay in his ability to transform the ordinary into the sublime and so bring the sacred within reach.

I first met Nick when I was appointed parish priest of St Joseph's. Nick was a 64-year-old bachelor. He had been born and reared across the road. His father had a wood turning business in the family home. Soon after Nick began living with us the order decided to formalise the concept of men becoming full-time associates, or oblates, and living within community. They were not required to commit themselves to life-long vows. Nick rekindled a 20 year-old desire to become a Passionist. He had previously shelved this idea because of his deafness. But in 1994, after special permission from the Superior General, Nick, at age 77, became a *de jure* member of the order. Two years later, after a short illness, Nick died.

The Chinese notion of yin and yang seems an appropriate metaphor for the lives of these two Passionists. Jerome was a very much-needed public presence of the compassion of Christ in our world. Nick was also the much-needed private face of that same love.

Allan Havelock
Bunbury, WA

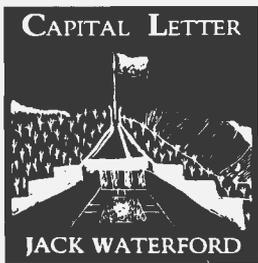
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Ragged at the edges

JOHN HOWARD IS WELL settled in Government and seems likely to stay a long time. But he is still suffering from the effects of his party's being too long in opposition and being unfamiliar with how power is gained, exercised and retained—and it shows up particularly in the way he has not yet harnessed the public service to his will.

The Government is still deeply suspicious of the public service, and not entirely without reason, since there has been all too much leaking and not a little active disloyalty by some of those working in sections marked for retrenchment, cut-back or corporatisation.

But it is still there to serve, is still highly professional, not least in its top ranks, and usually, still trying to save ministers from themselves. It is still willing to play fall guy from time to time, even for ministerial incompetence, as for example when Amanda Vanstone misled the Senate about the existence of the Wright family.

A part of the problem is that few of the ministers have much experience working with the public service. John Howard, who has the experience, felt burnt by the interventionist style of his then Prime Minister, Malcolm Fraser, and has been determined to exercise a different style. In his new head of the public service, Max Moore Wilton, he got a sympathetic person with an extensive record in program management (and an apostle of the Government's agenda of cutting back) but inexperienced at what it is that senior advisers sometimes do.

The first job of the mandarins is to protect the Prime Minister and the government as a whole from debacles such as the conflict of interest affair. Good Prime Minister's Departments and good political offices do not establish systems which they do not police.

At another time, when ministers put in statements of their business interests, both the department and the political office would have studied them intently, drawing the Prime Minister's attention to any obvious conflict immediately, and staying alert for any evidence of an emerging conflict.

Yet Howard faced a bad week, as minister after minister was made to look foolish. In the end he significantly undermined his original promise—that on probity and process issues, this Government would be squeaky clean. Although no venality was exposed, Howard knows well that the issue is quite significant in terms of electoral image: politicians in Australia battle against an impression, particularly in those populist regions which Howard does not want to vacate, that they are in it for themselves, and that they favour their own. The same sort of damage is done by impressions that political staffers have organised lucrative advertising contracts for their mates.

Another important part of the Prime Minister's role is to have an intelligence service that spots emerging problems of ministerial performance and gets in quick. Fraser's way of doing this was to have in his own department officers across every section of administration, able to second guess virtually anything going on. And Fraser did not hesitate to call up, cross-examine and direct, senior officers in other departments. Howard, as Treasurer, was one who resented this practice, but now as Prime Minister he might see its virtues.

The big problems are the little ones. In terms of the Government's grand strategy, Peter Reith's low key approach and patience has probably achieved for the Government much more than it expected on industrial relations change, and the stage is set for significant shifts in patterns of public sector purchase and expenditure.

But junior ministers are not only tripping on points of detail, but are often being quite unsuccessful in developing policy processes and in articulating strategy. They are often sending out terrible signals as they do so. John Howard, for example, probably does want significant change in the way services to Aborigines are delivered, but neither he nor his minister, John Herron, has yet let anyone in on the secret of just what it is. Almost every decision made has seemed calculated so far to refuse Aboriginal requests, to hold Aborigines responsible for any problems which exist, or to dash their aspirations.

That, of course, could simply be a strategy of progressively refusing them everything. But it is not clear that this is the strategy; rather, the minister has been inept in selling whatever is positive about what he is doing; he justifies those decisions bound to get bad publicity. In the process, he has alienated most of those with whom he needs to work, made members of Aboriginal communities fearful, suspicious and defensive.

Mercifully, from Howard's point of view, he is not suffering as much as he might because Labor is fairly muted in its attacks; in its new and shameful pragmatism and concern about the impact of Hansonism, Labor is down-playing any old aspirations to be a champion of Aboriginal interests. Or of any other minority group.

THE OTHER PUZZLE IS THAT John Howard is so determined not to fit into anyone else's framework that he spends very little time setting any framework of his own. His silence over Hanson, or at least his refusal to refer to her directly, has turned out badly, and shifted the focus heavily onto himself. One could see some reason for his refusal to play the game the way others were suggesting, but now he looks stubborn and inflexible.

In opposition he showed courage in pushing policies of industrial relations reform, but, if and as he achieves them, he needs to be able to articulate new reasons for being there. He won some credit for leadership over guns, but that was without significant opposition from his left and with the total support of Labor. He has not yet shown how he copes with unpopular choices or what his personal and political standards are.

There is nothing particularly new about in-coming ministers not knowing how to weld a new policy or programs. Nor is there anything much new about minister's offices having significant weaknesses. Eight months into government, however, most have come to make much better use of the resources available to them, and operate under better strategic leadership than they are getting now.

It's not yet hurting the government in the polls, but it certainly will further down the track, unless John Howard takes charge of both himself and his team. ■

Jack Waterford is editor of the *Canberra Times*.

Paper cleansing

The debate about migration in Australia has put strains on our notions about the integrity of the nation state. In France the treatment of the sans-papiers—the refugees without papers—pushes the debate to its limits.

YOUSOUF LOOKS ABOUT 35. He is Malien. We are sitting in a café in Paris' *Goutte d'Or*. Apart from two sneering Frenchmen, all the other customers are from the Maghreb. A hundred metres away is the Church of Saint Bernard. In it lie men who have been on hunger strike for 39 days. They lie motionless in the gloom; women and children bustle around them.

Youssouf explains to me why they are there, through his story and theirs. They are both poignant, and remind me of similar stories told by boat people, or by the Cuban excludables who led the worst prison riot in US history last year.

There is more to all this than is revealed in Makan Diabate's 'I spend all my time thinking about my life without papers (*sans papiers*). If I get papers one day, I will work like everyone else. If I don't, I will die and that is all'. (*Libé* 11/8/96)

These men—whom here we would call 'illegal immigrants' although most have lived and worked in France for years—have reached a crucial stage in their hunger strike. Since the new law on nationalities of 1993—the Pasqua law—they have been 'paperless' and that means that they have no rights.

We seldom think out the full implications of what that means, of the continual fear of those who have none of the rights of a citizen. I am a foreigner who always carries his passport in his shirt pocket; occasionally I would see the police stop people and ask for their papers—what a state gives you simply to authorise you to be there. Those stopped were always 'black' or 'Arab' or 'Asian' in appearance. Sometimes they were 'embarked'—one of those curious French allocutions which devotees of post-modernism's tired cynicism should study more.

One day, under my window in Belleville, two plain-clothes cops bundled the black seller of corn cobs into the paddy wagon. From that moment on such unfortunates without papers become invisible to us. They must be terribly afraid. The French police and State have never forgiven Algerians for winning the war. For them it continues and the '*sans papiers*' know it. Bashings in the

paddy wagon are frequent. Having disappeared from view, where do they go; what will happen to them? Since they have no



rights, they can appeal nowhere.

They probably will end in the detainment camp near the ever-more-swish Charles de Gaulle airport. Photos show this to be a frightening place, with armed guards, walls and towers, and blocks for each nationality. One night while they are there—without any recourse—a loud speaker will blare out their names. They will be put on buses and trains and be taken in the dark to charter flights to be transported back somewhere else, usually to their country of origin. In 1995 10,000 were 'sent back' from the French gulag. (*La Croix* 9/8/96). It is all covert: transports in the night, faces become numbers in huge camps hidden from view. The scenario is frighteningly reminiscent of an older history of problem people of other 'races' who disappear to become faceless statistics.

A Jew caught up in the *rafles* of 1944 would have told the same story. Indeed, the camp he or she ended in first could well have been at Drancy, just a station or so down the line. Camps, 'cleansing', stateless people (*sans papiers*) are not past history, or located only in Bosnia. The *sans papiers* know that these camps are in our civilisation's back yard. They live the world of Homer's madman, without hearth or home, living the terror of people who are at the

mercy of their guards—always the case of those without rights. But their accusation is harsher than the claim that this is a world of camps, not rights, a world that imprisons, not one which frees. Their accusation is that these camps are the product of democracy and, in particular, attachment to community and nation-state. They echo a repressed discourse which runs from Hannah Arendt to Alain Brossat. Through their hunger-strike they are forcing the French people to look them in the face and acknowledge the humanity of the other. It is Emmanuel Levinas' post-Holocaust ethics put into practice.

Seeing their faces stare out; listening to their demands for rights as citizens; watching the SWAT squads move in on the church, smash the doors down, hurl them into vans in the 'evacuation' (postmodernists note); listening to the outrage of the parish priest and later even of Cardinal Lustiger, perhaps mindful of the 1994 conciliar decision about immigrants ('Christian communities must be able to be the first place where anyone in an illegal situation will be welcome ...') provokes two questions. Is this exceptional? And why is it happening in the country where the rights of man were first declared and whose constitution's preamble accords the right of asylum to anyone who is persecuted because of action in favour of liberty?

To the first question there is a clear answer: this is a world of refugees. They number officially 27 million people in 1996 and will increase as people struggle for a dignified life for themselves and their children. Never have there been so many refugees proportionate to the world's population, and much of that population is now on the move. Legal migration has reached huge levels and populations contain sometimes as many as 30 per cent of first-generation migrant foreigners. Even if the average in advanced countries is closer to 10 per cent, the flow is still astonishing.

The problem is how to cope with their insertion in advanced countries which have

not had to face such immigration in the same way before. Caught between passingly successful state systems based on welfare for the native-born and their newer obligations under the regime of democracy and human rights established by the United Nations, and in the case of Europe, the European Union and Council of Europe, states have resorted to desperate and inept makeshift solutions. That in France was not untypical of responses in the first stage of the influx of refugees. You let the outsider in provisionally while you examine his case to see if he falls technically into this or that category. In the meantime you sometimes issue a temporary work visa which allows him or her to live. Or, more frequently, you turn a blind eye to clandestine work which, while exploitative, allows the market to regulate what is required. When that becomes too politically difficult as their numbers increase and you are obliged under human rights regimes to regularise their situation, you try to prevent their entering your territory. They thus become the responsibility of the first state of entry, which is usually difficult to determine as they are trucked in illegally. What the Pasqua law ended in 1993 was any real chance of obtaining papers, once in, if your situation was 'irregular'. It claimed to defend national interest against abuses.

THE TERSE RETORT OF A REALIST might be that even so they are only a minority of the population of France, or of the world for that matter. A true story would have to account for the rest, and the portrayal of the world as that of refugees, or 'pariahs', is as misleading as the recent film about the life of young French-Arabs (*beurs*) in the housing estates, *La Haine*. Most young people are not like that, nor do they lead such lives. I prefer to eschew the empiricist hope to tell a true story, or all sides of a story, which amounts to the same thing. What matters to me is this silenced voice, which needs to be heard. It is the ethical story of the (Other) side of our self-congratulatory world of liberal-democracy based on a national community. This is again increasingly built on camps for the others; those who do not belong. Mesnil-Amelot is in the affluent society's 'back yard'. So are Tallanega, Villawood and Port Hedland. They too know this: when I wondered what I could do to help at a meeting where what was discussed was the fact that the hunger strikers could

no longer sit up to shit, I was asked to tell their story *là-bas*—back here. Not much, but something.

The explanation of why the French state resorts to such policies is less a story of management of an unexpected problem by the French state and more one of how the managers conceive what is to be managed. Not even a right-wing French politician is

Seeing their faces stare out; listening to their demands for rights as citizens; watching the SWAT squads move in on the church, smash the doors down, hurl them into vans in the 'evacuation' ... provokes two questions. Is this exceptional? And why is it happening in the country where the rights of man were first declared...?

so foolish as not to recognise that the choice to manage is a political choice. What sort of politics it is depends on the vision of what is to be managed. To M. Chirac, M. Juppé, his prime minister, and M. Jean-Louis Debre, his immigration minister, it was clear that it was the patrimony of France, the state which belonged to the sovereign French people, the nation. They believed that this was a patrimony of infinite creativity and richness. It was also the birthplace and the best contemporary expression of democracy and human rights. Its history required that it be defended from outside forces which threatened it by being a burden on its economic, welfare, and educational and health systems. Unemployment was running at 12 per cent; the cost of welfare was enormous; and the education system where the 'nation' was instituted was in crisis. This need to defend the community-nation posed them with a real conundrum. While the refugees did not demand regularisation of their situation by inconveniently pointing at a myriad of human rights principles embodied in French history and politics, they were apparently happy enough to turn a blind eye at their presence.

But the *face-à-face* was a real problem. What if one died, as with a case in Turkey that had rightly been anathematised by Europeans? Then France's reputation as moral conscience of democracy and human rights would be more tarnished than that of its main rival, the United States.

Reports suggest that down line 5 of the *Metro*, Jacques Chirac was getting increasingly jumpy and at odds with Debre and Juppé. He wanted a deal struck. They entered talks while simultaneously organising the dawn raid by 2000 armed police which ended the occupation. Chirac was in fact being pressured by an ex-socialist minister to maintain France's reputation as a country

which respected human rights and give them their papers. The ploy failed as the state became caught in the incoherencies of the new Pasqua law on nationalities, which made it impossible for those to stay who did not at least have children born in France before 1993. It did not call for their expulsion, but the thrust was clear: illegal immigrants would only have those rights which the sovereign French people allowed them. France belonged to the French, and that was that. Freedom consisted of living under laws which the French made for themselves. They had decided that no foreigner had a right to any papers. The newcomers had chosen their own civil death. The fact that human rights are not subject to the prior assertion of any community was not accepted, even though it is explicit where refugees are concerned.

Making the community of the nation and its protection prior or equivalent to democracy and human rights—or even seeing the latter in the context of the former—could lead only to an exclus-

ionary policy and finally to camps and what resembled a practice of ethnic cleansing. The danger of continuing to make the nation-as-community central was clear from the extraordinary alliance of socialist and conservative leaders in defence of the nation; that the first even thought it permissible to contact the latter's office to



suggest solutions is extraordinary. How far this subordination of politics to community can lead is best illustrated by taking a short trip on the TGV two hours south of Paris. We arrive in the Maconnais, home of good wine, and where a foreign car is never seen. This is the *France profonde*. It is here to the village of Solitré that socialist Mitterand used to come on pilgrimage, to be photographed next to its spires and hills and to meet the real French people. This well before his Pétainist past had become revealed. But then who are these people with whom he hobnobbed?

In this heartland of France the *petite noblesse catholique* sometimes wear black armbands on July 14. They tend to vote Villiers and hope for the return of the monarchy. They freely admit that their fathers were Pétainists (like the socialist Mitterand). Their smiling peasant dependants, still sufficiently in thrall to work free for them (though ever more reluctantly) vote Chirac or Le Pen. The latter made 'France for the French' his electoral slogan long ago in a skilled assertion of the primacy of community over democracy and human rights. The locals belong to the family of the

France profonde. Although Clovis, king of the Gauls, and first royal convert to Catholicism, may be only a name to them, they too often know that the Arabs are the enemy who threaten French culture. As one very amiable young chimney sweep openly stated over the cup where noble and retainer meet (*noblesse oblige*), 'they are less than insects ... it is hubbling now Monsieur ... we've got our guns and we will exterminate them all.' My query about whether he knew or lived next to any Arabs brought a terse negative—he did not need to. Only when I suggested that sooner or later they would all marry each other did he register that Monsieur was starting to *rouspeter* (to protest) and left with an amiable smile about those who understand nothing because they do not belong to the community.

M. Mitterand and M. Chirac may both sincerely believe in democracy and human rights and that that is what France is about. But their nation comprises all the others with whom they network, and they can only defend that history if they take it all on board—even though the labyrinthine connection of such élites with royalty and the papacy on one hand and the criminal underworld on the other would make even a Western Australian sit up. The ambiguities were obvious when the Pope visited Rheims on Clovis' birthday, partly financed by a lay French state based on the separation of Church and state. Chirac met him. Juppé met him. The Duchess of Orléans was there. So was M. Le Pen... all united by the fact that they were French. In Alsace, where Rouget de l'Isle wrote the *Marseillaise*, the Masons held a rally in defence of the Republic. The homosexuals held theirs in Paris.

Intellectual spokesmen for the migrant communities and the *sans papiers* are mindful of the dangerous consequences to their world of favouring community over rights and democracy. They could not but be, after Le Pen's clever use of community. Against the right of the French community to defend its world, they assert that only through obtaining equality in rights and therefore citizenship for all inhabitants regardless of national or ethnic origin, will difference be protected. Until the first is attained, defence of community becomes dangerously exclusive in the unequal world of individuals. If it is true that since the great marches of the eighties against racism, they have lined up with

other marginalised groups, they have symbolically chosen, as their place of refuge, a series of churches. Their priests express the universalism of Christian values, and the recognition of the Other which is the starting point for the refusal of the notion of inequality between humans. Father Christian Delorme was a key figure in the long march of the *beurs* to obtain a presence, to be seen. Similarly, the archbishop of Paris and the priest of St Bernard, while at first not happy about another of the Churches being used by the *sans papiers*, openly sided with the latter as the state favoured the French over the rest and M. Le Pen stated in that context that he was no believer in the equality of races (otherwise there would be no difference!)

INDEED, REALISTICALLY the *sans papiers* could only demand equal rights and respect for each one as an individual. Once the nation as community had been preferred, any retreat into communitarianism was no solution. It meant war. It also meant their own disappearance as individuals into a series of categories: refugee, ethnic minority, Muslim, foreigner (*étranger*—outsider). They could never be anything but different from the French. Only when the burden of those different collective pasts was forgotten would the one be present for the other as an individual, into whose face each had to look in the way no-one can look at a community. A face may not be pure. Indeed, it may be ugly in the way no ideological construct is, but it is so very human. Its humanity can be seen more and more clearly the more all pasts are left behind, including that ideological construct, the nation.

PS: I am not a hater of France. If I were to make a list of items needed in a democratic polity, France would rate higher than Australia on practically all of them. But that is precisely its Achilles Heel (and that of the USA). France has been so successful as an open republic that they are very resistant to giving up the nation-state. Happily, Australia has so little to be proud of comparatively—today Australian nationals still do not have the rights listed in the 1793 French constitution—that we may be more open to a new world in which the nation as community is no longer prized or even regarded as viable. God forbid that we retreat into nationalism in the face of a globalising world. ■

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Australian Theological Forum



*Beyond Mere Health:
Theology and Health Care
in a Secular Society*

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The one that got away

DR PETER DOHERTY, medical researcher, has left Australia not once, but twice. He left because he was stifled by the lack of opportunity in research, the lack of flexibility. 'There was really nothing much for me in Canberra after my initial research.' He came back seven years later to try to encourage change at ANU's John Curtin School of Medical Research, but he simply encountered resentment.

He's been back in Australia recently, this time at the Government's expense—with a Nobel Prize in his back pocket. The Prime Minister wanted to honour Doherty personally. Australians love a winner.

Doherty's story is a metaphor for Australian science. We love being successful, outsmarting the Americans and Germans and Japanese—but it just happens. Unlike those other countries, we do not nurture our science, we do not plan carefully for the future of our research. It just seems to happen.

For a country as economically and culturally dependent on science and technology as Australia—in farming, in mining, in communication across vast distances, in health—our lack of regard for science is difficult to comprehend. Our government policies towards science are almost incoherent. They are based on a belief that science is something alien to our society—separate, out there—rather than at its core.

In this year's Federal Budget, compared with many other areas of academic activity, science did rather well. The only real loser was industrial research, which suffered the shutting down of the research and development syndication scheme and the cutting of the 150 per cent tax rebate for research to 125 per cent. In contrast, the Cooperative Research Centres and the CSIRO were rewarded with a measure of stability in their funding. And even the Australian Research Council (ARC) was spared the dire fate of the rest of the university system.

But that's the point. ARC researchers are not separate from the university system. So, while money was provided for research, the funding for the universities which house the basic facilities on which research activity depends were savagely cut. How are researchers supposed to use their research grants efficiently if the buildings in which they are accommodated are not being looked after, if the classes and hours they have to teach are vastly increased, and if the libraries on which they depend cannot afford to maintain their holdings adequately any more? Is that the mark of a coherent science policy?

And why pour money into supporting scientific research while simultaneously strangling the supply of future scientists? University science courses, for which enrolments are already plummeting, have been put into the second tier of HECS fees under the Federal Government's new principle that the price of education for students should reflect the cost of its provision. So, from next year, undertaking a science degree will cost about double what it does now. Early indications are that enrolments

in science are down about 15 per cent—nearly twice the average anticipated decrease in university admissions overall.

The newly elected president of the Australian Council of Deans of Science, Dr John Rice of Flinders University, has calculated that a science graduate with a PhD would emerge from a minimum of seven years of study with a debt of about \$33,000. The starting salary of such a graduate is about \$38,000. 'A business person doesn't automatically increase the price just because something costs more to produce. The price also has to relate to what the market will bear. This country needs a longer term science strategy. I don't think they have thought this through.'

In addition to the low rewards of science, Rice also cites the poor public image of science ('The public view seems to be that science is the source of our problems with the environment, rather than the solution'), and the sorry state of science teaching in schools. 'There is a problem with the skill base in secondary schools. This is really noticeable in the flow on to universities.'

ACCORDING TO RICE, a short-sighted, incoherent view of science could get us into serious trouble. He is concerned that dwindling support for science will have a significant impact on Australia's economic independence. 'Our economy is directed towards overseas interests—supported by multinational corporations. The fundamental research is done at head office, and Australia is treated simply as a place to sell products. That will make us a national backwater if it keeps going.'

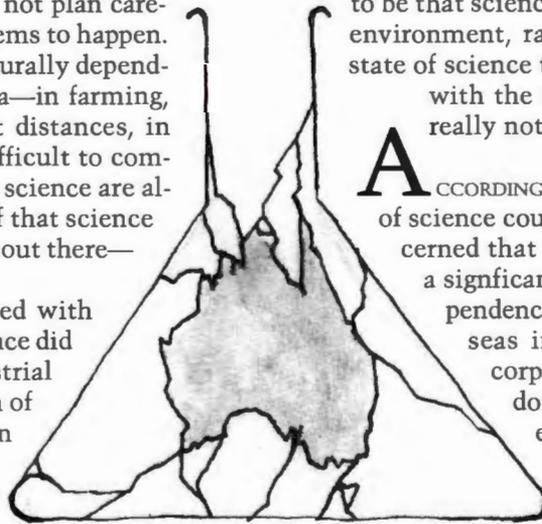
One answer is support for small business. 'Farmers, for instance, have shown inventiveness, and an ability to generate a fair share of foreign income, partly because there is really strong support for agricultural research through the CSIRO. As state governments implement the Hilmer report on competition, a great many public utilities are being privatised. Governments should encourage small business to become involved in developing technology alongside them, to generate indigenous industry. They could even harness the education providers.'

But we just don't think that way. At the beginning of October the Department of Industry, Science and Tourism launched a web site called the CRC Compendium. It provides details of the work being carried out at Australia's Cooperative Research Centres. The new site has been popular. The number of calls in the first month were running at 400 a week.

Of those, 65 per cent were from Australia, 12 per cent from the US and the rest from 21 other countries. But of the calls from Australia only 8 per cent (123) were from commercial organisations, as opposed to 72 per cent (207) of the US calls.

Welcome home, s Peter Doherty. ■

Tim Thwaites is a freelance science journalist.



Streeton's ghost

What would the shade of Arthur Streeton have to say about an exhibition of his paintings being sponsored by a woodchipping company, asks Tim Bonyhady.

IS ARTHUR STREETON TURNING in his grave? Through the 1920s he protested repeatedly against the destruction of Australia's forests. In the 1930s he railed against the granting of the first big pulp and paper concession to Australian Paper Mills in Gippsland. Now he is being presented to the Australian public under the auspices of one of Australia's biggest woodchippers. North Limited is the sponsor of the Streeton exhibition which has been touring Australia and opened at the Art Gallery of New South Wales in mid-October.

Why North might want to boost its public image through such sponsorship is obvious enough. While the company claims to be proud of its environmental record, the *Australian Financial Review* recently reported that there are 'several blots' on its copybook. Apart from its woodchipping of old growth forests, North operates the Ranger uranium mine in the Northern Territory. According to the Office of the Supervising Scientist, there has been 'a long series of ... malfunctions' at Ranger—40 environmental 'incidents' in all—over the past 20 years. At North's new copper-gold mine at North Parkes in western New South Wales, thousands of birds died in 1995 after cyanide reached 10 times the fatal level in its tailings dam.

North is, moreover, currently seeking approval for two vast resource projects with major environmental consequences. One is the Jabiluka or North Ranger mine. Not only is Jabiluka within Kakadu National Park but it would also involve the construction of a new 22-kilometre road from Jabiluka to Ranger. The other project is a new gold mine at Lake Cowal—one of Australia's most significant wetlands, which is home to 170 species of endangered and protected birds.

While the Federal Government is considering the Jabiluka proposal, the New South Wales Government has rejected the Lake Cowal mine because of risks to the lake and its wildlife and North's 'previous record'.

But North is still pursuing 'all avenues' to overturn this decision.

According to the *Financial Review*, North has taken three 'strong steps' to boost its 'green image' over the past year. The first was to turn one of its divisional managers into its first general manager of environment, safety and health. The second was to give a tax-deductible \$230,000 a year—effectively \$140,000, or less than 0.15 per cent of its annual profit—to Landcare for three years. The third was to have 'selected a lizard to grace the cover of its 1996 annual report'.

North's attempt to identify with Streeton is part of the same strategy—albeit one with much more potential to reach a mass audience because Streeton's paintings still present the most popular vision of the Australian landscape. The exhibition now on at the Art Gallery of New South Wales is the first major retrospective of Streeton's work for 50 years and should draw unprecedented crowds.

HAD NORTH SIMPLY PUT ITS NAME to the exhibition, there would have been good reason for disquiet because of the conflict between Streeton's environmental concerns and the company's environmental record. But North has gone further. It has expressly linked its practices to Streeton's paintings. In its sponsor's message at the front of the exhibition catalogue, North's Managing Director, Campbell Anderson, writes, 'Our goal is to restore any area where we have had a mining or forestry operation so that it is worthy of a Streeton painting'.

When the exhibition was shown in Melbourne, there was a large corporate notice in the exhibition area proclaiming, 'Our goal is to leave a landscape worthy of a Streeton painting'.

The obvious question is: what kind of Streeton painting? The issue is a real one because, as the exhibition makes clear, not all Streeton's work was





When the exhibition was shown in Melbourne, there was a large corporate notice in the exhibition area proclaiming, 'Our goal is to leave a landscape worthy of a Streeton painting'. The obvious question is: what kind of Streeton painting? The issue is a real one because, as the exhibition makes clear, not all Streeton's work was celebratory.

celebratory. Just as he used his position as an occasional feature writer for the Melbourne *Argus* to deplore how Australians had failed to develop a 'forest conscience', so Streeton used his paintings to try to awaken the general public to what was at risk in Australia's forests.

The retrospective includes a number of paintings such as *The Last of the Messmates* and *The Vanishing Forest* lamenting the destruction of giant, old-growth trees. It also includes the remarkable *Sylvan Dam and Donna Buang, AD 2000* which is exceptional among Streetons' paintings for its critical edge. One of the last works in the exhibition, it conveys Streeton's nightmare vision of a wasted Australia, bleached, eroded and lifeless as a result of the clearing of the forests. Is that North's goal?

This question would not have arisen if North had not tried to identify itself so closely with Streeton. Its mistake was to treat his work as if it were all like *The Land of the Golden Fleece* and simply celebrated what Australia's pioneers had made of the country. But having blundered in this way, the mismatch is all too apparent, as the Victorian artist John Wolseley pointed out in a letter to the *Age*, soon after the retrospective first opened at the National Gallery of Victoria. Wolseley wrote that when painting in Tasmania, North's primary woodchipping ground, he was 'again and again confronted by huge clear-felled wedges carved out of the mountainside by North Forest Products' and 'continually shocked by this kind of indiscriminate clear-felling in blocks'.

As Wolseley recognised, the problem is not North's sponsorship of art *per se* since many contemporary artists who look on landscape as an artificial construct might be 'right at home with a sponsor who,

after logging the original, plants and sustains "faux" forests of uniform age and type that supports only a fraction of the biodiversity of "real" forests'. If such artists willingly show their work

under North's banner, that is their choice. The problem with the sponsorship of Streeton is that he no longer has any opportunity to control when and how his work is exhibited, and yet his views were clearly inconsistent with North's business.

WHY THEN DID THE NATIONAL GALLERY of Victoria let North sponsor the retrospective? The Gallery could hardly have been blind to what it was doing, as Streeton's conservationist concerns weighed heavily with the Gallery when it selected the exhibition. The contemporary relevance of Streeton's environmentalism was the very basis on which the Gallery's curators increased the number of his works dating from the 1920s, 1930s and 1940s, when confronted by the argument that Streeton's pictures from these years did not deserve to be included because he had just repeated his original vision of the landscape in the most slapdash fashion.

The Gallery's decision to go with North could also have hardly been due to a dearth of other sponsors, given Streeton's status and how long it has been since a major exhibition of his work. What's more, the *Golden Summers* exhibition of Heidelberg School pictures, with a Streeton as its emblem, set new records for an exhibition of Australian art in 1985-1986. Big crowds stretched down Art Gallery Road as up to 7,000 people a day queued to see Australia's most popular artists at the Art Gallery of New South Wales. If any exhibition was likely to be attractive to a sponsor, Streeton was it.

How then did the National Gallery of Victoria end up with North? While large corporations occasionally approach art galleries, usually it is the gallery which seeks out the sponsor. The obvious

Photograph above: Arthur Streeton surveys a forest giant in the Dandenong Ranges, in about 1930. Photographer unknown. From the NGV exhibition catalogue, Arthur Streeton, 1867-1943, by Geoffrey Smith.

Streeton's Sylvan Dam and Donna Buang, AD 2000 should be exhibited now, as Streeton first showed it to the public in 1940, with an accompanying wall text explaining that Streeton had painted it as 'a protest to the citizens and parliaments of Victoria after reading ... that the Victorian government had passed a Bill granting a concession ... for the cutting and use of the eucalyptus forests of Gippsland for the manufacture of paper pulp'.

course for the National Gallery of Victoria, if it wanted corporate support, was to find a sponsor whose operations had no direct connection with the subject-matter of Streeton's work, just as GMH sponsored the recent Turner exhibition and Esso sponsored *Rubens and the Italian Renaissance*.

The failure of the Gallery to recognise the inappropriateness of North's sponsoring Streeton raises the question of whether artists should have the right to control the context in which their work is exhibited. In practice they rarely do. Because most artists are desperate for the cachet that comes with having their work acquired and exhibited by public galleries, they put no conditions on their display. Inequality of bargaining power means that the issue is not even raised.

A rare example of an artist exercising this power did occur in 1994 when the German artist Hans Haacke refused to allow one of his mixed media works, *The Freedom Fighters Were Here*, to be included in the National Gallery of Australia's exhibition *Virtual Reality*. Haacke was able to do so because of his market power as a major international artist. When he sold *The Freedom Fighters Were Here* to the Gallery, he included a clause in the contract reserving the right to veto the inclusion of his work in a thematic exhibition as a means of controlling the context in which it was shown.

Haacke exercised his veto when he realised that *Virtual Reality* would include the products of leading telecommunications manufacturers and that these companies would be directly involved in the exhibition. In a letter to the Gallery, Haacke reminded it that for twenty years he had not only

'critically followed the gradual takeover of art institutions by corporate interests' but had also made this issue a major subject of his work. Haacke also reminded the Gallery that he had addressed this issue of corporate dominance of art galleries already in 1983 when he had given the keynote address at the Australian Museum Association's annual meeting in Canberra and that the Gallery's curators should perhaps re-read his paper.

In his address Haacke warned that corporate sponsorship was coming to have a pernicious effect on American art museums by both directly and indirectly influencing what they exhibited. As Haacke described it, 'Exhibition proposals that do not fulfil the necessary criteria risk not being considered, and we never hear about them. Certainly, shows that could promote critical awareness ... or question relations of power, have a slim chance of being approved, not only because they are unlikely to attract corporate funding, but also because they could sour relations with potential sponsors for other shows. Consequently, self-censorship

is having a boom ...'. Although there is much in Haacke's warning, it does not explain the National Gallery of Victoria's organisation of the Streeton retrospective.

While the exhibition catalogue provides a lame account of Streeton's conservationist concerns, this weakness is just typical of a text which Humphrey McQueen has described as being 'as devoid of ideas as a frog is of feathers'. Far from there being any hint of censorship in the selection of Streeton's paintings protesting against deforestation, the Gallery was attracted by this aspect of Streeton's late work because it gave new interest to two decades of Streeton's art which had generally been derided.

Had the Gallery been able to locate Streeton's last major protest painting *Gippsland Forests for Paper Pulp*, it almost certainly would have included it, in which case the inconsistency between Streeton's environmentalism and North's woodchipping would have been even more explicit.

LIKE MOST IF NOT ALL Australian artists, Arthur Streeton was not as careful as Hans Haacke. When he came to sell his work he imposed no conditions on how and when it was exhibited. The only partial protection for contemporary artists comes through the law of copyright because it allows them to prevent the reproduction of their work, a practice so integral to most modern exhibition catalogues. But no such protection applies in relation to an artist such as Streeton who died more than 50 years ago.

Should the law be changed and artists given new rights to control how their work is exhibited? Perhaps. But there are good reasons why our art galleries resist contractual conditions of the type imposed by Haacke. Just as there needs to be critical freedom when it comes to the discussion of books or films, so there needs to be curatorial freedom when it comes to the selection and arrangement of works of art in our galleries.

But this power also needs to be exercised responsibly. An artist should not be shown under the auspices of a company whose activities are of a type he abhorred.

At minimum, Streeton's *Sylvan Dam and Donna Buang, AD 2000* should be exhibited now, as Streeton first showed it to the public in 1940, with an accompanying wall text explaining that Streeton had painted it as 'a protest to the citizens and parliaments of Victoria after reading ... that the Victorian government had passed a Bill granting a concession ... for the cutting and use of the eucalyptus forests of Gippsland for the manufacture of paper pulp'. If the Art Gallery of New South Wales wants to use it, the original placard still exists. ■

Tim Bonyhady is a member of the Australian National University's Urban Research Program. His books include *Images in Opposition: Australian Landscape Painting 1801-1890*.

A First for New Zealand

THE NEW ZEALAND General election might be over, but the process of deciding who will govern has only just begun. New Zealand has changed electoral systems from the British model of 'first past the post' to a German-style proportional representation system. The result is that neither the conservative National party nor Labour can command a majority in the single chamber of Parliament.

The relatively left-leaning Alliance party can be counted on to support Labour (or at least not to support National) but that's not enough for Labour to form a government. So there is one block of votes in the new house that will be decisive: Winston Peters' New Zealand First party. It's entirely up to them who forms the next government, and they are relishing the power.

On election night, when it became clear that there were no surprises and the polls were right, Peters gave a long-winded speech—about the need for patience—which gave no hint of his plans, and was nakedly delighting in the fact that he and his group are the most powerful people in the country, even if they won only 13 per cent of the vote. He made it quite clear that he plans to spin out this period of importance as long as possible. Other leaders had to be polite about the speech. Helen Clarke, who, as leader of the Labour party and who needs Peters' support if she is to have any chance of heading a government, could be seen visibly choking as she felt obliged to describe Peters' speech as 'responsible'.

Peters lost support prior to the election by refusing to say anything about whether he favoured a government of the centre-left or the centre-right. A large majority of his voters want him to support a Labour government, and some of them left the fold when he refused to make any commitments. But, bizarrely, by losing votes he gained power. If he had promised to support one party rather than another more people would have voted for him, but his hands would have been more tied than they now are. He's now just waiting for the bids to come in.

But what will the bids contain? That's very unclear. New Zealand First doesn't stand for much. It rose to electoral prominence on Peters' reputation as a possum-stirrer, and on a racist campaign against recent immigrants. But with any luck that'll recede a bit now it has done its demagogic work. The actual policy mix of NZ First is rag-bag mixture. Platitudes about health care and education and 'fair treatment of the elderly'—code for reduction or elimination of a special tax on NZ's very generous pension scheme called the Guaranteed Retirement Income—have recently come to the fore. Before the election a crucial plank was the re-nationalisation of some forests that were recently sold.

Crucial native forest that needs to be preserved from logging? No: radiata pine plantations to which the government has sold the logging rights now rather than logging it themselves (or selling the rights) when they are mature. Sometimes there is a case for buying back strategic government assets that have been sold off in a frenzy of privatisation; but here it's surely just a matter of which sale time makes the most cash for the public purse. That this privatisation assumed prominence in the NZ First platform is a clear example of policy made on the run; of searching for issues and grabbing onto anything which is topical.

The fact that the sale of pine logging rights is something that no-one in their right minds could care about is symptomatic. NZ First can't have too much in the way of serious policy, because its own constituency is deeply split. Its rallies attract two sorts of voter: those with white hair and white skin, and a Maori group with traditional Labour and trade union loyalties. These constituencies were attracted to NZ First by Peters' attacks on aspects of the governments regime; but from opposite directions. Younger Maori, on the whole, would vote Labor if they didn't vote NZ First. And it's Labour style social policy that they want. The white constituency, on the other hand, are natural National

supporters, against welfarism unless it's in the form of handouts for pensioners.

The result of all of this will probably be policy paralysis, with very little change. NZ First will be unable to agree to any serious change. But there is a more structural problem: the new electoral system means that for anything to be done, usually a wide coalition of interests will need to be put together. This is a dramatic change from how New Zealand used to be. The previous electoral system encouraged rapid shifts of policy. With no upper house to worry about, and a more or less winner-take-all electoral system, it was possible to move from one of the most regulated economies in the West to one of the least in very little time. This change in electoral systems is unfortunate for New Zealand, as it cements in place the New Right's agenda.

IT'S EXTRAORDINARY how much consensus there is on the moving of the political goalposts that has happened here. The Alliance party, which won only ten percent of the vote, is widely perceived by moderate individuals as a party of the 'loony left', regularly derided in the media for 'flat earth' policies. Yet their policies, if you actually examine them, are things that John Howard would be not too uncomfortable with: a system not unlike Medicare for health, and a tax system not unlike Australia's. The NZ Labour party thinks it's daring for them to offer free doctors' appointments for children under five.

Although we don't have the special reasons that make policy changes hard to reverse in New Zealand, there is a message in this for Australia. We had better work hard to retain our public broadcaster, our health system, our education system and a fair industrial relations and tax system. For if we lose them, it might be a long time before anyone will be able to argue for their return without being branded an extremist. ■

David Braddon-Mitchell teaches philosophy at the University of Auckland.



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Out in the midday sun

I HEARD ONCE THAT THE CHINESE Communist Party proclaimed the ownership of pets a sign of bourgeois degeneracy. I wanted to believe them but I just couldn't. My Irish Setter means too much to me. Too many memories of past places and people are matted into her red coat.

Eight years ago I moved to the city, and my dog came with me. She vomited constantly between Bridgewater and Melbourne, but adjusted to city life well. She's still alive and just as vacant and disorientated at 16 as she was at 6. Her mental capacity has remained low. I confess that when an unjustified anger has swelled in my bosom, I've accused her of having a brain like a fried dim sim. Despite the unhinging of her mental faculties, her physical capacities have remained unaffected by age. I suspect she has reversed the normal process and I will soon have to return to the market from whence she was bought to buy her again.

One morning I checked the four-poster I built for her in the shed, and found that her bed had not been slept in. A terrible storm had spooked my beloved. Mysterious whisperings of the wind had entered her very small brain and convinced her to do a runner.

I was overcome with despair. The last thread of connection with my childhood had disappeared. I felt tormented by the possibility of becoming a person without a past. Perhaps I had invested too much emotion in my dog? Perhaps membership of the Chinese Communist Party would have provided the sustainable long-term belief system I yearned for?

Staring at her empty bed I doubted the commitment of my dog to the virtues of discipline, abstinence and attention to duty which guide my life. Perhaps she had rejected me? Wearied even! An image of her in a low-cut black satin dress, stretched out across a grand piano, smoking cigarettes from a long filter poisoned my mind. 'Oh him', I see her saying to the fawning artistic types surrounding the piano. 'I grew tired of him. It was time for a change. Anyhow, I always wanted to be a dancer ...'

I hoped it wasn't true. I hoped she hadn't found someone who cared for her more than I did. I sang a

few bars of a song to cheer myself up: 'There's a snout I'm missin'/ that I'd rather be kissin' ...' It didn't help.

My dog and I had a problematic relationship. I felt that she manipulated me. Some time ago I heard the animal expert Hugh Wirth abusing some miserable pet owner on the radio. 'Tell the dog who's boss', he spat at the spineless, submissive weakling on the end of the phone. Hugh's words struck home. I tried to show a bit of strength, holding my dog's head in my hands, whispering, 'Oh sweetie sweetie, Hugh says I'm the boss'. I could tell I wasn't getting through.

I reflected on those Sunday mornings when, overcome with love of my dog, I, like so many other Australians, rang up Macca on the radio and said the first thing that came into my head. 'Macca, mate', I'd say, 'I love my dog, and yesterday it was hotter than the day before.'

Other times I would just walk her so other people could see how much I loved her. People love old dogs, and my dog, with a snout coloured white by age, drew them in like a freak show spruiker.

One day I walked past a bloke who looked as though he

just arrived from Mars. 'Hey mate', he yelled to me, 'did your dog stick its face in a bucket of ice cream?' He then threw his head back and shot a burst of inappropriately loud laughter into the air. I laughed with him, happy he'd decided not to kill me and eat the dog.

THE PONG OF URBAN ANONYMITY is blown away by the pure wind of dog. An old hound gives sight to city eyes trained to ignore strangers. Beautiful women and old men alike looked deep into her almond eyes and smiled at me. I felt this was *my town*, and things were going just dandy, thank you for asking.

My reflections on loss, grief and the significance of the mundane were interrupted by an elderly Italian woman peering at me from the street. And yes, clasped firmly by the collar, was the beloved, dribbling obscenely from either side of her mouth. I rushed to the woman, clasped her hands in my own and thanked her breathlessly for giving me back my past. ■

Paul Sinclair is a freelance writer.

JUST BECAUSE I KNOW I'M
ACCOUNTABLE FOR MY BEHAVIOUR
DOESN'T MEAN I'M NOT GOING
TO ACT LIKE I HAVE
DOG FOOD FOR BRAINS



Turning the tables

Catriona Jackson interviewed the interviewer when Melvyn Bragg was in Australia recently

FOR A MAN WHO ADMITS that many of his views are very unfashionable, Melvyn Bragg isn't doing too badly. Host of the British arts program, *The South Bank Show*, Bragg has done 50-minute profiles of everyone from Sir Laurence Olivier and Judi Dench to Dennis Potter, Sting and Barbara Cartland. The shows are re-broadcast across the world (in Australia on SBS and ABC).

What puts the programs into a class of their own is Bragg's skill as an interviewer, challenging and prompting his subjects, while keeping the focus firmly on them. He is interested primarily in his subjects' working lives because that's what he himself finds fascinating, but also because, he says, 'it relaxes people knowing you're not going to ask about their six wives or their homosexuality'.

The programs often incorporate elements of the artists' work cut into the interview, bouncing off, or illustrating a point being made, but otherwise the camera is refreshingly still, resting on the artist's face, and occasionally on Bragg's.

None of this happens by accident. As director of London Weekend Television Productions, Bragg has control over the whole process, from the choice of the subject and research, to direction and final editing of the film. Bragg believes that 'the greatest visual element of television is the talking head'. But he also

admits that, 'As with quite a few of the things I do, what I'm saying is completely out of fashion.'

Staring straight at me, and framing my face with his hands he says 'I'm looking at you now, and what I'm basically looking at is your face. 97 per cent of my attention is on your face, and that's what we're all like. The television set is blessed with the size and shape it is, because in close up, faces on the screen are almost life-size'.

Bragg objects to the view that audiences have short attention spans. He says 'I think directors have a short attention span, [adding 'and you can put that in']. Wouldn't have it on my show, I'd kick them off. When I started at *The South Bank Show* I deliberately set out to stop that. Fidgets, that's what it is.'

Bragg's beliefs place him in opposition to the prevailing wisdom in the US, and Australian television industry, including the ABC. He employs all the new recruits who work in his unit, people who, he says, after their lengthy training 'rule the world'. Bolstered by his own experience at the BBC, where he started in the late '50s, Bragg believes that 'apprenticeships in life are the key. Whether it's learning to put a rivet in a ship, or learning to paint, or learning to make a television film'.

And although Bragg can put these views into practice in his unit, he recognises that the fight to

Photograph of Melvyn Bragg taken in Melbourne in October by Bill Thomas.

maintain standards in television is getting harder. Whether one works in the commercial sector, as he does, or on the BBC, the battle is the same: 'We fight the general culture, which is becoming more demanding of the fast, short-term turn-around. Television is now more ratings conscious. You put on the 5th re-run of a Clint Eastwood movie at 10.45pm [the time *The South Bank Show* airs] and it doesn't cost anything; you're going to get about the same number watching as watch *The South Bank Show*. So some idiot says let's put it on for the 17th time. What they don't realise is that we're bringing distinction to the commercial portfolio, and you have to go and tell them that.

'It is a fight, but it always has been a fight. It's just harder now, as the ABC is going to discover. And I'm sure they will. They've got to start screaming and shouting and fighting'.

BRAGG IS SPEAKING from experience, and was one of the most vocal defenders of the BBC when the Thatcher government repeatedly threatened to slash the national broadcaster. He, and a handful of commercial colleagues, and other prominent people wrote 'huge articles week after week saying "leave it alone"'.

And although the BBC is undergoing controversial restructuring, the Government has maintained its grant, which increases each year. But national broadcasters around the world, including the ABC and Canadian Broadcasting should note the unique position the BBC holds in Britain. Bragg says 'The BBC is held in tremendous affection in Britain.' But also, 'It is the cornerstone of British broadcasting. They are much bigger than Rupert Murdoch in our country, they're much bigger than all the commercials put together. The BBC have 50 per cent of the market; the next contender has only 9 per cent.'

Bragg feels so strongly about television partly because it's what he's really good at, and, to use his words, 'you've got to fight your corner'. But his passion also stems from that fact that, in its free-to-air form, television is a democratic medium, that has, thus far, played a critical role in British culture.

'I think television deserves the best we can give it. And I think it is one of the things that Britain has got right. It's always running itself down, my country, but some of the things it has done absolutely right are in television.

'The very best writers, not only Dennis Potter and Alan Bleasdale, but Harold Pinter, Tom Stoppard, John Osborne, and the very best actors, Laurence Olivier, Albert Finney and Vanessa Redgrave, all act and write for television. Richard Attenborough works for television. I believe that the wide audience out there—and that means everybody because television is as available as an electric light, or a tap in the bathroom—deserves the chance of getting the very best.'

Perhaps the best way to get a behind-the-scenes view of Bragg is to take his approach, and look at the

man's work. And the highlight of that work, the interview that Bragg describes as having 'stood outside everything else', was the discussion with Dennis Potter taped only weeks before Potter's death.

The resulting 75 minutes of conversation was broadcast around the world and allowed the audience a privileged look inside the life and mind of one of the most creative, irreverent and brilliant figures writing for television. For Bragg it was one of the most challenging interviews in a lifetime of television work. There would be only one chance to get it right.

'I knew him very well, and I was determined, and he was determined, not to be sentimental. Yet it was a moving occasion. It was the last time I would see him, he was obviously in great pain, [Potter sipped on liquid morphine throughout the session] and was going to die within weeks.

'It was also difficult knowing how much energy he had, and how long I could take. You need a certain amount of time to give an interview a shape, and I had no idea how long Dennis would last. What I didn't want was for me to get halfway through and the thing

'You put on the 5th re-run of a Clint Eastwood movie at 10.45pm [the time The South Bank Show airs], and it doesn't cost anything; you're going to get about the same number watching as watch The South Bank Show. So some idiot says let's put it on for the 17th time. What they don't realise is that we're bringing distinction to the commercial portfolio, and you have to go and tell them that. It is a fight, but it always has been a fight. It's just harder now, as the ABC is going to discover ... They've got to start screaming and shouting and fighting.'

look like a botched job, that hadn't served him properly because I hadn't gauged his energy properly.

'So it was all that, but then realising, about 20 minutes in, that this man really wanted to give his last testament to television, and that he needed help. He was going to talk wonderfully but he wanted to talk to somebody, and you realise he wanted to talk to you, and you just had to sit tight and hope that the quality of your listening was good enough.' ■

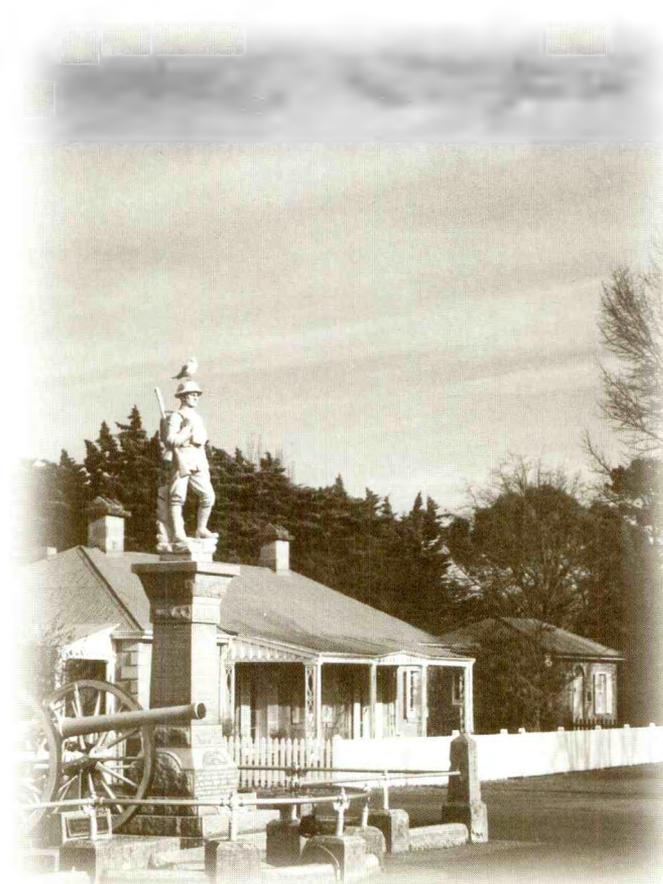
Catriona Jackson writes for the *Canberra Times*.

Tasmania

IN A Paddock on the outskirts of the 'historic village' of Ross, in the Midlands of Tasmania, Les Knowles's sheep grazed for 35 years, disturbed only for shearing, or when the flood came down. A sandstone building, dilapidated but structurally intact, stood in that corner of the paddock nearest to the Macquarie River. To the east, the railway line from Hobart to Launceston cut the property off from the Old Burial Ground on the hillside, where lie the graves of those who settled Ross from the 1830s. These days, only an occasional train, bearing logs cut from timber stands towards the east coast, uses the line. The passenger service between the two cities closed years ago. The Hobart railway station is now the ABC headquarters in Tasmania.

After Les Knowles's death in 1974 (although as 'old Les' he remains alive in reminiscence) the paddock was neglected for a time. Interest grew eventually in what lay beneath its soil. As the economic plight of Tasmania was more nakedly exposed with each passing year, tourism seemed to offer hope, even to locals ambivalent about those outsiders whom they would be expected to entertain. The community of Ross looked to its assets. The most tangible lay all around. This is some of the finest Merino sheep country in the world. From the Midlands comes wool for the best Zegna suits. Regularly Japanese buyers pay record prices for its prime fleeces. This year, a Japanese firm, headed by Mr Fuji, went further by purchasing Mt Moriston. Bidding on its behalf was Robin Gray, a former Premier of Tasmania. South-east of Ross along the Lake Leake Road, Mt Moriston is one of the oldest and richest of Midlands properties. Yet this was never wealth that was shared, or trickled down to most of those who lived on Ross. The social organisation of this part of the country remained as near to feudalism as Australia had to show.

The asset held in common in Ross was its past. By 1812 there was a garrison at the river ford. Names such as Badajoz Street remembered the Peninsular War in which numbers of the soldiers sent for duty in Australia had served. Ambitiously, a town was proclaimed in 1821. Its recent diminution to a 'village' had much to do with twee 'historical' marketing (everything Tasmanian to be on a small scale); owed something as well to a declining population. By the early 1830s land was sold to settlers, while from 1832-5 stone buildings were erected to house the chain gangs that were employed to construct a bridge over the Macquarie.



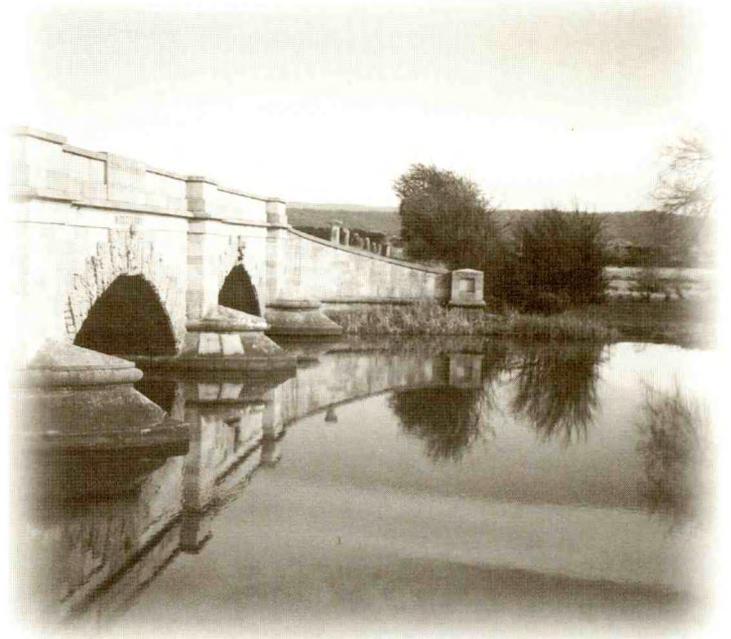
Completed in 1836, this is the most beautiful bridge of the colonial period in Australia, if not as old as that in Richmond, outside Hobart. John Lee Archer was the architect. The bridge's famous sculptures—likenesses and caricatures of public figures of the day, interspersed with veritable gargoyles—were the work of the convict masons Daniel Herbert and James Colbeck.

THE CITIZENS OF ROSS HAVE LONG KNOWN that the bridge provided a vital means of recognition for the town, translatable to spoons, tea towels, postcards. But there was more to see, a splendid array of early colonial buildings, curiously detached from the human activity which must have taken place within them. Making a distinction difficult to sustain, Ross celebrates its material, rather than its human, history. Crossing the bridge, then turning north, visitors pass along Church Street with its sandstone houses, three churches, Man o' Ross Hotel and twin rows of established elms. Poking between these buildings, or in some cases converting them to modern uses, are craft shops selling 'collectables' (sic), the Wool Centre and a number of cottages where 'colonial accommodation' is offered, although not without electricity. A polite façade is presented to the tourists—often Japanese, as well as from the mainland—who in good seasons come by the busload to Ross. Privately some residents grimace at being constantly on show, even if this is the price of keeping the Post Office open and—more important—the primary school. There might have been a worse cost. Allegedly Ross, together with Richmond and the Bass Strait ferry, were sites of slaughter that Martin Bryant also had in mind because of their congregations of tourists. But he chose Port Arthur.

One of the most historically significant places in Ross is just off the tourist path. Still called Meagher's Cottage, although now in the hands of the Double family, this was the dwelling of one of the Irish political prisoners who were sent to Van Diemen's Land after the failed uprising of 1848. In three contiguous police districts were lodged, besides Thomas Meagher, Dr Kevin O'Doherty and John Mitchel, the latter publisher of the *United Irishman* and subsequently author of a remarkable account of his durance, *Jail Journal* (1854). At Interlaken, named nostalgically for Switzerland, but in Tasmania the junction of Lakes Crescent and Sorell, the three men could meet because here their districts bordered one another. Their adventures in Van Diemen's Land and then back in the northern hemisphere are the subjects of works in progress by Thomas Kencally and Christopher Koch. Meagher, for instance, found in the United States a more amenable and histrionic site for history-making than his prison island had afforded. In the Civil War he commanded an Irish brigade. After it, he came Governor of Montana and drowned following a mysterious fall from a river boat. Kencally suspects Fenians.

If the promoters of tourism in Ross evidently knew little of Irish, as distinct from Scottish or English history, they understood that while the tourist attractions of the town were remarkable, apparently they were finite. That was until someone recalled the purpose of the building in Les Knowles's paddock. In 1847, the probation station had been expanded as a 'factory' for female convicts. One of four in Tasmania, it was the only factory not subsequently built over. What had been the Assistant Superintendent's and Overseer's cottage remained intact, but in addition the foundations of a substantial complex waited to be excavated. At Christmas-time 1995, students from the University of California, Berkeley, began a dig that lasted till their money ran out. Before they were again covered with earth to save them from vandalism, the walls of prison, chapel, dormitories, lying-in hospital, nursery (where there were 40 children at any one time), and dead-house were exposed.

ENTERING THE FEMALE FACTORY, a woman turned left to spend six months in crime class. Gradually she worked her way around the perimeter until—near the end of what was intended to be the period of her transformation—she had reached the passholders' ward to the right of the entrance. This was a place whose staff complained of contraband trade and lesbianism, or 'depraved and abominable habits' among 'females and pseudo-males', as Superintendent Dr N.J. Irvine sniffed. But if not nursing infants, the women worked. This was called a factory because handkerchiefs, stockings, blankets were made and yarns spun. Thus the convict women were manufacturing the very items for the theft of which numbers of them had been transported to Australia. Having completed their sentences, the women could proceed to a hiring depot, there to be selected for



P22, left, the War Memorial, Ross. Above, the stone bridge over the Macquarie River.

Photographs pp22-25 by Catherine Pierce



View across the Macquarie River

The longings of Glover, Frankland, Mitchel, Piquenit to find historical traces in Tasmanian landscape where they cannot have been, and to establish continuities with a European past in the southern land, were evidently irresistible.

domestic service in the homes of Midlands landowners.

While, in *Convict Maids* (1996), she concentrates on the female felons of New South Wales, Deborah Oxley offers brilliant revisionist insights into the history, rather than the myths, about all the women who were transported to the Australian colonies. In summary: there existed no criminal class from which the 'convict maids' could have come. Second, by means so far imperfectly understood, they may have been carefully selected for transportation on the assumption of their fitness for domestic service in the colonies. In any event, some of the women of the Female Factory at Ross found their ways to the servants' quarters of such nearby properties as Mona Vale, Beaufront, Wetmore. In 1854, only seven years after it had opened, the factory was closed. This is a reminder not only of the relative brevity of Australia's convict era, but also of how notable physical traces of it remain in sufficiently good repair to incite the divided impulse both to remember and to forget this period of history. Without yet fully realising the educational, rather than the commercial value of the Female Factory site, the community of Ross has decided that the latter option—forgetfulness—is an unaffordable luxury. The means of remembrance have not been so clearly adjudged.

SINCE EARLIER THIS YEAR, Ross stands not on the Midland but the Heritage Highway, which runs from Perth in the north to Pontville. The insistence that because history was in some senses made along this way, and that therefore it is endlessly available for reconsumption, lay behind the change of name. The 'Midlands' was anyway a nondescript region. Topographically more interesting are the Western Tiers, which rise to the west of this plateau, and the mountains to the east, south of Launceston. For poet Alec Hope, who spent childhood years at the Kirklands manse outside Campbell Town, the Western Tiers were 'a remote fringe of disorder'. Those nostalgic for the sights and resonances of the old world, for a 'real' history, would deem them to be the fringe of the 'Highlands' which Tasmania needed to have.

Travelling the cart and coach track between Hobart and Launceston which would become the state's main highway, Governor Lachlan Macquarie had graced rudimentary places with names from his native Scotland, Ross one of them. It was the dreaming of painters and writers which would secure the Highlands for imaginative purposes. The political exile Mitchel was among the first: 'Some sweet singer shall berhyme thee yet ... every bay will have its romance', he wrote of Tasmania's Highland lakes. Before him, John Glover had painted 'Ben Lomond, Van Diemen's Land. 1837'. The mountain had already been named for its less grand Scottish counterpart. Glover's impulse to bestow a European-style history that the island had not yet had time to have was more extravagant. He peopled the slopes of the mountain with men and women in Highland plaid and bonnet. Van Diemen's Land was romantically invested with actors in a lost cause, whose history would be written by such sympathetic lowlanders as Walter Scott, and by the British victors.

The government surveyor George Frankland had mapped the Highlands region proper in 1835, re-establishing there not only Mount Olympus, home of the gods, but Mount Ida, from whose summit Zeus watched the Trojan War. Eventually Frankland was followed by artist William Piquenit who—in a series of monochrome oils on cardboard—portrayed vertiginous rocks, domineering mountainsides, the movements of clouds over water, scenes washed in pale blue Antarctic light. In his remarkable oil, 'A Mountain Top, Tasmania 1880s', Piquenit's standing rocks constitute an antipodean Stonehenge. He was making not so much history, as pre-history for Tasmania. The longings of Glover, Frankland, Mitchel, Piquenit to find historical traces in Tasmanian landscape where they cannot have been, and to establish continuities with a European past in the southern land, were evidently irresistible.

This suggests the essence of an Australian, not a peculiarly Tasmanian Romanticism, discernible also in the nineteenth century in the ballads of 'Banjo' Paterson, the romance fiction of 'Rolf Boldrewood' and Rosa Praed. Nevertheless, the process of history-making in and for the island has been distinctive, and troubling. Its fantasies of temporal connection would seek links with the Tasmanian, as well as with a more remote European past. Even as the Romantic movement was naturalised early in Tasmania, there was an ambivalent valuation of the island's history. As expatriate author Peter Conrad puts it in *Down Home* (1988), how were the settlers 'to reconcile Arcady with Alcatraz?'

Tasmania has long been pictured both as prison and garden, hell and paradise. The latter, indeed, is the optimistic name of a hamlet on the east coast. In *His Natural Life* (1870-2), Marcus

Clarke wrote of the Tasman Peninsula as both 'this natural penitentiary' and a place 'fertile, fair, and rich, rained upon ... by genial showers'. His heroine, Sylvia Vickers, teases out the paradox while idling in her garden in Hobart:

Oh, how strangely must the world have been civilised, that this most lovely corner of it must needs be set apart as a place of banishment for the monsters that civilisation has brought forth and bred.

As Sylvia looks around, the beauty of the scene fades, transformed into a prospect 'horrible and treacherous'. Rufus Dawes, escaped from custody, has come over the wall. Literally and figuratively, prisoners haunt the garden of Van Diemen's Land.

For the purposes of tourism, Tasmania has been at once the Apple Isle and Devil's Island, pastoral paradise and prison hell. These are images that trade on times increasingly remote from present exigencies. The convicts have long gone, as have many of the apple orchards through which the island once humbly sought an identity. They were ruined when Britain entered the EEC. Might Tasmania yet become, in Conrad's phrases, 'the Switzerland of the Pacific' (as the state's boosters wish) or is it doomed, as the butt of incest jokes, to be 'the Appalachia of the Antarctic'? Caught between dreams of an unlikely future and ambivalence towards its unregenerate past, Tasmania struggles to find for itself a present.

The similitudes between notions of the island as at once garden and prison are illuminating. Gardens have seasons. Prisoners have sentences. The temporal rhythms of gardens and prisons are ahistorical. Kept apart from the world outside, people who tend gardens, or who are prison inmates, enjoy kinds of escape from time. Both are also shadowed by the prospect of another 'fine and private place': the grave. Partly for that reason, the beauty and peace of gardens are intended to conjure up atavistic images of the lost Eden. Prison is no occasion for whimsy, yet those who are and have been metaphorically, rather than literally imprisoned in Tasmania, may come to believe as a salving illusion in the possibility of a paradise to be rediscovered in this place of durance. That was some part of Mitchel's sentiment when he escaped from the island; of Conrad's as he came back. Places of seclusion, clausturation and illusory peace, prisons and gardens *are* islands, spatially and temporally. If it is in Tasmania that the congruence of the apparently incongruous settings of garden and prison are so suggestive, this may be a further indication of how that island is the Australian continent writ small.

OTHER METAPHORICAL FIGURINGS OF TASMANIA are instructive. In his novel *The Doubleman* (1984), Koch's Richard Miller speaks of it 'hanging like a shield above Antarctica'. Conrad notes how imaginatively-hampered advertising men and women have transmuted the island metonymically either into a rosy apple or a grinning (Tasmanian) devil. To fonder eyes, Tasmania is heart-shaped. For the prurient, its contours have often suggested the female pudenda and therein Tasmania becomes once again both a garden—lush, fragrant, beautiful, entrancing—and a prison—a dark, mysterious site of entrapment.

All these metaphorical appropriations betoken a psychological need to belong to the place, while each is informed by a fear of how tenuous is the interlopers' lodgment. Each presumes, but is silent about, the expropriation of the Aboriginal peoples whom Europeans encountered on the island. Besides these figurings of the place, Tasmania is of course familiar as a non-place, a forgotten land, left off maps of Australia, thus spared a history (a happy fate which the whole country intermittently wishes for itself). It is as if the misfortunes of its past and its economy might so cleanly and easily be excised; the national inclination towards amnesia so readily rewarded.

In June, the month when a new men's magazine titled *Amnesia* was launched, I was browsing in a discount bookshop in the Hobart Mall. There the convict past was well and popularly represented. Clarke's novel was prominent (if abridged), together with *Ghostly Tales of Old Van Diemen's Land*, Richard Butler's *The Men That God Forgot*, Coultman-Smith's *Shadow Over Tasmania*. I recalled the relish with which one of Koch's characters in *The Doubleman* had described the horrors of the state's

Entering the female factory, a woman turned left to spend six months in crime class. Gradually she worked her way around the perimeter until ... she had reached the passholders' ward to the right of the entrance. This was a place whose staff complained of contraband trade and lesbianism, or 'depraved and abominable habits' among 'females and pseudo-males'

The female factory, Ross



Port Arthur has been cleaned up during the last decade, turned into an antipodean Historyworld ... 'A special Ghost Tour experience' is offered every night. After 'a hearty dinner', the intrepid (or condemned) can, by lantern light, 'Experience the Presence of the past'. Would daytime have dispelled it? One of the part-time ghost tour guides, Mrs Nanette Mikac, was murdered with her two daughters on 28 April as she fled the Broad Arrow Café. She had asked Martin Bryant for a lift.

convict past and imagined their enduring psychological legacy for Tasmanians:

the fusty odour of fear, the stench of the prison-ships, was still in Hobart; and a tragic, heavy air, an air of unbearable sorrow, even in sunshine, hung over the ruined sandstone penitentiary and the dark blue bay of Port Arthur, south of Hobart where the tourists went.

Koch wrote more percipiently than he could have known. But there was another, incongruous book on this Tasmaniana shelf. Had it come there by fate, or misadventure? The book was Robert Manne's analysis of the Demidenko affair. Its title spoke with striking, unwitting aptness of the ambiguities of history-making in Tasmania. I had stumbled upon *The Culture of Forgetting*.

For generations, Tasmanians have wrestled with conflicting desires. On the one hand is the determination to forget the past, even to erase it. That led to fabled instances of respectable Hobart burghers seeking to excise evidence of their convict ancestry from records in the state archives. It also caused a short-lived, sanitising name change for Port Arthur to Carnarvon. The corollary of that was the attempt, in which neither poor mortar nor bushfires fully co-operated, to let the nation's most famous penal settlement fall naturally into ruins. But on the other hand is a yearning to confect, correct, profit from the convict past. The exhibition on convictism in the Hobart Museum asks even-handedly 'Evil Sinners or Misguided Wretches?' (Unfortunates All, we might add). Then the curator takes apparent pleasure in saying that 'Tasmania has the highest proportion of drunkards, paupers, lunatics, orphaned or abandoned children'. When exactly, and why?

Port Arthur has been cleaned up during the last decade, turned into an antipodean Historyworld. Yet the effort to give academically responsible accounts of, say, the theory behind the isolation of convicts in the Model Prison, has been swamped by the sensationalising of that era elsewhere in the complex. 'A special Ghost Tour experience' is offered every night. After 'a hearty dinner', the intrepid (or condemned) can, by lantern light, 'Experience the Presence of the past'. Would daytime have dispelled it? One of the part-time ghost tour guides, Mrs Nanette Mikac, was murdered with her two daughters on 28 April as she fled the Broad Arrow Café. She had asked Martin Bryant for a lift.

THE GARDEN AND PRISON WERE UNEXPECTEDLY complementary, rather than antithetical representations of Tasmania. By contrast, the will to forget and the perceived, economically-driven need to misremember its history have engendered a dialectical process. The consequence is stasis, paralysis of will, the creation of a mindset that disables action. This is the imaginative accompaniment to the economic degradation of Tasmania, a state whose population is predicted drastically to decline in the next century, in which so many already live as welfare recipients, where the brightest of its youth must seek their fortunes elsewhere. Mired in a past that it regards ambivalently, Tasmania is Australia's Ireland, as well as its island.

The Port Arthur massacre terribly focused the dilemma of 'history-making' for Tasmania. First it occurred at the prime location of the state's repackaging of its history (itself a matter of petty resentment in parts of northern Tasmania). This 'tragedy' briefly put Tasmania 'on the map', even if—for an American news service—it had taken place at an 'island resort' to the south of Australia. Once more, in a manner at least as old as Gallipoli, the nation 'lost its innocence'. All Australians were enjoined to 'remember' the 35 slain, as well as those victims who continued to suffer through injury and bereavement. Yet might not the old insular habit of forgetfulness have been the kinder quality to summon? Will not the killings before long be enfolded within the bloody nineteenth-century past of Port Arthur? How can they avoid becoming part of historical tourism in Tasmania? Once upon a time, bewitched by the deceptively tranquil beauty of Port Arthur, novelist Martin Boyd indulged in history-making of his own. He exclaimed that 'the ruined church of the convict settlement at Port Arthur was the Australian equivalent of Glastonbury'.

To such imaginative impositions on Tasmania there may be, and perhaps should be no end. But they are the stuff of consoling myth. If the Port Arthur killings were by contrast the occasion of transient notoriety (in the world's, if not the sufferers' eyes) neither kind of coding makes a history from which Tasmanians, or any of us, can learn with profit. Each may come to seem peremptory, extraneous. These sorts of history-making are the price exacted for their attention by those who are not part of the local community. At least older Tasmanians have learned to transmute hardships into salutary reminiscence and to cherish the oral histories which they have truly made for themselves. ■

Peter Pierce is professor of Australian Literature at James Cook University. He is descended from Lt. John Russell, the first Commandant of Port Arthur.



The scoop is old news

THE FIELD OF HUMAN EVOLUTION has always been a bit of an embarrassment to scientists who like to think that their enterprise is utterly objective.

Ever since Darwin published *On the Origin of Species*, and Thomas Huxley and Bishop Samuel Wilberforce threw themselves at each other in acrimonious debate, human evolution has been a classic illustration of what a political and social minefield science can be. While we seem to be able to trace the evolution of a cockroach dispassionately, when it comes to our own origins all sorts of political, sociological and racial overtones begin to cloud our judgment—even the judgement of scientists.

Well, here we go again! Since the astonishing rock art finds at Jimnium in the Kimberleys were announced in the Fairfax papers in late-September, battle has been joined, not only between competing scientific views, but also between competing newspaper chains. The group of researchers who have been carefully studying the rock art and cultural artifacts at Jimnium have dated some of the material they have turned up—by the best methods available to them—at up to 176,000 years old. This contention has enormous significance not only for the story of human evolution and occupation of Australia (where the oldest signs of humans until now have been put at about 60,000 years ago), but for human evolution on the world stage.

It is widely accepted that humans evolved in Africa about two million years ago. The fossil record shows early humans had reached East and Southeast Asia by 500,000 years ago. The first modern-looking humans appear in southeast Africa about 200,000 years ago and in the Middle East about 100,000 years ago. This has led to two broad theories of human evolution (and some hybrids of the two). The majority view is that there were at least two species of humans involved in the story—a bunch of primitives who had spread across the world by half a million years ago, but who were subsequently wiped out by the modern humans who emerged from Africa about 100,000 years ago. The alternative theory is that there was only ever one human species. As it reached different places, it changed form and gave rise to the wide variety of humans we see today and in the fossil record.

But if humans were in the Kimberleys more than 100,000 years ago—depending on the accuracy of dating—then they must have built boats and organised a considerable voyage of 60 kilometres or more from Southeast Asia to get there. And this was at a time before modern man was supposed to have emerged from Africa, according to conventional theory. No wonder *Bild* and *Paris-Match* were after the story.

A battle royal began in Australia on two fronts. Many scientists were concerned because the story had appeared

in the print media before it was released in a refereed scientific journal—and they felt the dating could be suspect. The Murdoch press seemed more than a little miffed that the story had appeared as an exclusive in the outlets of its competitor, and made great play of this scientific opposition.

The controversy was real and besides, it made good copy. The radiometric dating used in these situations is prone to error, particularly in inexperienced hands. Archeologists usually try to date artefacts by two or more independent means, just to be sure. In this case, the chances of contamination are very real, despite the fact that the scientists involved seem to have been very careful. So why did the researchers publish before they were sure? Was it to do with the politics of archaeology, and Aboriginal politics and land rights? In a long column in *The Australian*, Nicolas Rothwell argued that this was indeed the case.

He suggested that the *Sydney Morning Herald* was given the story exclusively by the Australian Museum so that the work could be portrayed in the most favourable light—to drum up nationalistic support for the idea that Australia is a significant place in human evolution, and give a significant boost to Aboriginal land claims.

ARCHIMEDES' OWN SOURCES suggest the truth was not nearly so sinister. The journalist responsible for the story, James Woodford, had found out about the Jimnium work some considerable time beforehand. He had been sworn to secrecy, however, by the scientists involved, while they completed their dating and had their results published in reputable scientific journals. He agreed to sit on the story, and in return was offered full collaboration in a future exclusive.

Fate intervened, in the form of publicity for a lecture at the Australian Museum that hinted at a revelation which would change the face of prehistory in Australia. To the media, this was like waving a red rag. Under pressure to release more details, the scientists felt they had to go public on their own terms to retain any control of the story. They gave Woodford a couple of days to pull his story together.

Information management? Yes, to a degree. Scientific or political dirty tricks? No, more like a natural response in order to keep the work on the rails. But hell hath no greater fury than a Murdoch (or Fairfax) paper scorned.

To give *The Australian* its due, it did allude to this version of events in a later piece. But by then, as usual, some of the mud had stuck. ■

Tim Thwaites is a freelance science writer.

A Bougainville assassination

AS PREMIER OF BOUGAINVILLE assassinated on active service, Theodore Miriung was given a state funeral. His flag-wrapped coffin was borne into St Mary's Cathedral in Port Moresby in October by four military captains and two naval officers. The tallest soldier seemed to need his minatory sunglasses but not to hide his tears. In spite of Douglas Macarthur, sunglasses have never been regimental dress (except for Haiti's Tonton Macoute), as Harry Truman, Macarthur's Commander-in-chief, informed him. The glasses did nothing to allay certain suspicions.

Lady Stella Chan had to lay the wreath for her husband, who would attend the obsequies at Buka Island next day. Sir Julius was represented by the Minister for Defence, Matthias Ijape. He was not regarded as the ideal choice for this occasion: he had put Miriung in jeopardy in late September by blaming him for the massacre of 12 soldiers by rebel forces at Kangu beach near Buin. That was brutishly unjust. It was the soldiers who had alienated even local allies by harassing their women.

Theo Miriung was never fully trusted in Port Moresby. He had preferred to stand down as an Acting Judge of the National Court to share the hardships behind rebel lines with his North Nasioi clan from early 1990, when the blockade began, to September 1994. It was (wrongly) believed that he had been a legal adviser to the rebel leaders. His statements suggest a more complex stance: 'I am pro what the rebels stand for [i.e. secession] but, as that cannot be achieved, I accept Papua New Guinea's sovereignty.' To which he would add: 'But a large measure of autonomy must go with it, or that won't work either.' Theo was too honest to be ingratiating and too introverted and thoughtful to be facile.

Sorrowing Bougainville women, not in traditional dress—this was Port Moresby—swayed, sang and flourished plaited fans in procession before the coffin.

There was an irony in their being conducted by 'exiled' Raphael Bele. I first met Bele on Rorovana beach in mid-1969. He was then the 'fight leader' of his village, which was refusing to yield land for the copper mine's port site. With an active Mt Bagana pluming in the distance the villagers sang words which meant: 'Why can't the copper stay in the ground until our children have the education to mine it ourselves? It won't rot.' There followed a stand-off where a riot squad confronted bare-breasted women, custodians of the land. They retreated but the media photos were sensational and won them higher compensation.

Raphael Bele was a secessionist too, treasurer of the *Napidakoe Navitu* society which had 6000 subscribers who originally wanted 'redskins' (i.e. other, lighter-skinned Papua New Guineans) as well as

white miners off their island. However, he stood for national parliament in 1972, was elected, supported Michael Somare's government and stayed on for 20 years, except for one year in 1975-76 when he supported the first unilateral declaration of independence in Bougainville. That happened because Somare did not support provincial government adequately.

That deficiency was fixed up but by 1989 it had not provided enough for the rebels. In 1993 they destroyed Raphael's village. The problem now for 'exiles' is that they are beginning to be harassed in revenge for the 100 soldiers killed in the war. The rebel leaders know this and are capitalising on it by threatening to kill soldiers taken prisoner. And the police cannot maintain law and order. People like Raphael Bele, so easily recognisable by their colour, feel unsafe whether they go home or not, even though the government wants to protect them.

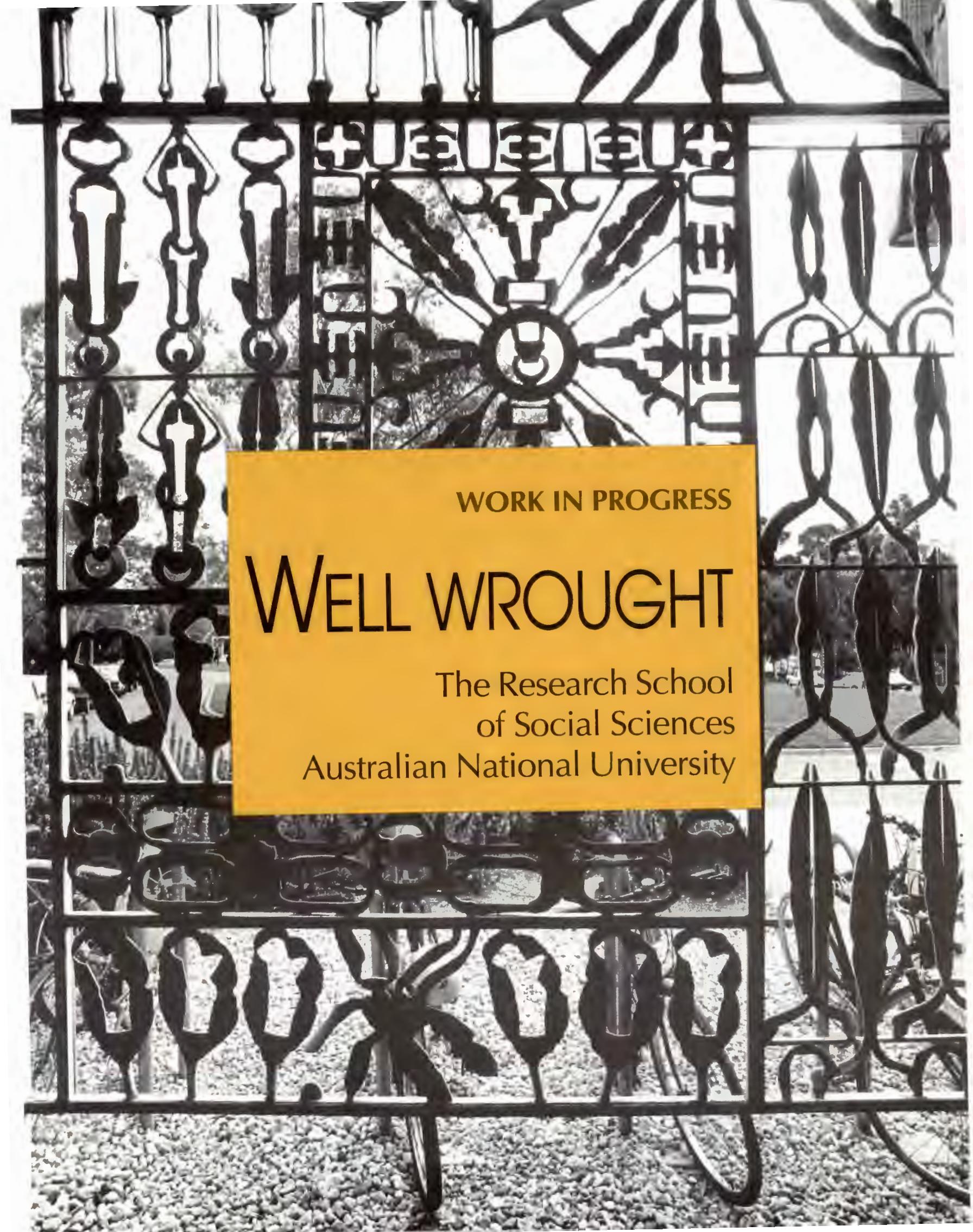
Miriung's panegyric was given by the Chief Ombudsman, Simon Pentanu, a fellow Bougainvillian. Pentanu said that Theo 'used to say that the nature of these sorts of conflicts everywhere in the world is that they result in loss of life to people who ... have contributed the most in trying to find solutions.' Tragically Theo Miriung has fallen victim to this prophecy.

THERE WERE MORE BISHOPS than I have seen at any lay requiem before, a colourful show of solidarity. Unfortunately the two Bougainville bishops had died in the past three months. The church is urging peace and reconciliation but first there has to be some show of justice.

Who killed the gentle and unpretentious Miriung? Was it soldiers, out of retribution and distrust? They have committed plenty of atrocities. Was it rebel-inspired as with John Bika in 1989? He wanted compromise and, like Theo, was blasted away in front of his family at mealtime. Or was it a local factional problem? Unfortunately, the general feeling is that it was the army.

Several commentators have, not inappropriately, called Theo a 'martyr'. At least, and at last, Prime Minister Chan has announced an independent Committee of Enquiry into his death. Thus far it will not have been in vain. But what can be done if there are adverse findings against the military? The guilty soldiers may be punished, but how co-operative the rest will prove is unknown. And it is too much to expect that Theo Miriung's blood will lead to any moral revulsion among the rebels. ■

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WORK IN PROGRESS

WELL WROUGHT

The Research School
of Social Sciences
Australian National University

Introduction

Geoffrey Brennan

ACADEMICS ARE A COMPLAINING LOT. It is in our nature. Our imaginations always exceed our capacities. We always think our research programs deserve more support, and our students more attention, than current funding levels allow. So what is one to make of the current round of anguished screams issuing from the universities? Those screams seem a bit shriller, a bit more anguished, than usual. But should one really worry? Isn't it all just the academics complaining as usual?

I think the answer is: yes, one should worry; and no, it's not just the same old round of academic complaints. Indeed, if anything, the screams are nothing like loud enough. Just to take the Research School of Social Sciences (RSSS) at the Australian National University as a case in point, we shall—if the currently stated funding cuts and unfunded salary increases go through—endure over the next couple of years a real reduction in our budget of 10 per cent.

We have *never* in our forty-year history faced a cut of anything like that magnitude.

It will almost certainly require us to expunge an entire disciplinary program. Maybe more than one. And doing this will be very damaging for the School. Because RSSS depends for its uniqueness and integrity as an intellectual enterprise on maintaining a balance of disciplines across the entire range of the social sciences. Much of what is most distinctive about the School's research lies in its inter-disciplinary character. That research involves collaboration among scholars from the different disciplinary programs. To lose any one of these would be like losing a limb. We would survive, and still be able to do a great deal—but we would nevertheless be deformed, less than fully whole. To try to do what we do without a substantial presence in political science or history or sociology or economics or philosophy or law or demography would be almost unthinkable. But the next few years will clearly be ones in which we have to confront such unthinkable thoughts.

And RSSS will not be alone in this. Cuts of much the same magnitude will be sustained across the Australian system. They will come from two sources. First and most obviously, there are the cuts explicitly announced by Education Minister, Amanda Vanstone, as 'higher education's contribution' to Peter Costello's eight-billion dollar deficit reduction program.

But less obviously, there is also the refusal by the Government to play any role in funding salary increases, in the face of long-standing union demands for salary increases across the higher education sector. What this means is that the universities must manage a backlog of wage demands without any extra resources.

Perhaps in teaching areas, the coalition's intention is that such wage demands will ultimately be funded by higher fees charged by universities, although the higher education sector remains heavily regulated and the scope to charge full fees to Australian students is very limited. The proposition that there is a large unmet demand for student places at the full cost price is one that lives only in the imagination of current policy-makers.

In any event, income from full fee-paying students is irrelevant

for the research sector. The Research School of Social Sciences and the ANU's Institute of Advanced Studies more generally are charged with the responsibility of doing fundamental research at the best international standards of scholarship. There are no 'buyers' of that research output in any commercial sense, and hence no-one who can be called on to pay a higher price for the research when wages increase. A six per cent wage increase necessarily implies a six per cent reduction in the workforce: there is simply no other possibility. Or at least, no other possibility consistent with the ANU's charter. It *would* be possible for the School to re-orient its activities so as to become a more commercial operation, focusing on consultancies for paying clients. But this is not what the ANU is supposed to be doing. And we *could* not recruit the world's best minds to do it. We would simply lose the best minds we currently have.

The particular irony of all this is that, in strictly academic terms, the Research School is in excellent shape—as the recent external review of the School has testified. We are an extremely lean operation already. Cuts at this point in the School's life will lead to the jettisoning of excellent scholars and invaluable support staff. Cuts can be endured when they fall on scholars whose research performance is mediocre. But when cuts fall on scholars who have performed superbly, the effect on the morale of those who are left can be large and negative. As I say, it is surprising that the screams from universities are not shriller and more anguished than they currently are.

At the same time, it is difficult not to feel a modicum of sympathy for Senator Vanstone in all this. Not that she is a particularly sympathetic person either in the sense that she elicits much sympathy or gives it. But the problem is not all of her making. The truth is that the university sector is now too large for Australia to wear. The number of universities has roughly doubled in the period since 1988. And the number of students increased concomitantly. Academic staff numbers may not have risen in quite the same proportions, but the abolition of the 'binary divide' under the Dawkins' reforms increased dramatically the number of people claiming full academic pay and conditions of service. Any publicly funded pay increase would now cost the government almost twice as much in real terms as it did pre-1990 because the number of staff involved is so much larger.

OF COURSE VANSTONE AND HER COLLEAGUES might have responded to the need for economies not by cutting funds to all universities by six per cent, but by abolishing six per cent of the universities. Unsurprisingly, she did not take that course.

To do so would have focused animosity in particular electorates and would have raised political risks, minimised by spreading the pain more or less evenly across the country.

Nevertheless, it cannot be pretended that all universities are of equal quality. Any process of resource-saving that looked to quality would not have imposed identical cuts across the system. It is ultimately a form of political cowardice for the government not to

make judgments as to where the cuts should fall. And this form of cowardice can prove enormously costly to the quality of the Australian research effort. Because the measure of a good research system is how it nurtures its most creative talent.

We economists (and other external observers) are often outraged at the lacklustre research performance and slack teaching of some so-called 'academics'. But these people are not the ones who are the key figures in Australia's intellectual life. The quality of club cricket may not matter much to the test match results: at the top level, what is crucial is whether the Waughs are in form or Shane Warne uninjured. Research, like test cricket, is a game for the high-flyers, and nurturing the high-flyers is what the system ought to be aiming for.

Uniform cuts fall equally on the great and the weak. It is the failure of government policy to discriminate, rather than the fact of the cuts themselves, that is the primary failure in the current debacle.

UNLESS THE GOVERNMENT CAN DEVISE ways of discriminating more finely in its budgetary policies, then the quality of Australia's research will suffer out of all proportion. The people who are the real stars are also the ones who have the most attractive overseas offers and who care most about the capacity of the system to support excellent work. Australia's research effort is not so robust that we can afford to lose our stars.

Much noise was made by the previous government about the significant increases in research funding over the last eight years. Some of that increase was channelled through the Australian Research Council, and was accordingly allocated on the basis of perceived quality. Much was not: it was merely embodied in the cost of 'time for research', extended across institutions whose research history was poor and whose academic culture was very thin.

Now that the current government is (probably properly) withdrawing resources from the system, it is hacking away indiscriminately. The ANU's Institute of Advanced Studies, and the RISS in particular, did not benefit at all from the Dawkins expansion. But they are now called upon to pay their share of the cuts, both explicit and implicit, that will fall on the system over the next few years. Judged as 'research policy' this is perverse. Its effects on Australia's effective research effort will be considerable and negative.

All this is a sad note on which to introduce the ensuing essays, by RISS scholars. But these are sad days and will become sadder. I fear that the situation is becoming more and more precarious, not only in RISS but around the Australian higher education system. That is an extremely serious state of affairs. And unless the government does something soon, the situation will get much worse. ■

Geoffrey Brennan (below right) is Director of the Research School of Social Sciences (RISS), ANU, and Professor of Economics.

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Photography by Bill Thomas. Photographs of Sir Anthony Mason and Judy Wajcman courtesy of the writers. Graphs pp 40-41 by Paul Fyfe. Designs by Siobhan Jackson. Page 29 shows the wrought iron façade, by Matcham Skipper, of ANU's Coombs Building.

Courts and community values

Anthony Mason

MY MOVE FROM THE CITADELS of the law, to the groves of academe, has been a revealing experience. I have been allocated a very small room in the Research School of Social Sciences which is occupied by a very large desk. I inhabit the vestigial remnant of the room. There I have been reflecting on the role of values in judicial decision-making.

Reflection on this topic has been prompted by expressions of keen interest in it by academic lawyers, social commentators and students. Their interest is disproportionate to the relatively minor role that values play in judicial decision-making.

This interest strikes no chord in the mind of many practising lawyers. They prefer to think of the common law as a body of doctrine which in some way or other has a doctrinal life of its own, detached from the values which informed its creation. They are distinctly uncomfortable with the notion that judges are concerned with values and take account of them in formulating legal principle. There were reasons for this blinkered approach. Denial of the relevance of values assisted in keeping the lid on a Pandora's box of unwanted questions concerning the legitimacy and methodology of judicial decision-making.

But the contents of the box—in this case by no means evil—are now well and truly out in the open. Even in Australia, which has no Bill of Rights, the courts take account of values and standards in enunciating and applying legal principles. More than that, the courts are now called upon to decide cases that have important social, economic and political implications.

What then are the values of which judges take account when they formulate legal principles or decide difficult questions of law? The older, more traditional view was that judges give effect to the preponderant opinion or sentiment in the community. The great American judge, Benjamin Cardozo, considered that the judge's function was to give effect to the *mores* of society. Viscount Radcliffe, the leading English judge,

wrote of 'a set of rules nicely attuned to the sentiments of the day'. The idea that the judges are giving effect to contemporary social standards is consistent with democratic theory. It is consistent with the view that the judge, in exercising his authority as the representative of the community, should give effect to its values. It is also consistent with the role of the judge as an impartial and neutral adjudicator that he should give effect to consensus values shared by the community.

However, it is now accepted that the courts do not give effect to transient popular attitudes. What the judges look to are more fundamental values of an enduring or relatively permanent kind. In *Mabo v Queensland (No. 2)*, the recognition of non-discrimination as the critical value, which justified rejection of the unacceptable fiction that Australia was land belonging to no-one, was based on the view that non-discrimination was a fundamental value of the common law, was mandated by international conventions ratified by Australia and accorded with contemporary values of the Australian people.

Fundamental values recognised by the courts are more enduring and consistent than the transient attitudes reflected by public opinion at any time. In many instances, they are values which underlie long-settled principles of the common law: personal liberty, freedom of expression, the inviolability or integrity of the person, no conviction or imprisonment without trial, natural justice, the right to a fair trial, no entry upon the land of another without the consent of the occupier or pursuant to statute. In this way, the law itself provides its own institutional morality or value system. Non-discrimination, the critical value in *Mabo*, though inherent in the long-accepted proposition that all persons are equal before the law, had not achieved a wide-ranging operation until the enactment of the *Racial Discrimination Act 1975*, which implemented the UN Convention for the Elim-



ination of Racial Discrimination in all its Forms.

Some of the common law values to which I have referred, personal liberty and freedom of expression, are values which are fundamental to society in a modern liberal democracy. Some fundamental values are also constitutional in character: representative government, independence of the judiciary, the rule of law. Other enduring values, such as respect for truth and the sanctity of life, may be readily identified. International conventions which have been widely ratified and by Australia, are another important source of values.

Other values may not be so easy to identify. Very often the judge must proceed on the basis that there is no community consensus or that the community is divided on the issue, as with abortion and euthanasia. The judge must resist the temptation to treat his own subjective values as community values.

In jurisdictions where there is a Bill of Rights, either constitutionally entrenched, as in the United States and Canada, or statute based, as in New Zealand, the rights thus protected serve as a set of values which the courts are required to enforce.

With a view to identifying values and overcoming objections to a Bill of Rights, some commentators have suggested that the preamble to the Constitution might be amended to recite a set of values. Just what this would achieve, apart from uncertainty, is difficult to say. Presumably its purpose would be to provide the courts with a set of values with which they could work. However, it seems to me to be an ill-defined exercise which could conceivably launch the courts on an ill-charted legislative course.

The suggestion suffers from an assumption which pervades much of the discussion about judicial use of values. The assumption is that the judge has difficulty in identifying values. Yet the difficulty which confronts the judge, on those occasions when values become relevant, is not so much the identification of values as resolving the competition between values and the competition between a value and a policy consideration.

The resolution of that competition is the critical problem. In general, it is not to be expected that there will be a community consensus on how values or a value and a policy interrelate, let alone in the particular circumstances which will confront the judge in a given case.

It is in the resolution of that competition that the judge needs to manifest some sense of the community in which he lives. Although he will not have the advantage of identifying a community consensus on the question, he must resolve the question by reference to arguments which will carry weight in the society in which he lives. In that way and that way alone will his arguments win acceptance.

A distinction needs to be made between fund-

amental values, policy considerations and community standards. Policy considerations, generally of an economic kind, such as freedom of competition or economic efficiency, often play a part in the formulation of general legal principle. This is particularly evident in the modern cases concerning the recovery of damages for economic loss sustained by a plaintiff as a result of the negligent act or omission of the defendant, for example when the defendant's negligent act damages a bridge and puts it out of action, thereby causing loss to a plaintiff who uses the bridge in the course of

It is now accepted that the courts do not give effect to transient popular attitudes. What the judges look to are more fundamental values of an enduring or relatively permanent kind. In Mabo v Queensland (No. 2), the recognition of non-discrimination as the critical value, which justified rejection of the unacceptable fiction that Australia was land belonging to no-one, was based on the view that non-discrimination was a fundamental value of the common law

its business. Here the courts take account of the problem of indeterminate liability to an indeterminate class of plaintiffs, the possible unfairness of subjecting a defendant to such an indeterminate liability as well as the *prima facie* entitlement of an injured party to recover compensation for loss suffered as a result of the defendant's wrongful and blameworthy conduct.

Community standards, as distinct from values, play an important part in the judicial process. The standard of care in negligence (what a reasonable man would do if placed in the situation in which the defendant was placed) is in effect a community standard, though there will not be evidence of a community consensus on the matter. What is the appropriate standard of care may be revealed by evidence, for example as to accepted industrial practice in a given situation or expert opinion. Alternatively, it may be a matter of drawing an inference as to what is the appropriate standard. Community standards are important in assessing honesty, reasonableness and obscenity, these being matters of which a judge can take judicial notice.

The ability of the judge to ascertain community standards has raised questions as to the selection of judges. Are the judges we appoint likely to be aware of community standards? When juries determine

issues of fact, there is solid ground for thinking that they are able to bring to bear knowledge of community standards. The same comment applies to judges whose work gives them special knowledge of the community and how it behaves.

That brings me to the cases in which the courts are called upon to resolve fundamental issues involving important moral and ethical values. These cases come to the courts with increasing frequency not only here but in the United Kingdom and the United States. In Australia, in *Re Marion*, High Court held that permission to undertake surgical sterilisation of a profoundly handicapped under-age female incapable of caring for a child could not be given by her parents but must be sanctioned by the court. The case involved a consideration of a female's right to reproduce, the inviolability of the person and the parents' right to determine what was best for the child as well as the role of the courts in matters of that kind.

A RECENT ENGLISH CASE which raised important questions was *Airedale N.H.S. Trust v Bland*. There the court decided that it was permissible to withdraw life support from an insensate patient who was terminally ill without any hope of recovery and there was a withdrawal of consent to further treatment. The judges who decided the case expressed their concern that an issue of this kind should be left to the courts for resolution. They considered that issues involving complex moral and ethical considerations were best dealt with by the political process. If they were not so dealt with, the courts had no alternative but to decide them, though the courts' method of dealing with them would not be as satisfactory.

This was the view of English judges exercising jurisdiction under a legal system which has no Bill of Rights. Their view would not coincide with that of American, Canadian and European judges who are accustomed to deciding complex issues involving moral and ethical issues under a Bill of Rights.

The two cases indicate that, even in jurisdictions where there is no Bill of Rights, important issues, which one would expect to be resolved by the political process, are left to the courts for decision. There are various reasons for this phenomenon. In some instances, it is because government wishes to avoid becoming embroiled in a controversial issue which could divide the party and result in electoral damage. *Mabo* was an example.

The Federal government presented no argument at all to the High Court, thereby seeking to reduce the risk of alienating support. In other cases, government may consider that the road to legislative resolution is altogether too difficult for political, legal or economic reasons. Perhaps that was why the Howard government decided to leave to the High Court the question whether the pastoral lease in the *Wik* case extinguished native title. Of course, that question

more closely resembles a clean-cut legal question and is appropriate for judicial resolution. The point is that the courts are deciding cases which go to the very core of the social and economic life of Australians. The fragility of the political process—a process viewed with profound cynicism by Australians—is likely to ensure the continuation of this trend.

We must ask then: how well-equipped are the courts in the modern world to engage in their incidental law-making role and to resolve complex issues involving important moral and ethical issues? If we look to the example of courts overseas which exercise jurisdiction under a Bill of Rights, our courts have similar but rather more slender resources. The High Court of Australia is not as well resourced as the Supreme Court of the United States and the Supreme Court of Canada. Nor do we have the assistance of an Advocate-General who plays a prominent part in assisting the European courts in deciding important questions.

At the same time, our appellate courts, including the High Court, still see themselves as performing an adjudicative role, the law-making role being incidental to that primary function. Consequently, we have not adopted appellate court procedures which are specifically fashioned for a law-making exercise. Australian judges are understandably diffident about taking any step which would give public emphasis to that role and excite apprehensions about the courts trespassing beyond their allotted role.

The High Court is therefore very largely dependent on the arguments and materials presented by the parties. In some cases, governments are represented as parties or interveners, and in those cases a wider perspective may be presented to the Court. Although the Court can grant leave to relevant interest groups to intervene, it is loath to take this course unless the group has a direct interest in the outcome of the litigation. That is because interventions add to the length of the case and may increase the costs of the parties. The Court has good library resources with research officers so that it is in a position to identify for itself relevant materials. However, the thrust of the Court's research is directed to legal materials. The Court views the case as essentially a contest between the parties. The adjudication model in an adversarial setting continues to be the dominant court model, as it is elsewhere in major common law jurisdictions. ■

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Aboriginal self-determination and the Australian Courts.

Lisa Strelein

SINCE THE ANNEXATION OF Aboriginal land to the British Empire, indigenous peoples have fought for the right to control their land, for the recognition of their laws and culture, and for the right to govern their communities. In international law and politics, this process is recognised as the right of all peoples to self-determination. The assertion of self-determination claims reflects the many aspects of indigenous peoples' fight for survival the world over.

Self-determination claims concern the relationship between indigenous peoples and the non-indigenous society. Our response to these assertions will determine whether we can be a society based on the equality of all peoples. Respect for indigenous belief systems, acceptance of responsibility for past wrongs and, above all, justice for indigenous peoples in the present, are the cornerstones of such a relationship.

The relative political, social and economic power of indigenous peoples has meant that progress toward self-determination has been slow and fragmented. Yet, some would argue that the incremental nature of self-determination gains has been the essence of their success. Guntram Werther, in *Self Determination in Western Democracies*, 1992, argues that the ability of indigenous peoples to 'work quietly', within existing

political systems, has resulted in substantive gains. For this reason, the assertion of claims through the courts has been a prominent feature of the self-determination strategies of indigenous groups.¹

However, Gerald Rosenberg, a Visiting Fellow in RSSS, has questioned (in *The Hollow Hope*, 1991) the ability of courts to effect social change and questioned the expenditure of scarce resources on litigation.

Nonetheless, others see the potential for a much greater role for the courts in shaping the relationship between indigenous and non-indigenous societies. Proponents of this view are able to point to specific self-determination goals—like the recognition of land rights or the protection of cultural heritage—that are so important to the self-determination movement that the courts are unlikely to be dismissed from the strategy.

The perceived advantages of the courts as a forum for indigenous peoples are contrasted with relative powerlessness, in political terms, in negotiations with the state. Moreover, claims for the protection and promotion of the rights of minorities are bound to be politically unpopular. Sir Anthony Mason has observed that the courts—the High Court in particular—are able to act where other arms of the state are unable or unwilling. Mason cites *Mabo v*

Queensland [No. 2] (1992) as a 'classic instance' of the Parliament and Executive leaving the issue to the High Court to determine.²

Courts are thought to provide for equal access and influence as well as requiring objective assessment of the arguments presented. In this way, court processes amplify the voices of the disadvantaged, forcing the state to listen and respond. Also, self-determination claims, of their nature, may be better argued as principled or moral claims against the legitimacy of the state. The determinations of the courts, in turn, reflect the nature of the arguments.

Thus, the courts are able to make aspiring and principled statements.

CCOURT ACTION ALSO PUBLICISES and politicises indigenous claims against the state, bringing the issues into public debate. To the extent that the courts recognise self-determination claims, they acknowledge the reality of collective rights and Aboriginal

Trusting the courts to recognise and support indigenous self-determination claims is, however, fraught with dilemmas. Such claims require reliance on an institution that is in part responsible for the legitimation of centuries of dispossession.

sovereignty. Arguing self-determination claims through the courts may therefore enhance the public perception of the legitimacy of the claims.

For these reasons, success, or indeed failure, in the courts is seen as a tool to agitate for policy and legislative change. Where indigenous peoples lack the 'key resources' that translate into political influence, presence in the courts strengthens the indigenous voice. Judicial delineation of rights, or the mere spectre of litigation, can provide the necessary political pressure to force action.

This connection could be observed in Australia in the wake of the indigenous land titles decision. The recognition of indigenous rights to traditional lands under the common law led to the introduction of legislation confirming the title.

Perhaps more significantly, indigenous peoples had greater power in negotiating the final form of the legislation than had been the case with previous land rights legislation. Similarly, the inadequacy of the common law title was highlighted and, as a result, the government made an undertaking to introduce social justice measures and a land fund to make restitution for past dispossession.

Trusting the courts to recognise and support indigenous self-determination claims is, however, fraught with dilemmas. Such claims require reliance on an institution that is in part responsible for the legitimation of centuries of dispossession and denial

of indigenous self-determination. The state maintains relative power and often, as Garth Nettheim has suggested, law 'simply follows and legitimates power' (*Australian Law Journal*, vol 60, July 1986). In both form and content, there is a pervasive legal bias in favour of the oppressor.

Moreover, the courts' procedures and structures reflect the European culture from which they were derived. Therefore, for indigenous peoples, utilising the courts requires engagement with a foreign institution. Indigenous peoples must translate their claims for self-determination, which are essentially cultural claims, into alien forms. Similarly, engaging with the institutions of the colonial law has forced indigenous peoples to confront Western ways of understanding (or misunderstanding) their culture.

Michael Dodson points out that the courts can play a constructive role in recognising indigenous law, but so far acknowledgment has been limited.³

For example, the treatment of indigenous interests in land under native title fails to take into account the spiritual and cultural dimensions of the relationship, focusing instead upon an economic understanding of land ownership and use.

Similarly, the nature of legal reasoning has forced demands for self-determination to be dissected into separate piecemeal claims for traditional rights to land, sacred sites, hunting and fishing; claims for jurisdiction and the recognition of customary laws; and claims to inherent sovereignty.

Of course, claims to land are intimately tied to, and in fact are, a part of a broader indigenous law and are therefore artificially separated from claims for recognition of customary law and jurisdiction. Similarly, jurisdiction is an element of self-government that, in turn, is an expression of inherent and continuing sovereignty. In contrast, the courts approach each of these categories differently. While claims to land have been accepted, claims to criminal jurisdiction have been explicitly rejected.⁴

The difficulty is primarily one of understanding. For courts to recognise the integrative and holistic nature of indigenous cultural claims, they must first understand their own culture and the way it impinges upon their ability to accommodate self-determination claims. The process of legal reasoning is seen as universally applicable yet experience has shown that the giving and receiving of evidence is restrictive and culturally exclusive. This has prompted calls for a 'new jurisprudence' that is premised upon the equality of peoples. An approach based on equality of peoples would accommodate alternative world views, for example through the acceptance of new forms of evidence, and, importantly, would lead to different outcomes. However, the limitations of the courts are not confined to the language and culture of the institution. Critics also question the ability of the courts

to effect significant social reform regardless of the cultural context. Rosenberg warns of the dangers in overstating the role of the courts in social reform, arguing instead that courts are fatally constrained both by their deference to the interests of the state and by their dependence upon the other arms of government.

Rosenberg admits that the political, institutional and economic independence of the courts, and their freedom from electoral constraints, is their strongest advantage. Yet, his evidence clearly shows a deference to the interests of the state and even the Parliament. For example, the power of Parliament to 'extinguish' the rights of indigenous people to their lands is incorporated into the native title doctrine. While the courts have recognised non-constitutional rights and given them the protection of the common law, the power of the legislature to abrogate those rights makes them vulnerable.

Part of the problem has been the deference to English common law and jurisprudence. Justice Paul Finn has written (in *Law and Government in Colonial Australia*, (1987) of the tension, from the outset, between the adherence to the legal traditions of England and the need to make the law responsive to Australian circumstances. The few instances of recognition of indigenous sovereignty in the early Australian court decisions did not survive the pervasive deference to the English court decisions.

The High Court has acknowledged its role in developing (or up-dating) the Australian common law. In *Mabo v Queensland* Justice Brennan stated that 'no case can command unquestioning adherence if the rule it expresses seriously offends the values of justice and human rights.'⁵

THE REASONING IN THE MABO DECISION reflects this, centring on the values of non-discrimination and equality before the law, rather than the unalterable compliance with historical precedent. It also reflects some acceptance by the judiciary of responsibility for the impact of past doctrines.

In addition, the High Court has reaffirmed the place of international human rights standards in the Australian common law.⁶

Despite this, the power remains with Parliament to abrogate rights protected only by common law. This highlights concerns that the courts lack power to enforce their decisions, making them dependent upon support from the legislature or executive.

Interestingly, it was the Commonwealth *Racial Discrimination Act* 1975 which offered protection to common law recognition of indigenous land interests.

Frank Brennan has observed that while Australia maintains a Parliament convinced of the efficacy of non-discrimination and, therefore, committed to the Racial Discrimination Act and international obligations, the courts will be free to exercise their duty to ensure equal protection for the rights of indigenous peoples.⁷

The assertion of claims for reform by indigenous peoples, which can be grounded in the recognition of non-constitutional rights and buffered by the values of equality, non-discrimination and self-determination appeal to the strongest elements of judicial independence. The growing recognition of fundamental values based on natural rights, with the support of international human rights standards, has created a more secure environment for the assertion of self-determination claims. From this, the right of all peoples to self-determination should also rise to the fore.

WHILE THE EXTENT TO WHICH the courts can act independently has been questioned and the cultural context of the adversarial process has been identified as a problem, the courts do provide a public forum within the state structures from which indigenous peoples can present their demands. The courts also provide a forum for a principled argument, thus providing leverage for future negotiations with the state. Reliance on the courts for change remains a strategic choice, exploiting the advantages in full awareness of the problems of culture and power.

However, if courts are blind to the cultural biases implicit in legal reasoning, it will have a direct impact upon their capacity to understand self-determination claims and to hear the evidence of indigenous peoples. For the legal community, continued evaluation of the culture of the system and its underlying assumptions can only better inform the way in which cases are argued and decided. ■

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¹ Others criticise these gains as continuing acts of colonialism, arguing that indigenous people should refuse to engage with institutions of the state without complete recognition of Aboriginal sovereignty. See Irene Watson, in *Majah: Indigenous Peoples and the Law*, Federation Press, Sydney, 1996.

² The Hon Sir Anthony Mason, 'Defining the Framework of Government'. Paper presented to the Centre for Public Policy Workshop: The Changing Nature of the Judiciary, University of Melbourne, 7 June 1996.

³ Michael Dodson, 'Indigenous Culture and Native Title', *Alternative Law Journal*, vol 21 (1), 1996, p2. Also, *First Report—Aboriginal and Torres Strait Islander Social Justice Commission*, Canberra AGPS, 1993, p29, and 'From Lore to Law: Indigenous Rights and Australian Legal Systems', *Alternative Law Journal/Aboriginal Law Bulletin*, vol 20(1)/vol3(72), 1955, p2.

⁴ Compare *Mabo v Queensland [No.2]* (1992) 175 CLR 1 recognising title to land, and *Denis Walker v The State of New South Wales* (High Court of Australia unreported, 16 December 1994) rejecting criminal laws.

⁵ *Mabo v Queensland [No.2]* (1992) 175 CLR 1, per Brennan J p29,30. See also Mason, *Defining the Framework ...* p4.

⁶ Mason, *Defining the Framework ...* p30, 31.

⁷ Brennan, *Mabo Misconceptions, Res Publica*, vol 2(2) 1993, p12; The Implications of the Mabo Decision, *Reform*, No. 65 (Autumn) 1993, p1.

The demise of HECS?

Understanding the 1996/97 Budget changes in the funding of Australian higher education

Bruce Chapman



THE CHANGES TO AUSTRALIA'S HIGHER education system announced in the 1996/97 Budget have more potential to transform financial arrangements than any other funding policy variations introduced over the last 30 years. This includes the abolition of fees in 1974 and the introduction of the Higher Education Contribution Scheme (HECS) in 1989.

Fee abolition affected few students, and the upfront charges removed at the time were relatively modest. In retrospect, while HECS has underpinned a large expansion in expenditure, there is no evidence that its introduction affected either the aggregate demand for places or the composition of the student body.

However, the 1996/97 Budget has significant implications for both future and current students. Indeed, the playing field has also changed for former students who still have a HECS debt (which means practically all recent graduates).

There are three important points:

- there is now a different basis determining the relative charge for courses;
- there are increased effective charges not just for all future students, but also all current HECS debtors;
- there will be an inevitable increase in the composition of enrolments, towards students from rich backgrounds, as the currently universal HECS arrangements shift towards a system in which a

significant minority of students pay up-front fees.

The least surprising of the 1996/97 Budgetary changes is the introduction of both higher and differential HECS charges for all new students in 1997.

The new policy has three charging levels, compared to the current flat rate of about \$2,500 a year. The bottom has been increased to \$3,300, the middle to \$4,700, and the highest will be \$5,500. The charges have been increased by about 70 per cent on average.

The idea of having different charges for students doing different courses is not controversial, and was in fact recommended in the Wran Committee report which led to the introduction of HECS in 1989. However, the new basis for deciding what the structure should be is quite different from that originally offered in the Wran Report, which recommended cost recovery. The great difference in course costs explained the differential charge approach (for example, a full-time year of Medicine costs taxpayers four times more than a full-time year of History). But cost recovery is not the only principle underlying the 1996/97 Budget changes.

The differential charge arrangements to be introduced in 1997 have as their basis a hybrid rationale, with the tiers reflecting both costs and presumed benefits of the course. Law, for example, is one of the lowest cost courses, but it will now attract

the highest charge. Nursing, a relatively expensive course, will attract the lowest.

It is far harder to justify a system that takes into account the supposed benefits of a course, essentially because what a student undertakes is not well related to the average lifetime incomes in that area. Students taking Law courses, for example, might work in the areas of government, education or Legal Aid, and some will experience periods of time with little or no income—as a consequence of child-rearing, unemployment and part-time work.

It is a misconception on the part of those who designed the new charges that people studying nursing, arts, education etc. will earn predictable incomes over their lifetimes. Around a quarter or more of students, for example, do not graduate, and get close to no monetary benefit at all from university; a very large number study units in areas not directly related to their eventual profession.

The second major issue from the 1996/97 Budget concerns the fact that repayment conditions will be different in 1997 and beyond, with the new conditions applying to all HECS debtors, not just new students. The important point is that all of these students or former students now face a higher repayment schedule because of the shift in the structure of repayments announced in the Budget. While much of the public attention has focused on the fact that the first income threshold of repayment has decreased from about \$28,000 per annum to \$20,700, what has actually happened is that the entire structure of repayments has been moved down.

This means that at all levels of income above \$20,700 the annual obligation has increased, a point illustrated in the table below.

Yearly Income	1996 HECS Repayments		Proposed HECS Repayments	
	\$/yr	% of After Tax Income	\$/yr	% of After Tax Income
22,000	0	0.00	770	4.16
27,000	0	0.00	1,080	4.95
32,000	1,280	5.10	1,600	6.38
37,000	1,480	5.21	2,035	7.17
42,000	1,680	5.36	2,520	8.04

The very important financial point behind all this is that HECS advantages students if they pay back slowly, because it is, after all, an interest-free debt. This means that the longer it takes to pay HECS, the greater is the period of having the advantage of the debt being interest-free.

In calculations done at the Centre for Economic Policy Research at the Australian National University, the effective financial increase in the charge from paying back quicker is revealed to be about 8 per cent for someone earning an average full-time teacher's wage, and about 12 per cent for someone earning a nurse's salary in periods of paid work who also spends 10 years out of the labour force from age 27. For typical law students graduating in 1996, there has been about a 5 per cent effective financial increase if they earn the average lawyer's income.

The bottom line is this: the government's election notion that it would not introduce changes to HECS that cost current students more is not true, at least for anybody who repays any part of the debt after 1996. There is a big policy point here: it could well be the case that future prospective students become apprehensive about signing a HECS repayment 'agreement' because of the possibility that the rules will change afterwards. This uncertainty, the extent of the change introduced to the repayment parameters, as well as the higher charges and the lowered thresholds, could well have an impact on 1997 higher education applications, data which should generate a great deal of interest in this context.

The above should be taken as a criticism not just of the actions of those determining the parameters of the 1996/97 Budget, but also of the policy changes of the previous Labor government, which did exactly this in several Budgets over the 1989-95 period. Both political parties should reconsider this issue.

It is useful to illustrate what the changes in total will mean for average repayments for particular groups in the future.

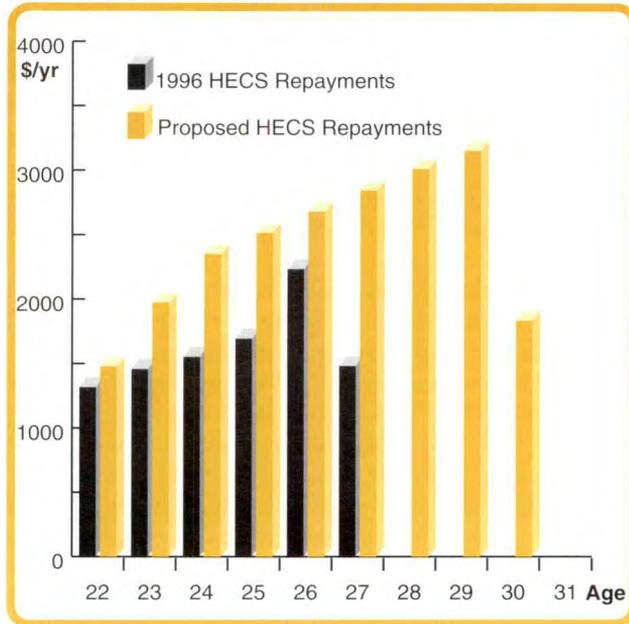
To do this imagine three students beginning university at age 18 in 1997: one studying Law, a second undertaking an Education degree with Maths and Science subjects, and the third studying Engineering. Assume further that they each undertake four-year degrees which are completed at age 22, after which they start full-time jobs in their respective professional areas.

The effect of the combinations of increased and differential charges, and a more rapid repayment structure, can be illustrated in the case of these hypothetical graduates by assuming they earn, respectively, the average (or median) earnings by age of male

lawyers, all engineers, and public sector award wages for teachers. Figures 1-3 (see pp40-41) show the 1996 and new HECS repayments by age for these scenarios.

From Figure 1 it is clear that the new charges and rates of repayment mean two things for a student expecting to earn the average income of male

Figure 1
Current and Proposed HECS Repayments:
Average Male Lawyer Earnings



lawyers. First, the time taken to repay increases from six to nine years. Second, the average amount paid per year increases, from just over \$1,600 to just over \$2,400, or by about 50 per cent a year in which payment occurs. For those receiving the median earnings of engineers, repayment will take eight instead of six years. The average payment for each year of repayment has increased, from just over \$1,600 to about \$2,400. For maths or science teachers earning the award the new arrangements mean an increase in the length of time taken to repay HECS from eight to ten years. The increase in annual payments will be from an average of around \$1,200 to just over \$1,700.

In these examples it is clear that new lawyers, engineers and teachers will experience a HECS repayment regime that will be very different from current arrangements. This point applies to all new students, with the likely outcomes differing importantly depending on the course undertaken and the student's future income.

A THIRD POLICY INITIATIVE introduced in the 1996/97 Budget stands out as being the least consistent with the economics of the education rationale which provided the framework for HECS. It also has the most potential to move the Australian higher education system in less-desirable economic and social directions.

It is the idea that universities can now charge undergraduates whatever upfront fee they like for 25 per cent of enrolments. Superficially this doesn't seem to be poor policy—after all there is a large number of enrolments from overseas students for which full fees are paid.

However, the issue is fundamentally different for Australian students, because it is in the domestic

context that the national social and economic issues are paramount.

There are two very important points from the 1996/97 Budget in the idea that universities can charge for 25 per cent of places: the government has not guaranteed that publicly-funded places will keep up with demand, and no loans scheme is available to assist poor students financially to access the 25 per cent of places.

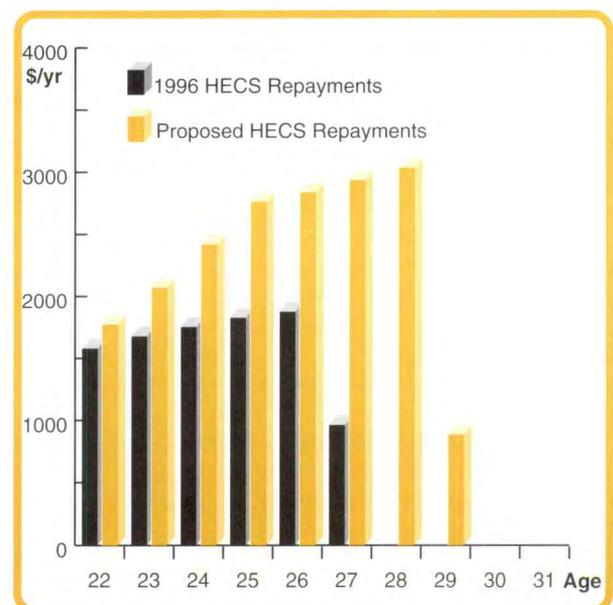
Comment on the government's interest in not guaranteeing a growth in HECS places that matches demand would be speculative, with one school of thought suggesting that outlays could be reduced in the future in response to higher revenue being raised directly from students. This may or not be true (and only time will tell), but the second issue can be analysed without recourse to the hypothetical.

IN ANALYSING THE ABOVE it is useful to lay out some of the conceptual issues. The starting point here is that the essential economic problem associated with charging up-front fees for higher education is that for those who can't afford to pay there is only an ineffective capital market available for borrowing.

The basic concern for a bank lending for human capital investments is that, unlike many other investments, there is no saleable collateral in the event of default, such as would be the case for the housing capital market. This arises in part because slavery is against the law, and banks are thus unable to possess and sell the human capital development being undertaken.

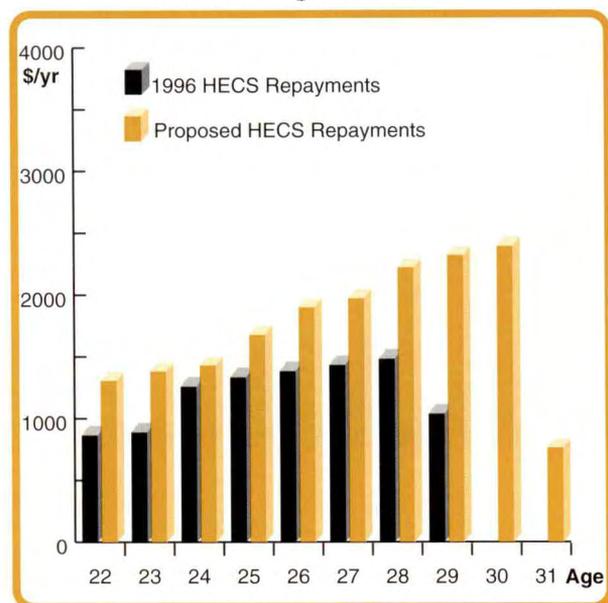
The other possible concern, for commercial banks lending to students, relates to collection costs in the

Figure 2
Current and Proposed HECS Repayments:
Median Engineer Earnings



event of default, an issue that assumes greater importance given the absence of collateral. The government could have dealt with this by instituting a loans scheme from the commercial banks which offered a government guarantee of repayment given default.

Figure 3
Current and Proposed HECS Repayments:
Award Wage Teachers



However, even the above solution does not fix the other issue related to normal loans: students might be unwilling to take them if they are concerned with the possibility of not being able to pay in the future. In the extreme circumstance of bankruptcy, the former student will damage his or her credit reputation and thus jeopardise access to the most important credit market of all—that for the purchase of a house.

It is by now well known that the only solution to these credit market problems is to have income-contingent borrowing arrangements available to all. This is essentially what HECS is. Without a HECS-type loan mechanism, the charging of up-front fees for up to 25 per cent of students is very likely, over time, to mean that the Australian higher education system will further advantage students from wealthy families willing to pay. That is, under fairly realistic assumptions about future government outlays relative to the demand for places, a plausible outcome would be as follows: the composition of the higher education student body will become less egalitarian. There are very sound economic and social reasons for not allowing this to happen.

The current HECS system was designed not to favour the rich. When higher education financing policy allows access to be increasingly determined by the ability to pay, and decreasingly determined by the capacity and motivation to learn, many able but poor prospective students are likely to be excluded.

This wastes talent and is thus poor economics. Moreover, moving towards upfront fees also means a greater entrenchment of the nexus between one's socio-economic background and future life opportunities. Those who believe in equality of opportunity should judge this to be poor policy.

It should be clear that a substantive omission in the Budget relates to not having a HECS-type loans system to help the financially disadvantaged pay for whatever fees might be implemented by universities for those who will be expected to pay.

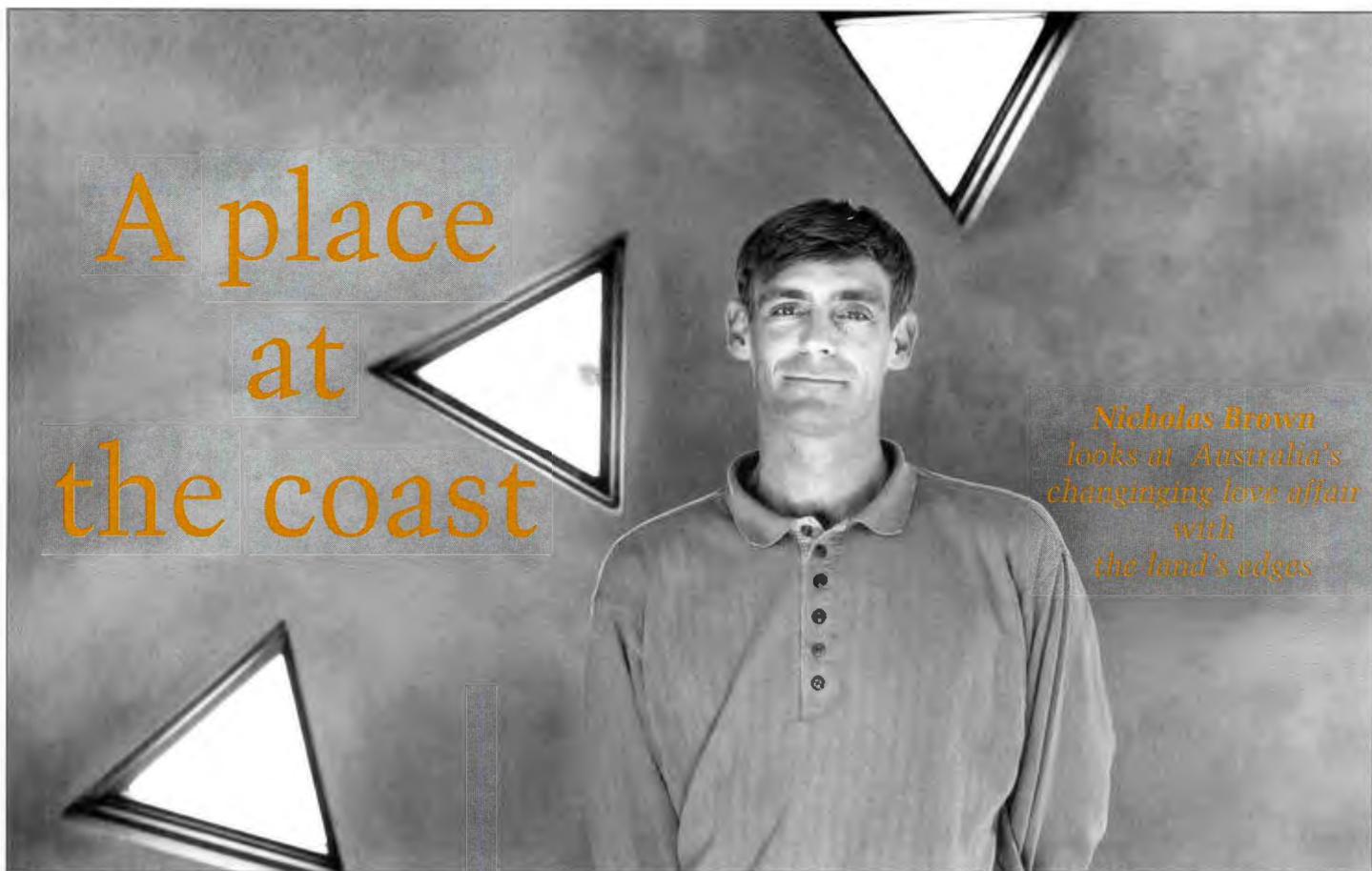
This problem could have been solved, without undermining the Budget. As noted, the money could be provided through the banks, with the government contracting to repay loans at about the time former students are repaying their debt depending on income and through the Tax Office. It is disappointing that this was apparently not considered because exactly this mechanism already exists in the form of the optional AUSTUDY Loans Supplement.

THE 1996/97 BUDGET ANNOUNCED the establishment of a review of Australian higher education, which seems like a very good idea. Reviewing post-compulsory education financing is long overdue. It is not just the anomalies introduced in the 1996/97 Budget that are worthy of reconsideration; there are also some peculiarities introduced or allowed to develop under the previous government which need to be examined critically. They include the existence of up-front fees for post-graduates and TAFE students, with neither group currently being allowed access to an income contingent loan scheme—like HECS—to solve the fundamental financing problem.

Those involved in the higher education review should pay significant and critical attention to the deficiencies of both the current and new arrangements. Without change, the 1996/97 Budget policy settings will set in place a system that is likely to mean an undermining of the essential HECS principles. This is both ironic and disquieting given the large number of countries which have followed or are set to follow the original HECS policy model. ■

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This article is a revised version of an article published in the *Australian College of Education News* (September 1996). The author is grateful for the editor's permission to use the material. The statistics on male lawyers' incomes, engineers' incomes, and teachers' award wages come, respectively, from: Richard Blandy, 'Lawyers' Incomes', paper presented to the Australian Conference of Economists, Melbourne, 1993; the Association of Professional Engineers, Scientists and Managers, Australia; and the ACT Teachers' Wage Awards. He is grateful for the use of these data, and also wishes to thank Tony Salvage for outstanding research assistance.



AUSTRALIA, PHILLIP DREW ARGUED in 1994, is a 'littoral culture': the 'ribbon cities' along the coast, not the mythic bush, define our experience and perspectives. The more prosaic 1993 report of the Resource Assessment Commission ventured that 'the coastal zone has a special place in the lives of Australians': it was where we wanted to live, or at least take our holidays; 'it is a priceless national resource'.

These are just two examples from a prolific literature on the Australian coast over recent years, ranging from a succession of official enquiries to Robert Drewe's *Book of the Beach*—which opened with the declaration that 'for at least the past three generations, the average Australian has been conducting a lifelong love affair with the beach'. Certainly, this attention reflects current pre-occupations: the coast as the place we 'go to' for leisure, retirement, or employment in industries servicing these emerging domains. The beach, we have long reassured ourselves, is the great leveller. Perhaps this comfort has a particular function in the 'nervous '90s'.

Now, however, it is not so much a 'way of life' on golden sands which is being figured on the coast, as the manageability of economic, social, demographic, environmental and cultural issues which reach up river catchments, radiate out from urban centres, proliferating at the extremities of infrastructure networks and encompassing new social movements. These are issues which might just be held together on the privileged fringe of the continent, for they can seem too-long fragmented, or too far gone, further inland.

'I wanted to see the future', Paul Theroux remarked at the beginning of his journey around the coast of Great Britain in 1983. Much of the recent attention to Australia's coast seems similarly motivated. The images are of new developments, new conflicts over resource use, new connections between urban centres and lifestyles.

The stretch of the New South Wales south coast from Nowra to Eden, extending in its linkages north to Sydney, west to Canberra and down into Victoria, offers an almost emblematic site on which to explore these images more closely. With a projected growth rate to 2016 of 43 per cent, the area seems heavily weighted towards the future. Yet an account of its pasts can usefully question how seamless the transition from now to then might be, and how unified that collective identification with the coast really is.

Historically, the NSW south coast is one of the most isolated regions in settled Australia. It has never had rail services; its road connections were rudimentary well into the 1960s. Its soils, in general, are poor, easily eroded in frequent flooding and quickly exhausted even as pasture. Its old economic base in dairying was particularly vulnerable; its political connections weak. Much of the 'region' as officially defined, for example, stretches up over a steep escarpment and into distinct constituencies with other identities. The novels of Olga Masters, set around Cobargo in the 1930s, convey the poverty and insularity of communities with origins in the kind of semi-feudal estates which had first opened up the area from the 1840s onward, establishing a pattern of dispersed settlements with intense local consciousness and tenuous links to distant centres.

Yet since the 1950s the south coast has been shaped by many of the dominant pressures and issues in Australian society. There has been the shift from primary to tertiary industries, the fall of one economy and its culture and the rise of others servicing an affluent, mobile population. There have been the strains of development in a fragile environment, focused especially around the Eden woodchip mill in the south and Wollongong's industrial pollution to the north. And there have been attempts to evoke a coherent 'community' as a reference point in regulating this development amid so many contending pressures.

We trace something of this transition in two contrasting visions. In the early fifties the Bega Valley Shire Council sent brochures to London, hoping to attract immigrants to 'this charming district where life is wholesome and healthy, and success admits those with talents and a will to work'. But then 'the coast' came to what had been small ports serving inland towns on the steamer route to Sydney. In 1953 a Bega entrepreneur, just returned from the United States, enthused over the prospects for 'a well laid-out community of accommodation'—a caravan park—to attract that emerging phenomena, 'the car tourist' who might not stay as long, but came in greater numbers from further away and over an extended period.

And with them came new patterns of employment and land use which had few points of contact with existing practices. Above the dunes, on the estuaries and the lakes—anywhere with a 'view'—extensive residential sub-divisions were created, often by large-scale developers favouring fresh locations. The population grew rapidly, as it still does, in districts catering for the holiday-retirement trade. So by the 1990s at Broulee, for example, or Vicentia, large primary and secondary schools appear just a few streets back from the first 1950s' fibro houses on stilts. Equally, however, the subdivisions often remained undeveloped for 10 or more years, with only a shed or caravan to show for all those weekend aspirations. And even as these houses were built, resembling more and more workaday suburbia than 'the place at the coast', up to 50 per cent belonged to absentee landowners.

Increasingly into the 1960s, the local councils on what first styled itself 'the Australian Riviera', then 'the Sapphire Coast', were wrestling with a chronic shortage of basic services, the problem of rating them for such varied clients, and the pressure to find markets for failing local industries. Water was scarce; sewerage connections sometimes 15 years away; and how could you estimate the demand for electricity when it fluctuated widely with the seasonal influx and exodus? These councils strained at limited resources of expertise, civic duty and foresight with a commitment that needs to be weighed against instances of parochialism and self-interest. 'In the future will remain the task of local government to ensure the preservation of our coastline', it was argued towards the end of that decade: but 'in the years ahead there may well be the wish for a much greater commercial attitude towards this national heritage'.

BACK FROM THE BEACH other stories were acted out. By the 1960s half the dairy farmers had gone, or shifted to beef cattle in the hope of making a living—but their prospects were scarcely better. Of the 70 dairy farms around Tilba in the '50s, seven remained in 1991. The development of the Harris-Daishowa woodchip plant after 1968 offered these farmers little, even though they were invited to sell to the mill any timber remaining on their properties. It was considered cheaper to fell native forests and re-establish them as plantation than to plant disused farmland. While the ragged bush started to creep back, new consultants on regional identity advised that cows and green fields were a crucial part of coastal aesthetics, and that a remnant pastoral economy offered valuable 'recreation support activities' for the coming wave of second-home and retirement settlement. And then rural-residential settlement opened up

another 'lifestyle', and in turn a more elusive area of environmental regulation.

Lives were shaped in these transitions, and 'futures' tested in an area equally caught up in pasts. Now the demography of the south coast bulges at both ends of the age spectrum, slumping in the middle; it shows scarcely any trace of Asian immigration, and is dominated by an older Anglo-Celtic profile with a few concentrations of those early post-war European immigrant groupings who tended to do well. High levels of youth unemployment figure alongside a pronounced ageing of the population. These features are common to non-metropolitan Australia, but in each region distinct resources, geographies and histories exist to deal with them.

There is one group for whom these factors are especially salient. An isolated, narrowly-based economy, combined with segregationist measures symbolised after 1891 by the Wallaga Lake Reserve, near Bermagui, has had a particularly severe effect on Aboriginal communities. Bega, for example, came just behind Kalgoorlie in recording the highest rejection of the 1967 referendum on Aboriginal citizenship.

IN THE 1950s ROLAND ROBINSON recounted a pattern of ceremonies, exchanges and 'wars' between Aboriginal peoples that stretched all along the south coast and up the escarpment, even as far as the national capital: 'Old Jimmy went away out

'I wanted to see the future', Paul Theroux remarked at the beginning of his journey around the coast of Great Britain in 1983. Much of the recent attention to Australia's coast seems similarly motivated.

west to Canberra. It was the time of the visit of the Duke of Gloucester'. From a rather different perspective, faced with almost total Aboriginal unemployment, a 1964 enquiry recommended that large groups of south coast Aborigines be encouraged to relocate to cities such as Canberra or Wollongong: they had no future where they were.

Equally, however, many Aboriginal families evicted from stations around Yass, Gundagai and Tumut well into the 1960s could find more stable communities and affirmation on the coast, in association, for example, with the Aboriginal Cultural Centre at Nowra. From the late 1970s a campaign, led by the redoubtable Gubbo Ted Thomas of the Yuin people, secured sacred sites on Mumbulla Mountain, north of Bega, from logging. Thomas then toured an exhibition cataloguing the campaign and the archaeology which informed it, doing much to explain the issues involved. Ironically, a 'region' which has often eluded coherent economic, political or social evocation by its white administrators has been very effectively defined in the movements of its dispossessed black population.

The coast has also served as a revealing laboratory in the post-war decades. In the early 1970s, for example, J.G. Beale, the NSW Minister for Environment Control and Conservation and Liberal member for the for South Coast since 1942, invited the CSIRO to base a pilot study in the region to establish 'a rational basis for planning decisions on a wide variety of issues.'

Beale had a genuine and expansive interest in the emerging concept of the 'total environment'; the CSIRO was eager to move beyond the essentially descriptive focus of its national resource surveys. The dominant ethos of the report, eventually published in four volumes in 1978, was to 'provide information for facilitating an informed consensus within society on how land should be used'. The South Coast was chosen not just because of its proximity to CSIRO officers in Canberra, but because it offered such a 'highly dynamic context' of land use and social change. The focus was on working with the local council—a rather idealised entity, as it turned out—as the responsible agency and the mediator for an 'informal network' of community interests. As its editors later reflected, the report led to the development of an effective practical planning tool for local government and another emerging client group, the resource agencies, 'although it could never really deal with the problem that planning is basically political'.

By the end of the 70s, the circumstances which had fostered the enquiry had changed—and continued to change. Some idea of this transformation can be gained from the latest descendant of that first South Coast Study, a 1995 CSIRO case-study of forest issues around Batemans Bay. A much more sophisticated program was now advanced to encompass government agencies, competing 'pressure', 'individual' and 'multiple interest' groups, and to devise 'trade-off frontiers' and 'negotiating maps' in determining land use priorities. The 'informed consensus' of 1978 was transformed into 'directed or mediated negotiations' between 'stakeholders' in the more specific compass of devising 'new social technologies for addressing conflict in the forests'.

A history of the south coast from the 1950s to the present can present a synthesis of these perspectives: an account of the urbanisation of the coast, but with an emphasis on places at the edges of this process; a local history, but not in terms of recovering a distant integrity, steadily eroded by modernity, but as a stage in the interaction between governmental, economic and cultural influences coming from outside, and a range of changing local communities.

So in the 1990s we see new identities fostered on the South Coast. Licensing laws seek to revive the fishing industry, advocating the replacement of a 'hunter-gatherer' model with 'stewardship'. In the forests behind Eden, 'eco-terrorists' are portrayed as sabotaging the rigs of timber-workers, prompting predictions of 'bloodshed'. Landcare projects, farm forestry programs, an all-day Earth Chant at Cobargo—all suggest an active environmental movement, often coupled to the kind of political awareness arising from women's collectives and other support services. Even the caravan parks came to encompass distinctive communities, as local parliamentarians pushed for legislation giving greater security of tenure to long-term residents.

For all their vogue as 'futures', Australian coastal communities have attracted little attention from social and environmental historians; yet it is their mutability, their peripheral and indeterminate connections, which offer a revealing view into the processes of social change. ■

Nicholas Brown is a Research Fellow in the Urban Research Program. His book, *Governing Prosperity: social analysis and social change in Australia in the 1950s*, was published in 1995.

The case of Elizabeth Henry

Paula J. Byrne on family history

IN RECENT YEARS THERE HAS BEEN considerable interest in reconstructing family histories. Many people spend months or years drawing elaborate family trees and consequently can trace their family's history back to well before the colonisation of Australia.

While doing this, some people assume that persons living in the 18th and early 19th century had value systems similar to those of the mid-20th century. It often worries them that their ancestor may have been 'bad', 'immoral' or 'criminal'. Such emotions have not been without influence in the writing of academic history, as what is considered 'popular' influences the publishing industry. What family historians can do is to begin to reconstruct the reasons for their family member's appearing before a court at all, and then they will suddenly enter the ambiguous moral realm of the 18th and early 19th century. Words such as 'good' or 'bad' lose their meaning.

Court appearances in the 18th and early 19th century could be as much a product of an elaborate web of informers as the activity of constables or military. If you are to track the criminal appearance of individuals in early colonial New South Wales you are well advised also to consult the records of the civil courts. The extreme litigiousness of all levels of the colonial population spills over into the criminal courts. Indebtedness results in assault, false information brings a creditor before the Criminal Courts.

Why people were so willing to use the criminal law may be explained partially by the growing use of the civil courts, and the historian, whether family or academic, may then begin to understand other aspects of survival for the colonists.

A brief insight into the court appearances of one woman begins to tell us much about the thought world of the early 19th century. This woman is Elizabeth Henry.

I first became aware of Elizabeth Henry in my study of the Criminal Courts in early colonial New South Wales. She had brought two cases against her husband for assault in 1816 and 1820. They had argued over the house they lived in: he said it was his and ordered her out. They fought over her dresses.

I discovered her also in the records of the Governor's Court in 1816. The case was between her husband, Henry Henry, and the Sydney dealer David Bevan. Elizabeth Henry had gone to Bevan in 1813 and bought a number of goods. To pay for them



Women were designated owners of 27 per cent of 700 houses surveyed in Sydney in 1822. They collected rent and some women owned up to five houses. They were referred to by the tenants as 'Mrs' even if they were not married. Sometimes they were referred to by magistrates as 'notorious's.

—Paula J. Byrne

she signed, with an 'X', a promissory note on her husband's behalf. It was he who appeared before the Governor's Court. Elizabeth Henry had a 'shop' in her house: women opening up small shops was as common in New South Wales as it was in London or Dublin. It was a means of survival. Her use of the court and the system of debt seems independent of her husband. I have discovered that women were designated owners of 27 per cent of 700 houses surveyed in Sydney in 1822. They collected rent and some women owned up to five houses. They were referred to by the tenants as 'Mrs' even if they were not married. (Sometimes they were referred to by magistrates as 'notorious'.)

This is what I think Elizabeth Henry was aiming for. It is a kind of respectability, for these women controlled channels of credit and debt and commanded what has always been most important to the Sydney economy—the rental market. Exploring this aspect of Elizabeth Henry's life, or Henry Henry's, tells us much more than a simple value judgment—that they were convicted of theft at English assizes and appeared before the colonial courts also—and thus were either good or bad.

English historiography follows the two tracks of English law, criminal and civil. It is far more enlightening to view them in tandem: ordinary people had uses for both. Family historians can recapture the speech of their relatives through court records; they might also think of researching their financial transactions, keeping in mind that it was the colonial administrators who dealt in 'good' or 'bad' labels for people, and that theirs was a world remote from people like Elizabeth Henry.

Records such as Elizabeth Henry's can tell us much about the meaning of the house and household in the early colony. Women who kept shops were not unique to the colony, and here we can track the channels of credit and debt they were able to command, and track their use of the courts to secure or maintain their position. Notices placed in the *Sydney Gazette* show us that women readily used their husband's or partner's names to contract debts. Could it be that, like convict women discussed by Marion Aveling, women had uses for marriage that

a minister would not approve? Marion Aveling's women married to get out of the female factory. There was much about being a female convict that involved dealing, negotiation or trade.

Convict women sold some of their clothes at Squire's Public House on the banks of the river near Parramatta. Once in the Female Factory they sold their rationed flour to Parramatta Bakers in exchange for bread. Such an environment encouraged the clever woman who would carefully judge her situation and acquaintances. She was on her way to a kind of respectability coming from business and nominated ownership of property.

Her use of the term 'respectable' was markedly different from that of the magistrate's clerk who carefully wrote out her name in a list of owners of public houses or a list of persons charged for selling spirits without a licence. He had his own self-conscious notions of what constituted respectability—his suit of clothes to begin with; the kind of dinner he ate and the superior nature of his lodgings were his reference points. His love of clothes does not seem to be reflected in the female publican's world. He would have been called a 'dandy'. With his letters of introduction, his eye for dress he is closer to us than we would like to admit, but even he does not share the morality of the mid-20th century.

NOR, FOR THAT FACT, does the military sergeant, his wife or the Governor's wife. Her husband speaks in language we think we easily understand, but he chooses his words carefully, if not artfully, and a moral panic is useful to his position. He is nervous and cautious and we must read his words carefully, because he believes himself to be surrounded by enemies.

We cannot call the Governor's morality our own either. All of these people hold different relationships to material life and money: they could almost be thought to inhabit different cultures except that they all use the word 'respectable' and they all inhabit the streets of early Sydney.

All of these groups of people had different relations with the Dharug-speaking traditional owners of the Sydney area, and

the negotiations between colonisers and indigenous people are beginning to be written about. This in turn will tell us much about early 19th-century notions of morality.

The more I discover about the early 19th century, the more I am surprised at the difference between this world and our own. There are interesting comparisons between Sydney, London and Dublin and there is much to be gained by rubbing out the national boundaries that later history gave us. Family historians with their family histories do this constantly. Professor John Ritchie's early chapters of a book about D'Arcy

Wentworth will give a valuable insight into 18th-century London. Nicole McLennan is presently engaged in research on late 19th century immigration to South Australia and is making imaginative use of records provided by family historians.

The possibilities for links between family and academic historians are endless, and we may both benefit from a more sophisticated approach to the notion of morality. ■

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Women as sherpas

Hilary Charlesworth

SINCE 1990 THE UNITED NATIONS has organised seven major global forums on a variety of issues:

- the World Summit for Children, New York, 1990;
- the Conference on Environment and Development, Rio de Janeiro, 1992;
- the Second World Conference on Human Rights, Vienna, 1993.
- the International Conference on Population and Development, Cairo, 1994;
- the World Summit on Social Development, Copenhagen, 1995.
- the Fourth World Conference on Women, Beijing, 1995;
- Habitat II, Istanbul, June 1996.

These summits have demanded a tremendous amount of work and resources at every level. Even in its parlous financial state, the UN has established secretariats to run the conferences and the arduous preparatory meetings (PrepComs) that precede them.

Almost all of the UN's 185 member nations, and a number of non-members, have sent delegations to the PrepComs and the final conferences and some, such as Australia, have formed national committees to advise their government on policy approaches to the issues.

A great amount of non-government activity has also been devoted to the seven summits. NGOs have monitored and analysed the work on the PrepComs and official conferences. Since the Rio Conference in 1992, the official UN conferences at which only nation states have a voice and a vote have been accompanied by a separate NGO forum, usually held at the same, or an adjacent, site.

These forums have provided an umbrella for a huge number of activities: from lobbying delegates to the official conference, to issuing alternative final declarations, offering seminars and workshops and allowing people with similar or parallel concerns from all over the world to make contact with each other.

Over 30,000 women attended the Beijing NGO Conference. Many international NGOs have committed much time, energy and money to participating in the NGO forums. Since Rio, women's groups have been particularly active in the summit

process. Under the redoubtable former US Congresswoman, Bella Abzug, WEDO (Women's Environmental and Development Organisation) has become one of the most prominent, and effective, NGOs monitoring the summits.

All this activity may suggest that women have made their debut in the high-flying world of international diplomacy and lobbying with dazzling success. Indeed most observers present the impact of women at the summits as an unqualified success.

I want to investigate this apparently splendid picture and suggest that it should be drawn with more light and shade. The seven summits have certainly produced some advances for women, but they have also allowed grand rhetoric to disguise global and local problems. Most basically, they have not challenged gendered forms of power and knowledge.

'Sherpa', of course, is the Tibetan term for mountain porters, but it is sometimes used to refer to participants in international summits, usually the bureaucrats charged with the preparations. There have been few international women sherpa/bureaucrats. The global summits of this decade have overwhelmingly been dominated by men. The lists of delegation members to the summits (except for Beijing) indicate that women formed less than ten per cent of the delegations overall.

Women are, however, typically the true sherpas or porters, having carried huge, unrecognised, loads to allow the mountaineers their hour of glory at the summit. Indeed, the visibility of men in international relations depends on the invisibility of women; women all over the world are the primary providers of domestic support and child care, and as such enable men to operate in the political, public world.

I SHOULD ACKNOWLEDGE HERE the limits of my argument. Women who have attended Beijing in particular have spoken of the extraordinary, moving experience of attending the largest gathering of women ever held, the friendships formed, differences understood, and commonalities identified. I cannot offer any direct personal experience of this, as I was not able to attend



*Are global summits
good for women?*

*Hilary Charlesworth
thinks maybe not.*

any of the global summits. I focus here on the documents that emerged from the official, that is, governmental global summits where nation states were the sole participants.

While it would be quite misguided to assume that if we could only get the international law right, women would no longer face discrimination and oppression, I think that the international legal order deserves feminist scrutiny. It is promoted as a vehicle of universal peace and prosperity resting on a global consensus, and it is important both to challenge the 'objectivity' claimed by international law and to see whether it is capable of representing the interests of half the world's population presently excluded by it.

What patterns emerge in the official documents that have emerged from the global summits? How have they responded to the well-documented disadvantages women face in economic, social and political life around the world?

One result of the extensive lobbying efforts by international women's groups during the conference PrepComs and at the final conferences is the inclusion in the final documents of special sections devoted to women.

Thus Agenda 21, the Rio conference program for action, contains a whole chapter entitled 'Global action for women towards sustainable and equitable development' (Chapter 24). It acknowledges the importance of the active involvement of women in economic and political decision-making, especially in the environment and development fields.

Chapter 24 offers a broad set of strategies, recognising that eradication of discrimination against women in the areas of education, literacy, nutrition, health, access to credit and so on will enable them to play a greater role in the management of the environment.

The Declaration and Programme of Action adopted at the Vienna Conference on Human Rights in 1993 contains a section on 'The equal status and human rights of women' in which the

'full and equal enjoyment by women of all human rights' is declared a priority for national governments and for the UN.

Chapter IV of the Cairo Programme of Action is devoted to issues of gender, and the importance of the relationship of the empowerment of women to health is emphasised. Commitment 5 of the Copenhagen Declaration on Social Development concerns the achievement of equality and equity between women and men. It contains many important national commitments, such as the removal of restrictions on women's rights to own land, inherit property or money, and the devising of 'suitable means to recognise and make visible the full extent of the work of women and all their contributions to the national economy, including contributions in the unremunerated and domestic sectors.'

THESE SPECIFIC REFERENCES TO WOMEN are a considerable departure from the traditional approach of international declarations and agreements, which is to assume, explicitly or implicitly, that all the people affected by them would be men. Women-specific provisions and sections have the advantage, therefore, of acknowledging that women may not always share men's views about major international issues such as the environment, human rights and social development.

In this sense they are valuable consciousness-raising techniques. But there is also a possible downside to the summits' recognition that women may have separate interests to men. The compartmentalisation of women's concerns can allow their marginalisation: they are seen as separate issues to the major themes of the documents, 'special cases' or exceptions. In this way, the masculine world-view contained in the rest of the document is disguised and goes unacknowledged—the particular masquerading as the general.

Another issue here is the substance of the women-specific sections contained in the official summit documents. Many

tend to contain quite limited responses to the problem of women's exclusion from major areas of human activity—taking the approach of simply 'adding women and mixing'. The documents are concerned to ensure equality of access for women to arenas such as the workplace, environmental management, the human rights treaty monitoring bodies, without raising any questions about the nature of the arena itself. This focus on rights of participation only allows access to a world already constituted by men.

THE RESTRICTED NATURE OF THE official summit responses is illustrated by a comparison of the Rio Agenda 21 women chapter with a document adopted in the lead-up to UNCED by the World Women's Congress for a Healthy Planet.

The Congress, held in Miami in November 1991, brought together 1500 women from 83 countries. The official Rio documents are concerned above all with women's participation in environmental management and development. Women's Action Agenda 21 covers a much wider set of issues than Chapter 24 of the official Agenda 21, including food security, environmental ethics and accountability, nuclear power and alternative energy sources, foreign debt, trade, and militarism.

Significantly, the document from the World Women's Congress is critical of the standard international models of development and sustainability that are primarily concerned with economic growth. It points out that such notions actually create poverty in disadvantaged regions and that women are particularly disadvantaged by it. Women's Action Agenda 21 proposes a model of sustainable development that takes into account political, social and cultural development.

From the summit documents, it becomes clear that most provisions that require the expenditure of money (whether at a national level, or through overseas aid) are phrased in particularly vague and voluntary terms. This problem is an acute one for women, who generally have significantly reduced access to money than men. One survey of the impact of the Cairo Conference on over a hundred Latin American women's organisations from 15 countries showed that about 40 per cent received *decreased* support from donor nations and other assistance following the Conference.

The possible reasons identified for this reduction in assistance included a shift in donor interest to crisis regions and a reluctance by donor governments to fund NGOs. Whatever the basis for the reduction, the very weak language of the Cairo documents provides no cutting edge against it.

Another obstacle for those seeking to use global summits for the benefit of women is what I will call the 'Sisyphus phenomenon'. Women sherpas may sometimes identify with Sisyphus' frustrating toils because of the difficulties in preserving gains made in earlier conferences and the sense that each summit requires renegotiation of basic terms.

For example, after much controversy, and the alliance of the Vatican, some Catholic nations and a number of Islamic states who opposed the move, the Cairo Conference on Population and Development Programme of Action made an important advance for women in placing health, reproduction and sexuality within a human rights framework. The notion of reproductive health was defined to include sexual health, 'the purpose of which is the enhancement of life and personal

relations, and not merely counselling and care related to reproduction and sexually transmitted disease.'

The vexed issue of abortion, usually avoided in international forums, was presented as a public health issue. The Cairo documents also acknowledged that the family could have a variety of forms. The subsequent Copenhagen Social Summit recognised the importance of women's health, although in weaker terms than Cairo, especially with respect to the reproductive health of adolescents. It also undermined the Cairo recognition of the diversity of families by using the terms 'husbands and wives' in defining family units.

A statement in a draft of the Beijing document that reaffirmed commitments made about women in earlier summit documents, especially at Cairo, was vigorously contested by the Vatican. The Vatican was also active in ensuring that parts of the text containing references to reproductive health, fertility control and sex education, all endorsed at Cairo, remained in square brackets during the negotiations for both Copenhagen and Beijing, indicating lack of consensus on their adoption.

In the end, the Cairo provisions were preserved, and indeed in some measure improved upon. For example, going beyond recognition of the public health significance of abortion, the Beijing Platform requires that nations review criminal charges against women who have had an illegal abortion.

One of the oddest examples of rolling the boulder back to the base of the mountain is the controversy over the word 'gender' in the Beijing documents.

Although the term 'gender' had been used in the Rio, Vienna and Cairo documents, a group of Catholic, Islamic and other countries insisted it be bracketed in the Beijing draft, on the basis that its meaning was unclear and that it could be interpreted to endorse lesbianism and bestiality. The issue was resolved just prior to the Beijing Conference by the formation of a special 'Gender Contact Group' attended by 60 nations, chaired by Selma Ashipala of Namibia, that affirmed that the word 'gender' was to be interpreted and understood as it is in ordinary, generally accepted usage!

BY CONSUMING SO MUCH NEGOTIATING time and energy, the Sisyphus phenomenon can certainly reduce the possibility of significant progress at global summits.

What of the Beijing Declaration and Platform for Action? What advances do they make for women? Do they justify the resources put into their drafting? Obviously, women's issues are the very mainstream of these documents and there is no risk at least of their internal marginalisation. But there was nevertheless considerable pressure for the documents to stay within a narrow definition of 'women's interests'.

For example, NGOs have reported that their attempts to include issues relating to women and armed conflict were met with the advice that Beijing was not the correct forum for this. Janet Hunt, the Executive Director of ACFOA, has commented that 'It was a little like the public/private split—it is okay for women to make decisions about health and education, but not about defence and macro-economic decision-making. There is a very long way to go in breaking down this perception.'

The complex international politics of the negotiations of the Beijing official documents are well known. Divisions on a number of lines were evident and influential in the final

outcomes: North/South, East/West, religious/non-religious states.

What advances were made in the official documents? At first sight, the signs of real progress are few and far between. As a result of the intense and last-minute negotiations the documents are so long (almost 150 pages and 350 paragraphs), windy, repetitive, ambiguous and contradictory that they are quite daunting to any reader, let alone a national policy maker. They gave little practical guidance on implementation, despite the description of all the Platform's objectives as 'strategic' and all its concerns 'critical'.

This is particularly disappointing given the initial hope that Beijing would produce a truly strategic document, moving away from the so-called 'shopping list' approach to women's problems associated with the 1985 Nairobi Forward-Looking Strategies, the outcome of the previous world conference on women. The Nairobi document has hardly been used at all to advance the human rights of women in the last ten years. There is a risk that the Beijing documents will have a similar fate.

There are some major gaps in the Platform for Action that have attracted criticism. For example, concerns of indigenous women were largely overlooked at the official conference, although indigenous women were well-represented at the NGO Forum. The areas of poverty, multilateral debt and structural adjustment are not adequately dealt with. All references to 'sexual orientation' were dropped in the final document, making invisible discrimination against lesbians.

But the official Beijing documents do make some advances. The Platform for Action states that 'the human rights of women include their right to have control over ... their sexuality, including sexual and reproductive health, free of coercion, discrimination and violence', a provision Betty Freidan termed 'revolutionary'. In another area, the Platform for Action calls for the integration of gender perspectives in legislation, public policies, programmes and projects. This approach goes further than the 'add women and mix' approach, and requires countries to investigate the underlying bases of women's subordination, public, private, structural or systemic. The Platform also calls on governments to acknowledge the value of women's unpaid work. It acknowledges women's right to inherit property, but because of resistance by some sub-Saharan and Islamic states, not the right to inherit in equal shares to men.

Perhaps the most significant official development at Beijing was the notion of a 'conference of commitments'. This was an Australian initiative that had a surprising and significant impact and was adopted for Habitat II.

The idea was that each nation attending the Conference would present specific national commitments to be achieved by the year 2000. Such a strategy would have meant that the standard, generalised official summit documents had an unprecedented bite. Because nations could tailor their commitments to their own situation, there was a much greater chance of effective implementation: in this sense, the 'conference of commitments' proposal would have strengthened the traditional 'soft law' character of summit documents.

Although many countries strenuously opposed the idea, it eventually achieved some acknowledgment in the official documents and 65 nations made commitments. The language of the Australian proposal was considerably weakened in Beijing,

and the UN was not given any responsibility for documenting or monitoring the commitments. However, NGOs have been active in documenting and publicising the commitments made.

Some of the national commitments (available on the internet¹) are innovative and impressive. A striking one is that of Austria, which pledged to make include an obligation on spouses to share household, child-rearing and caring tasks as part of its family and marriage law. The United Kingdom made a commitment to remove its many debilitating reservations to the CEDAW Convention. India pledged to spend six per cent of GDP on education (up from 2.5 per cent). Fiji committed to achieving 50 per cent participation of women at all levels of government by the turn of the century.

But it is clear that the notion of a conference of commitments is no panacea for the disadvantages women face in different national societies. A good example of this is the commitments made by the initiator of the proposal, Australia.

Australia made five—in the areas of violence against women, contribution of women to the economy, women in power and decision-making, health care and mechanisms to promote advancement. While these are all critical areas for women, the actual content is generally disappointingly weak. For example, to promote women in power and decision-making, the Australian government agreed to establish a national peak body of women in business. This is hardly an adequate strategy and can only have extremely limited impact on the majority of Australian women. A much more powerful commitment would have been to ensure the equal representation of women by the year 2000 in Australian parliaments.

More disappointingly still, it is unlikely that the very modest Australian commitments will be implemented because of the Coalition's budget priorities.

SO, FROM THE PERSPECTIVE of the official documents, are global summits useful for women? The documents offer developments in articulating women's rights but generally these simply allow women access to a male-defined world and do not challenge the basic concepts of the international political order.

In this sense, throughout the summits, women have remained as sherpas, the porters carrying the heavy baggage, and have not yet been allowed the privileges of mountaineers who define the rules of the game.

Reflecting on the Copenhagen Social Summit, Julian Disney has identified the dangers of the conference turning out to be 'a brief interlude of hope and concern before a resumption of "business as usual".'

At the end of the day, most of the value of the international documents lies in their national implementation, and it is here that all of us have a role in ensuring that our government is held accountable. We should become familiar with the terms of the international documents and commitments made by Australia. We should insist that our government lives up to these commitments by monitoring and publicising them, and keeping them on the national and local agenda. ■

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¹ <http://www.womensnet.apc.org/beijing/scoreboard.html>

The welfare of indigenous peoples

*It isn't all numbers for the sake of models. Economist **Bob Gregory** and his colleagues are interested in the effects that changes to labour markets have on people's lives. He has been comparing Australian Aborigines and Native Americans. The results are startling. He outlined them for Eureka Street.*

Bob Gregory: We have a particular emphasis on what's happening to the disadvantaged in labour markets, so we have projects on what's happening to women, what's happening to low-paid workers. One sub-theme has been what has been happening to indigenous people in Australia and in the United States. We are interested because we see the big changes that are going on in the labour market reflected in the outcomes for those groups.

Most people who work on indigenous people study a particular tribe or group, like the Sioux or the people of Maningrida. The first distinctive feature of our work is the focus on all indigenous people as a group; we don't have the focus of anthropologists or even sociologists who tend to work on small sub-groups of indigenous people. When we first started, the experts in indigenous studies were a bit apprehensive; they kept saying that there are many different types of Aborigines and it is not helpful to work on Aborigines in aggregate. People are all different. That may be right, but we are looking at indigenous people as a whole because we want to see what is happening to them as a group as the economy changes. People work on all women as a whole group. They don't say you can't work on women as a group—you have to work on Greek women, Italian women, older women, younger women.

The second distinctive feature is that we work without knowing a great deal about the cultures of the people themselves. We focus on employment, incomes and unemployment. In other words, we look at indigenous people from a distance. But when you look from a distance you can see things that you can't see when you look close up. That's why we do this work—not as a substitute for other work but as a complement to what's going on in other places.

Eureka Street: *Do you get cooperation from indigenous people?*
We are completely independent of the indigenous people because, as I said, we look from a distance, through the data—essentially Census data. That is another controversial issue because if you are looking at individuals you have to be very apprehensive about what Census data actually mean—like who fills in the form, what if they can't read, can you trust the data etc. But all those problems which are important with individuals start to become less important when you are a long way away. So there is a style of research here which is different from what a lot of people do. I would defend it very strongly.

Do you also get attacked very strongly?

Not really. In fact we usually get supported very strongly because the messages that we often tell are messages that people can see when they look at individuals but they don't know how general the results are. So they rather like our stuff. The other reason why I personally like the research is this (and I suppose

all Australians really know this): we are embarking on perhaps the biggest experiment with indigenous peoples that has been done anywhere. We are spending more money and putting more effort in now than you will see anywhere else. So by looking at what's happening to Aborigines relative to, say, Native Americans, whose governments basically take a hands-off approach, you can get some idea about what happening with the new initiatives we are making.

Basically our project takes data from each country—America and Australia—from the 1980 Census and from the 1990 Census. We look at the decade and see what has happened to the two groups. We began by talking about men. You can do everything that we talk about for women but the writing gets too complicated if you have too many groups of people. So the research that I am currently talking about is a male study. We are going to do a female study, and in fact this study is more interesting, but more complicated because the role of the Australian welfare state in Australia amongst Aboriginal women is greater. Also if you are going to do women you really have to talk about children and family structures. There are big stories in there but we haven't explored them sufficiently to talk about them yet.

IF YOU GO BACK TO 1980 YOU FIND Native American men have three distinctive features relative to Australian Aborigines:

- first, on average their income is higher than Aborigines', so they are doing better.
- secondly, Native Americans are more evenly distributed throughout the income distribution tables than Aborigines. Although they are mainly all down the bottom you can find some at the top, whereas in 1980 it is very rare to find Aborigines at the top.
- thirdly, Native American Indians are working more, are employed more than Aborigines, and employed across a wider range of occupations.

So in 1980 you could think of Native Americans as being essentially where Australian Aborigines are aiming to be in the short term before improving their situation even more. By 1990, the situation has changed quite dramatically. Suddenly, on average, Aboriginal men in Australia have more income than Native American men. What happened to Native American men in the '80s was that they kept their high employment levels but their wages have fallen. Hours of work may have fallen a little as well, but it is mainly wages. Australian Aborigines now, in 1990, have a much higher income. But the source of the higher income is not employment but welfare payments. I am including Community Development Employment Project (CDEP) money in the welfare category, not because CDEP is not employment but because it is mainly allied with Government

interventions. [In CDEP schemes, groups of Aborigines pool their unemployment benefits and the Federal Government makes extra contributions for administration and for materials so that they can embark on community projects.]

To give you some idea of the sizes of these changes in average income between the two groups: in 1980 Aboriginal men aged between 15 and 64 received about 50 per cent—half the income of whites. And Native Americans received about 58 per cent of whites. So they are both poor but Native Americans are better off by about 16 per cent.

By 1990 Aboriginal income as a percentage of white income increased from 50 to 55 per cent—an increase of 10 per cent. But Native American income fell from 58 to 48 per cent. All of a sudden Aborigines are a long way in front.

Were you surprised by that change?

I expected the change but I was surprised by the magnitude. When I published this result—that Native American male income had fallen from 58 to 48 per cent of white male income—there was wide-spread disbelief in America. This is a big fall. People expected Native American income to fall, but that's a tumble, not a little trip.

So we try to unpack the reasons. The main explanation for increased Aboriginal income is greater access to welfare payments and higher welfare payments in real terms. Aborigines have lost employment and lost employment income but the increase in welfare payments has swamped this negative factor. Native Americans have maintained employment but suffered real wage falls. In 1980, 49 per cent of Australian Aboriginal men aged 15-64 were at work, according to the Census forms. For Native Americans it was 63 per cent. By 1990, the fraction

of Aboriginal men who are at work has fallen to 45 per cent, and I have included CDEP in that definition of work. If I took CDEP out, Aboriginal employment would fall from 49 per cent to 36 per cent. So Aboriginal men are losing jobs outside CDEP at a very fast rate whereas Native American men aren't losing jobs, but they are losing the value of their wages.

This comparison raises a really interesting issue about what you think about the real wellbeing of groups. It is quite clear that Aborigines are better off in the sense that they are getting more income on average than Native Americans. But they can't get work. And, in the white community at least, a lot of people think that work is an important part of well being. So we have been very successful over this decade in raising the income of Aboriginal men, especially as compared with Native Americans, but we have not been as successful in generating jobs for them.

The number of employed Aborigines who earn above the white income is growing, and Aborigines at the top are doing better than they were at the beginning of the decade. There are also more of them. But at the bottom things have got much worse. We estimate, for example, that Aborigines who used to receive income from work, and were below the average white income, have lost 35 per cent of their jobs over this decade.

So then we try and do something different, which is to ask how much of the fall in the welfare of the indigenous people can be thought of as a result of the economy as a whole, and how much is as a result of changes that are specific to indigenous people. Both factors are at work. Aborigines have lost employment because changes in the economy have been bad for people at the bottom of the employment ladder and especially for Aborigines because of the decline in the rural economy. There



has been a loss of the jobs they used to work in—rural jobs, unskilled jobs. The loss has been dramatic and the jobs have not been replaced. Perhaps the only way out is more education for Aborigines. We find, in both Australia and the US, that education for indigenous people pays off in much the same way. If you are a Native American considering the difference between leaving school at 15 and getting a college degree, you would do very much better if you got a college degree. The same is true for Australia. There has been an education expansion for Aborigines but it has not been enough.

You are talking purely in terms of financial outcomes?

Yes, everything we are doing here is in terms of outcomes measured in money or jobs, and the data are taken from the Census. In 1994 there is a special survey of Aborigines. The government spent a lot of money; they went out with interviewers and surveyed in detail, so it was different from the Census form. Those results have just been published, and they reinforce all the trends I have been talking about. So it is not as though the change between 1980 and 1990—rising income on the one hand and losing jobs on the other—is suddenly reversed or is sensitive to the way the data are collected. In 1994 the employment trend is continuing to go downwards.

We have also done work on Native Americans and where they live. For example, if they live on a reservation things will be different for them in some respects than if they live in the city. If you live in a city in America you do very much better than if you live in the country. (We are still talking only economic outcomes here.) But living in the city has not protected them from the declines in wages.

Can I repeat something that is important and needs to be emphasised and understood (and this is the big number): Native Americans are employed at roughly 50 per cent higher rates than Aborigines and yet their overall income is 16 per cent less. So they are working 50 per cent more but they are getting 16 per cent less income.

Now why is that? The answer is that when they are working they get very low wages, much lower than Aborigines get when they work. Much lower than any Australians get when they work, because the US labour market is not regulated.

That therefore takes us back to where we originally started: we are interested in these people in terms of overall economy. So we say, for example, to Aborigines, 'Well if I put you into an American-type labour market and if you behave in much the same way as a Native American then the chance of your getting a job goes up a lot: 50 per cent more of you will have jobs. But guess what—you are going to have less income than you have now. And furthermore, if you haven't got a job in America, you are going to have hardly any income because they don't have the same welfare system.'

The complicated thing, which we don't work on, is this: while it is clear what might be preferred in the short run it is not quite so clear what should be preferred in the long run. It is not clear, for example, whether Aborigines can sustain a good healthy culture and lifestyle without jobs, and we have just not been producing the jobs. So there is some sort of conflict between the two labour market systems.

There is another other point that is important about the two systems: although Native Americans work much more, at

much lower wages, the big decline in wages in the 1980s which has led to the 16 per cent fall in income has not created more jobs for them. All it has done is maintain the jobs. That's a debate here as well—that is, if you cut wages how many extra jobs would you get?

Can you make predictions here on the basis of the American data that will tell you what is likely to happen?

Yes we do that. We do what I describe as mechanical calculations. We take a typical Aborigine of a certain age, education level, marital status and so on and use the computer to treat them like a Native American with these characteristics, and calculate the income they would receive in America and whether they would have a job and so on. The calculations show the sorts of things I have been saying. I think that research technology and methodology is pretty good at a broad brush level, but you wouldn't want to put too much emphasis on it.

Before we wrote this paper on Native Americans, US economists would have thought that the situation was getting better for the Native Americans. If you go back over the records—and it is not easy to do the work—it looks as though every decade they have made some progress. Even though they are a long way behind, with income levels some 50 per cent of the whites, the income levels have been rising. It's only in the last decade that things have started to reverse. And what has

happened to Native Americans has happened to all the groups around the bottom of the income table.

UP UNTIL 20 YEARS AGO people on the bottom of the income distribution and earning the lowest wages were improving in their circumstances at a faster rate than people in the middle. The income divisions were narrowing. But for the last fifteen or twenty years this has not been the case. And it is exaggerated when it comes to people like indigenous people.

So we do these fine little calculations. We say that Aboriginal men in 1980 started off with 50 per cent of white income; according to our calculations if the economy in 1980 had stayed frozen in terms of income distribution and had not changed in this adverse way, Aboriginal incomes would have gone up to 60 per cent, which is a 20 per cent increase. That would have been a tremendous outcome for the decade.

But we then show that the overall economy and the wide changes that are going on clawed back 5 percentage points so that Aboriginal income only went from 50 per cent to 55 per cent. So you may say that 10 per cent increase is not much given all the effort that is put in, but this group is swimming against the tide.

What then is the link between the research you are doing and the government policy we are likely to see?

What our research is showing is that with a good welfare system and public employment programs you can increase indigenous income. Australia has have done that fairly successfully. But what we haven't done is improve the jobs situation, particularly in the areas where most Aborigines are. We have to do better at that. That is where the policy problems lie.

At the top end of the Aboriginal community things have been fairly successful. You can now find lots of well-educated Aborigines relative to the past anyway, you can find Aboriginal

lawyers when twenty years ago you wouldn't have.

One of the interesting pieces of work, that we haven't finished, concerns what education does to indigenous people. And when I'm using 'education' I am still using white terms. I mean going to white schools, getting white education. I'm talking about it from a white perspective so I haven't sensitised any of this discussion. Ask yourself this question: think about an indigenous person who is leaving school at 15; they are thinking about getting a degree. What happens to them? If you are a Native American, you find that you get more money and you get a better job if you get a degree as compared with not getting a degree. But the interesting thing is that the more education you get the more you converge towards the white community in terms of white work habits, or the more you converge in terms of getting a better job. So the biggest effect of getting an education is in getting a job. But if you look at the gap between what you get paid and what a white person gets paid for the same education level, that gap doesn't narrow much as you get more education. The education process opens wide the door in terms of getting jobs and the amount of work you do, but you can't completely narrow the income gap.

This is data from 1980 to 1990, so it is relatively early days for indigenous education patterns?

That's right. But you would have thought, or I would have thought, that the same things that stop the narrowing of the wage gap would have stopped the narrowing of the employment gap. But it isn't true. And if you think about it, the same thing is true of women. Over the last 25 years women have done very much better in narrowing the employment gap than the income gap. Now that's very interesting. Educate your daughters and the chances of a job go up; they may even look exactly like a male in terms of getting a job, but they won't get as much money as a man.

Do you care to speculate on why it might be?

We don't know. There are two views on this: one is that the source of the problem lies in the attitudes of women, in the sense that they are just not ambitious enough in the labour market, they are not hard-headed enough and their attitudes and family responsibilities hinder their economic progress. Of course, these attitudes are heavily influenced by society and its beliefs on gender roles. The other view is that the source of the problem lies with employers who discriminate—that is they are happy to hire a woman but there are limits on how fast they will promote her. Something similar may be evident among indigenous people.

At the moment the research sounds highly investigative but not conclusive. Does that mean my question about what effect this is likely to have on actual policies is premature?

No, because policy is based on a lack of complete knowledge as well. Policy is based on people's stereotypes and prejudices. Our work will feed information into policy. Let me give you a specific example: because we now have a significant number of Aborigines doing well it would be a mistake to say—look these Aborigines are doing well, our policy has been successful. You could imagine people saying that, and you can imagine people saying we don't have to look after our Aborigines any more

because look how well they are doing—pointing to a couple who are doing very well. Whereas the fact is that, for the majority, things have got worse, at least in terms of employment. So I wouldn't denigrate how important this research is in setting the atmosphere.

JUST ONE OTHER THING: while it is clear now that, in economic terms, Aborigines on average are better off than Native Americans, it is still true that Native American men seem to have a life expectancy of 72 or thereabouts and Aboriginal men seem to have a life expectancy of 56 to 58 or thereabouts. So another thing our work brings out is that when you are talking about how well groups are doing, 'well' has a lot of different meanings.

Over what time period have the statistics been like that?

There have been dramatic improvements in Native American health since the '60s. The US Government set up an indigenous health service then and that had spectacular successes. Amongst Aborigines, we have made a lot of progress reducing death rates among small children, so while Aboriginal children still have very high death rates they have come down a long, long way. But we have had very little success with adult death rates.

On a completely different tack, there is one interesting result which we find in both countries—and the parallels are amazing—more people are describing themselves as indigenous people. In both Census forms you will find that there are more 40-year-old indigenous people in 1990 than there were 30-year-old indigenous people in 1980, which is not possible since you can't have immigration of indigenous people. This has been true in both countries.

So a good question is, how important is that for our work? We think it doesn't make much difference, but it is interesting. It could be a problem, for example, if the 'new' indigenous people, as counted by the census, are richer or poorer on average than those who were counted last time.

When there is a lot of intermarriage, as there is in both communities, there are a lot more choices about how you want to describe yourself. In America, and I suppose in Australia, there are anthropologists and sociologists who would be very interested in just what it is that is causing this change. We can't do that sort of work because basically we are looking at these people from a great distance, trying to set overall pictures.

But you can see how the broad stuff can make the questions in other areas become more interesting, and I advocate that as one of the great advantages of our work. ■

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This discussion is based on two published papers, 'Welfare and Economic Progress of Indigenous Men of Australia and the US 1980-1990', by R.G. Gregory and A.E. Daly (forthcoming in the *Economic Record*), and 'The Individual Economic Well-Being of Native American Men and Women during the 1980s: A Decade of Moving Backwards', by R.G. Gregory, Annie C. Arbello and Jamie Johnson. Annie C. Arbello is a Ph D student in Economics. A.E. Daly is now at the University of Canberra. Jamie Johnson is a Ph D student at the University of Chicago.



Beating mortality

Health transition in Australia

F.B. Smith

THE 'HEALTH TRANSITION' as proposed by my colleagues, the demographers Jack and Pat Caldwell, is a world historical event. It comprises the movement from millenia-old mortality regimes under which high infant death-rates dominated the reduced life chances of the population to regimes in which mortality concentrates among the old.

The infant death regimes depended on frequent pregnancies and savage, rampant infections. Our current regime in Australia, in common with the rest of the affluent world, is shaped by smaller completed families and higher mortality rates ensuing from degenerative illnesses. The question is, how did the transition come about? White Australia was precocious in the transition: the generation between 1880 and 1910 accomplished it.

The infectious disease component in the transition was pulmonary tuberculosis. Also known as TB, phthisis or consumption, it was the largest single attributed cause of death in colonial Australia from at least the 1850s.

It occasioned about 7 to 10 per cent of the total mortality and that proportion had apparently grown steadily between the 1850s and 1880s. Then, during the next generation to 1910, overall consumption mortality fell 64 per cent in New South Wales, and 58 per cent in Victoria.

We know that in Victoria the greatest decreases occurred among the groups at worst risk: infants of both sexes, females aged 20-25 and males at 35-45. (But not among Aborigines, where tuberculosis was and remains a leading killer.)

Each of these groups experienced marvellous falls in phthisis mortality: infant and child females, 55 per cent, infant and child males, 26 per cent; females in their early 20s, 52 per cent; males 35-45, 51 per cent. Together, these gains enormously prolonged life expectancies at birth and opened opportunities to chronic, invasive diseases in later life.

Colonials liked to assert that new chums brought their phthisis with them as terminal conditions and that Australia's warm, dry climate was a preventive environment which induced resistance. The myth endured despite its disproof in the 1870s by the great Victorian epidemiologist William Thomson, and despite the accumulating evidence that most adult consumptives dying in Australia were native-born, or had resided in Australia for more than five years. Possibly, these victims were the more vulnerable because fewer of them had succumbed to the measles, scarlet fever and respiratory infections that destroyed so many of their British and Irish cousins. Equally, the lower rates of prior viral and bacterial illness among the Australians ought to have made them better able to withstand the tuberculosis bacterium. These problems have yet to be analysed. But the striking fact remains that the incidence of terminal tuberculosis fell, while mass exposure continued through to the early 1950s.

Phthisis was involved with poverty, both as cause and effect. Before the transition, in the 1870s, to its end in 1910, the highest tuberculosis mortality was registered in the poorest suburbs, in South Melbourne for example, and the lowest, at 300 per cent better life chances, in upper middle class places like Malvern. Overcrowding, which probably led to high repeated doses of air and food-borne *mycobacterium tuberculosis* in London or Dublin, was not in Australia a salient problem in the northern hemisphere sense. North Melbourne had 37 persons to the acre in the late 1880s, London's Bethnal Green had 170. Doses of bacteria acquired in pubs, workplaces, sporting gatherings, chapels and street markets in big cities like London and Manchester might well have been greater and more destructive.

MEDICAL OBSERVERS WERE HARD PUT to explain the fall in TB mortality but claimed credit for it nonetheless. Several, including Dr W.G. Armstrong, Sydney City Health Officer, declared that compulsory notification of cases with its concomitant visiting nurse-inspectorate underpinned the triumph. But the fall in mortality began decisively before these innovations, which were themselves only patchily

applied. Chronology and flawed implementation also make implausible the claims for government legislation such as the *New South Wales Dairies Supervision Act* of 1896. Tuberculosis mortality fell fairly evenly in colonies with legislation and in those, such as Queensland or Western Australia, where government intervention was late and lax.

Tuberculosis sanatoria were promoted through the 1890s and succeeding decades as prophylactic, curative institutions. The few that came into existence did little for the mortality rates. The sanatoria had too few beds, Queensland, for instance, had 40 in 1905, too few nurses and no effective clinical procedures to make a difference, even in isolating open cases from their families and workmates. Despite the sanatoria managers' pretensions to admit only 'early' curable phthisics to their open-air exposure and bed-rest regimes, fat and milk diets and lung surgery—or perhaps because of them—they had an 80 per cent patient death or 'lost' rate for the years 1900-1904.

We do not know if the bacillus changed in virulence over time, particularly whether it mellowed in the 1880s. However, the fact remains that the death-rate in the Australian colonies and Great Britain (but not Ireland) fell steadily. The best crude

together with the standard recourse to criminal abortion (*see table 2 over the page*).

The Commonwealth census of 1911 shows 'professional' (clergy excepted, but including medical practitioners) and 'commercial' classes leading the way with completed families below the average.

Families whose male breadwinners were employed in the building, agricultural or pastoral industries, or who were young and unemployed, contained up to two or more children above parity. The suburbs or country places in which these families lived had infant death-rates 300-400 per cent higher than the rates of suburbs which housed the professional and commercial people.

The management of family formation that fuelled the transition to smaller families with better life chances was achieved against medical, clerical and patriotic denunciation. Dr Pockley, president of the Australasian Medical Congress of 1911, lamented the diminished fecundity of the 'thrifty... physically and mentally desirable classes', compared with the wanton fertility of the 'improvident and degenerate' lower orders. Selfish middle-class wives were evading their 'maternal duty', declared childless J.S.C. Elkington, Chief Health Officer of Tasmania in 1907.

We might postulate that the wives and husbands of the professional and commercial classes were striving to enlarge the life chances of their children, to be attained through expensive formal education and entry to high status occupations, pursued through personal restraint and mechanical devices. Those ambitions remained vague or unimaginable to most men and women of the labouring classes. Moralists berated the sound classes for having too few children, and the improvident slum folk for having too many. The labouring people's decisive turn to family limitation only came, it appears, with the 1930s' economic depression.

Nonetheless, the class differential in births and deaths justified doctors and politicians

in claiming credit for the fall in infant death-rates, and in advocating medically and municipally orchestrated 'mothercraft', a new word in Edwardian Australia. Dr Litchfield advised his medical colleagues that 'obscure climatic influence', might explain the crucial fall in infant summer diarrhoea mortality allied to the medically sponsored Dairies Supervision Act; but he admitted that the chronology of this process was out of kilter, and the impacts of climate and dubiously safer milk hard to demonstrate. He did

Table 1

Infant Mortality Rates 1880-1910—Deaths per 1000 births

	New South Wales	Victoria	South Australia	Australia
1880	113.6	118.8	135.7	116.9
1885	131.2	125.8	113.4	127.9
1890	104.5	117.4	96.5	107.5
1895	105.9	102.4	94.6	101.3
1900	103.3	95.4	99.3	99.9
1905	80.6	83.3	72.8	81.8
1910	74.7	76.9	70.2	74.8

Source: *Australians Historical Statistics*, p.58.

explanation asserts the impact of improved shelter, nutrition, working conditions and reduction of tiredness and anxiety during the long run of rising real wages through our period from the 1870s.

The fall in infant mortality constitutes the other main part of the health transition. (*see Table 1 above*)

This advance was the result of the fall in the birth-rate, itself the result of a rise in the age of females at marriage, and the increased effectiveness of withdrawal, abstinence and contraceptive devices,

not mention the fall in fertility. Dr Armstrong attributed the saving in infant lives to his 'female sanitary inspectors' visits to parents of babies in 'poorer districts', but his chronology was faulty, too. The visitors' activities began only after the fall in the birth-rate had set in and their advice, boiling the cows' milk for example, became practicable only in spaced, smaller, less-crowded families.

TABLE 2
Legitimate Births per 1000 married women aged 15-45

	New South Wales	Victoria	Tasmania	Australia
1881	-	303.4	-	320.9
1883	340.5	-	-	-
1891	298.9	281.9	315.9	332.0
1901	235.6	238.7	254.6	325.8
1911	229.7	231.5	244.8	236.0

Source: *Official Year Book of New South Wales 1905: Victorian Year-Book 1912-13*: 396; 1915-16: 359. *Statistics of Tasmania 1900*: 298. *Commonwealth Year Book 1901-16*, 160. (These figures do not always square: they probably are more indicative than exact. But they are the best we have, at present.)

Other authorities attributed the improvement in infant mortality to the 'improved milk supply'. This was a promising explanation because the mortality was concentrated in the area of 'debility', 'bronchitis', 'convulsions and violence', where the incidences fell between 40 and 80 per cent in the 1890s, while the death-rates attendant on congenital conditions remained steady. Perhaps the crucial advance in milk quality came when mothers with fewer, spaced offspring became able to breast-feed their babies comfortably: but that point so far as I know, was never made.

By 1910 prudent Australian suburbanites had wrought a silent revolution: conjugal decision-making was strengthened; women's skills as mothers won new public respect (and probably helped their emergence into other areas of public life); the child-centred family loomed; and for the first time in this nation a majority of males and females who survived infancy, their numbers newly increased by the fall in infant mortality, might reasonably expect to live into their 50s.

Few acknowledged the changes. And nobody cheered. ■

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Working for the man

Judy Wajcman

AS WE APPROACH THE 21st century, the family and the workplace—two of the most important institutions in society—are undergoing fundamental transformation in Australia and around the industrialised world.

I want to explore the way changes to the nature and organisation of work are likely to make the management of work and family responsibilities *more* difficult. Our work and non-work lives are becoming harder to combine, and this is a source of urgent social concern.

Government policy puts the family at the centre of its vision of a healthy, functional society. The family has been declared 'the most effective welfare system that any nation can ever devise'.

Implicit in this vision is a very traditional view of the family unit—with a wife available at home to care for a breadwinner husband and a number of dependent children. In fact, many families do still operate in quite traditional ways, with men doing little housework and childcare and bringing home higher earnings than their wives. On average, women still do about two-thirds of the housework, and no matter how many hours of paid work a wife does, her husband's domestic contribution remains relatively constant—at about one-third.

However, the makeup of the family and the distribution of types of households are becoming noticeably different and more diverse. Since about the mid-1980s, there have been more two-income than 'traditional' families in Australia. Today nearly half of all couple-families contain two employed partners. At the other end, there are more families in which neither partner has a job, and there is also an increasing number of sole-parent households, most of which are headed by women. All these developments put great pressure on family care, and reduce the possibility for involvement with community and leisure activities.

But families do not exist in isolation: they interact with other key institutions in society, in particular, the workplace.

Now this institution is also undergoing fundamental change, such that jobs and work organisations will never be the same again. The massive shift from manufacturing to service industries has been accompanied by increasing polarisation between employees in relation to pay, conditions and hours of work. There is a growing divergence between people in low-paid part-time or casual work and those in continuous full-time occupations. Many people will be working either more hours than they want to, or less hours than they need, to maintain an

adequate household income. Despite predictions that new technologies would usher in an era of more leisure for all, the average working hours of men in full-time employment have actually *increased* over the past ten years, to over 43 hours a week, and the proportion working over 50 hours has increased markedly. In the field of paid work, the over-worked are more likely to be men than women. However, while most women work part-time, women in full-time professional jobs are working even longer hours than men to meet both employment and family commitments.

So the overall trend is towards a polarisation between those who are over-worked and those who are under-employed. All these changes are well documented in the recent ACOSS-sponsored report of The Commission for the Future of Work.

What I want to concentrate on is the *overworked*.

For the last three years I have been studying senior women and men managers in the London headquarters of five multinational corporations. I chose companies that prided themselves on good Equal Opportunity policies to see how women are faring in these best-practice companies, and particularly how women *and* men are able to combine work and family. When you look at such companies, you see a range of impressive policies, often referred to as 'family friendly' policies, because they are supposed to enable both men and women to balance work and home. These include policies such as maternity leave or career breaks for childcare, flexitime, and sometimes workplace nurseries.

In practice, however, these policies are mainly available to women at the higher end of the occupational hierarchy. But even at this level, few women are taking them up.

The point is illustrated by a comment from the personnel manager at a leading computer company. When I asked him how many senior people actually take advantage of their excellent equality policies, he hummed and hah-ed and then said that actually no-one did. When I asked why, he said it was because they worried that it would adversely affect their careers. And, when pressed, he agreed that, at the moment, it *would indeed* affect how the company viewed them.

The fact is that these family-friendly policies have been defined as relevant only to women employees, as if only women are parents. And as if men have no concerns other than work. So just as the family revolves around assumptions about gender roles, so too does the workplace.

In recent years feminists have been analysing the ways in which organisations themselves can be understood as profoundly gendered. That is to say, that work in industrial societies has been structured around a number of assumptions about workers, and relations between the workplace and life outside.

These assumptions include, first, the notion that work is the top priority for workers; second, that it is normal and desirable for people to spend the best hours of the day and the best

years of a lifetime in work organisations; thirdly, that home and family life should adapt to the organisation's demands; and finally, that the worker is a man whose daily needs are cared for outside of work, probably by a woman.

These assumptions form the ideological grounds for the daily ordering of gender differences in organisational practices as well as the home. They are all key elements in creating a workplace culture that is hostile to women.

Let us take, for example, the very conception of management, not merely as a full-time job—(and this in itself serves to exclude over a million women who work part-time in Australia)—but as a job that requires *total commitment*. Now 'commitment' can mean a variety of things, such as commitment to the organisation, commitment to the particular unit you work in, commitment to your colleagues, commitment to your career. Above all however, what it implies is *sacrifice*—that you will put the job first, above all else.

And how is this commitment measured?

Because it is very difficult to measure performance or the quality of work, commitment is often measured in terms of time spent at the workplace. I'm sure you've all heard those stories about jackets being left on the back of chairs to give the impression that the person is still at work late at night.

This pressure can be very competitive—the earlier other people come in, and the later they stay, exerts pressure on others to do the same. The classic problem for

anyone—who aspires to a civilised home life is how to deal with those sudden, and not-so-sudden, requests to stay late, attend breakfast and weekend meetings, let alone those social after-hours drinks and meals where decisions are made and strategic relationships are formed and sustained.

This problem of *hours of work* is a very serious one and it has two aspects. One is the sheer length of time people work—surveys of managers show that, on average, they work in excess of 50 hours per week and a 60-hour-week is not unusual. My own research findings confirm this. Interestingly, there are no sex differences in the hours worked, which rather surprised me until I looked at sex differences in the family status of my senior managers.

The other issue is the intensification of work over the last decade. People talk about how they have to cram more and more into the same amount of time. This is really a punishing regime and I often hear it referred to as part of the 'macho culture of management'.

It is heart attack material before one even thinks about trying to combine it with an active family life. The fact that most successful male managers are, indeed, married with young children would be surprising if we didn't know how little time they actually spend with their families and how little domestic work they do.

There is a stark contrast between the family situations of the men and women senior managers I studied. A majority of



the women did not have children: they were much more likely to be living on their own. And whereas a high proportion of the men had full-time housewives, the overwhelming majority of women who did have partners, had partners who work full-time. Thus it is women who are much more likely to be living in dual-career couples and having to juggle work and family responsibilities. As one of the women managers I interviewed put it: 'to be a successful manager, you need a wife'.

There was much talk in the 1970s, when equal opportunity was being mooted, of women having the best of both worlds—able to pursue a satisfying career and have children. Now, in the 1990s, the talk is about juggling home and work. Although women do have more choices now, they still have to plan their careers around having children, in a way that men do not. Career structures still advantage those with an uninterrupted work history of full-time employment. These are still mainly men—now joined by a few women who generally either have few domestic responsibilities or have the means to pay other people to perform them.

YOU MAY HAVE NOTICED HOW PROFILES of powerful women, in magazines like *The Good Weekend*, delight in drawing attention to the way these 'super women' manage at home by contracting-out or buying-in all their domestic services. We rarely see a profile of a powerful man in terms of what domestic arrangements have made his public success possible.

And the pressures are intensifying. Many of the model equality policies were introduced in the 1980s during a time when companies were still expanding, or, at least, were not under the current pressures to contract and shed labour. All the multinationals I studied, like many companies in Australia now, were in the process of restructuring in response to the growing concern about competitiveness.

One common way in which companies develop what they believe will be more productive ways of organising work is by de-layering and downsizing—that is, reducing the number of middle management. And these ideas are being adopted in the public sector. The result is flatter organisational structures.

Less hierarchical organisations sound like a good thing, as do total quality management, empowerment, and working in self-managed teams. However, the essence of these proposed changes lies in intensifying employees' involvement with their organisations, not by the simple exchange of work for pay but through broader participation and sharing of goals.

Many studies have found that the downward reorganisation of supervisory tasks results in work intensification as the remaining employees absorb the duties of their departed supervisors. The increased involvement demanded by these new arrangements requires more time and energy from employees than they can easily provide, given the increasingly complicated pressures of their private lives. The pressures to prioritise work over family are only increased. This is particularly a problem for women given the sexual division of labour in the home. Women continue to have primary responsibility for the 'second shift'—the work of the home—even when fully engaged in paid employment.

Although men have traditionally reaped the benefits of a system organised around them, they are becoming aware that they obtain these advantages at a cost. The current conditions

of work hardly afford men the chance to participate fully in family life. Indeed what I have been arguing is that the institutions of work have *not adapted* to the non-work lives of their employees. Men feel under greater pressure in relation to their family commitments.

And there is no reason to think that anything that is happening now will change that situation. On the contrary, the changes of today push in the opposite direction. Many of the changes in the workplace, from team work to delayering, require tremendous commitment and energy—not flexibility to meet family needs as they arise. They also generate enormous anxiety and insecurity, which are themselves destabilising and destructive of family life.

We have heard a lot from the new Coalition government about their commitment to helping people share their work and family responsibilities. Indeed one of the principal objects of the Workplace Relations Bill is: 'assisting employees to balance their work and family responsibilities effectively through the development of mutually beneficial work practices with employers'. This is largely talked about in terms of promoting more flexible working hours and more permanent part-time work.

The dangers of making working hours more flexible are perhaps obvious—we need to be cautious about whether this flexibility, which can require being available 24 hours a day, is in the best interests of employers rather than employees. And while improving the conditions of part-time work would be a laudable aim, I think we need to go beyond this model of work as being either full-time or part-time because it entrenches gender inequalities in the labour market and in the family.

What is needed is a different way of thinking about work and a corresponding change in the culture of organisations, reflecting an acceptance of the necessary link between our private lives and the life of the workplace. The traditional conception of work stems from a gendered construction of the separation of spheres: the view of compensated work (employment in the market place) as primarily the province of men and quite separate from involvement in the home, which is deemed the particular and appropriate concern of women. Along with this, the idea that there are two types of worker has been institutionalised—men who work continuously, and women who take time off work or move to part-time work in order to look after children.

THE SEPARATION OF THE PUBLIC AND PRIVATE spheres in this way is no longer tenable. To achieve a better balance we need to rethink gender roles within the family at the same time as dismantling barriers to gender equality at work. Then we can begin to talk seriously about *reducing* working hours, particularly for men.

It is surely not beyond our imagination to construct a world where work is distributed between more people, thus reducing extremes of both unemployment and overwork. Why in this era of mass redundancy are we not looking instead at *sharing* working hours? This would deliver the sort of flexibility needed to make the institutions of the family and work more compatible. ■

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Bel canto Strine

THE MELBOURNE INTERNATIONAL Festival this year brought no fewer than four music theatre works including Richard Strauss's *Die Frau Ohne Schatten*, full-dress opera with imported luxury voices, and experiment, in the form of *Lenz*, from the composer, Michael Smetanin and the librettist, Alison Croggin. The big event for only slightly reconstructed nationalists was the operatic setting of *Summer of the Seventeenth Doll*. But the one that thrilled this critic, and had him standing and stamping and cheering, was Jimmy Chi's new piece, *Corrugation Road*. This was rough around the edges, needed some further play-doctoring and included a few sequences in which coherent action was entirely suspended. None of that mattered a damn.

Jimmy Chi, whose previous work *Bran Nue Day* toured nationally in 1993, is an Aborigine from Broome, in Western Australia. According to the program 'he spent much of his childhood in and out of hospitals and boarding institutions, as well as psychiatric wards in his adult life'. The new work is 'autobiographical' but a long way from a plain tale, and equally far from a self-important parade of innards.

The lights go up on Bob Two Bob, a shivering man in a ward, pleading with medical staff for some relief from his visions and voices. Here is suffering, plain and clamant, and the outstanding Stephen 'Baamba' Albert has the capacity to convey it without an overlay of discernible acting.

From time to time, the performance returns to this anguished territory, but never for long. Most of the show consists of a wildly-entertaining phantasmagoria of events and dreams and figures from Bob Two Bob's life: his kin-sister Fiona, whom he promised to look after and feels he has betrayed, parodic medicals, a sultry dancer who plays out his erotic hauntings and a crowd of fleeting others. There is a chorus of patients, no fewer than twenty-seven songs, and hardly a minute when someone is not dancing. The show is very funny, and funny in all sorts of different ways. Some of it is revue-humour, as in the two psychiatrists, Dr Basketcase and Dr Fruitcake who share one white coat. Some, more complex and searching, comes from the central character's rueful and sardonic musings over his own muddles and mistakes. In addition there are episodes, excursions and frank

Summer of the Seventeenth Doll, Victoria State Opera, Playhouse, Victorian Arts Centre, October 1996.

Corrugation Road, Black Swan Theatre, George Fairfax Studio, Victorian Arts Centre, October 1996.

digressions like the splendidly funny drag-act. It is a theatre of surplus.

This gallimaufry is all held together, more-or-less, by a narrative of healing. In the last third of the work, the characters, medical staff and all, join Bob Two Bob in a journey back to the sources of strength, from the city to the coast, from the sea to the dreaming places. This section is dramatically not as secure as the triumphant first half, but it provides a way of understanding how it is that Jimmy Chi can deal with such painful material so freely and without that hyper-inflation of the ego that lies in wait for the autobiographical playwright. For him, personal healing is not something that can take place in a lock-up while the world spins on, business as usual. What went wrong in his life, whatever its genesis, takes the form it does because of the calamity visited upon his people. His personal journey and the journey of reconciliation are intertwined. And so it is for the audience. Becoming engrossed in this man's story, told so delightfully, creates a space in which reconciliation is rehearsed and brought just that bit closer to the possible.

FROM A FORMAL point of view, *Corrugation Road* makes an extremely interesting contrast with *Summer of the Seventeenth Doll*. One reason why *Corrugation Road* succeeds is that the cast (many of them musicians rather than actors) is completely at home with popular song and dance forms, and the director is working in that open stage, transformational idiom which has become the major alternative theatre style of contemporary theatre. Andrew Ross's expert direction and Anna Mercer's constantly inventive choreography are hardly noticeable. The audience, at ease with the idioms, can focus on the content.

Richard Mills' setting of the national dramatic classic is another in a long line of

attempts to shape Australian material into the received categories of European opera. The play, in its turn, is an outstanding example of mid-century realistic dramaturgy, close kin to the work of Arthur Miller and the Tennessee Williams of *The Glass Menagerie*. So what Mills and his librettist, Peter Goldsworthy have attempted is to combine two imported forms, opera and realism, which have proved, on their home ground, fairly resistant to combination. *Verismo* for example, is melodrama without the cloaks.

It says much for the skill of both men that the new opera plays fluently, holds its audience, and has sequences of real power and wit. Richard Mills' music is an eclectic mix of the popular and the learned, cabaret and the musical and learned 20th century techniques, all suspended in complex and colourful orchestration, and he is a most persuasive conductor of his own work.

I was reminded most of the American work of Kurt Weill, in pieces like *Street Scene*, and from time to time, of Leonard Bernstein, though Mills's big tunes are less memorable than his.

Highly enjoyable music then, bar by bar, but I found its organisation problematical. There was an element of mechanical mood-altering. A reflective or plaintive mood would segue straight into perky, cheer-up music, some of it, as one of my companions remarked, a bit too like that busy-High-Street music we all remember from documentary. (But of course that, and the other period references, like the smoky Gershwin clarinet writing and the foxtrot rhythms, could easily be defended as apt, decorative, witty ways of evoking the world of the *Doll*.) The disposition of forms was remarkably conservative, a line of arias, duets, ensembles and that standard Italian way of wrapping things up, the *concertato finale* which is where the characters stand in a semicircle and sing about how it is for them. Thus at the end of Lawler's Act Two Scene I, Pearl's crass and cruel line, 'Glamorous nights! I mean, just take a look at us.' is followed, not by Olive's sobs and a quick curtain, but by a lengthy meditation on time and change.

'Run upstairs and fetch me a



Playing politics

Coriolanus, by William Shakespeare, dir. Steven Berkoff, with the Bell Shakespeare Company, starring John Bell. Athenaeum Theatre Melbourne, October 1996.

handkerchief': Auden acutely remarks, about such lines, that if there is no built-in reason to set words one way rather than another, 'the only solution is a convention, e.g. *recitativo secco*'. Richard Mills, in my view, unwisely, feels he has to load every rift with ore, so that the swift, everyday exchanges of the characters are slowed down and pumped up. There is too much pointless illustration, as in music-for-measuring-a-sleeve-by.

These compositional commitments ally with some of the dramaturgy to tilt the balance of the evening towards the sad, the grim and the violent, so that a play about people who are battling every inch of the way not to face the truth becomes an opera in which they're all goners from the start, and spend the bulk of the evening singing about it. The character of Emma, who in Lawler's text is a right old harridan with the odd spot of insight, becomes a choric figure devoted to explaining the obvious. Luckily, she also gets some of the best music of the night, and was sung with irresistible conviction by Eileen Hannan. If I had to pick a highlight, it would be Emma's first aria.

Gary Rowley, as Roo, and Barry Ryan, as Barney, sang very well, though from both men more variety of tone would have been welcome. Mills' writing for Roo is admirable: its long steady lines, centred in the comfortable middle of the baritone voice were a truly inventive way of catching the eloquence of a character who can't spell things out like the others. Gillian Sullivan, as Olive, was not helped by the way her character had the barmaid element removed and some poeticisms about 'fire' (nb metaphor) substituted; she sang well enough, but the effect of the character was colourless. The role of Pearl the would-be wowser is easily the most difficult in the show and Elizabeth Campbell, as usual, made it look easy. What's more, she can sing in Strine, which, for the classically trained, is like taking hurdles in diving boots.

Setting (Brian Thomson) and lighting (Nigel Levings) stylishly accommodated the world of chairs and tables to the world of unbridled passions. The Carlton terrace house of the original was outlined on a cyclorama which was then washed with light in various moody colours. The interior had pink furniture—a translation of the protective, warm bower Lawler wanted—and again could be washed with light, and memorably, at the bitter end, bleached and parched. ■

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CORIOLANUS IS A PROBLEM CHILD. Leaving the theatre, one couple remarked that the play must have made sense in Shakespeare's day. It clearly didn't in their own. My problems were of a lower order. John Bell's appearance and his modulation from intimidating stillness to full-throated anger reminded me irresistibly of Sgt Blaketon's dealings with PC Ventress in *Heartbeat*. The sweat of the tragedy kept being washed away in Soap (and a reviewer's credentials by his plebeian range of cultural reference).

The problems, I must add, were not due to Steven Berkoff's production or the quality of the acting, especially Bell's fine Marcius. They come finally from Shakespeare's play.

The plot is simple enough—Caius Marcius is a brave military leader who captures Coroli from his rival, the Volscian general Tullus Aufidius. For his work he is invested with the name Coriolanus, and is proposed as consul. But after he refuses to condescend to the crowds and their tribunes, he is denied the office and exiled from the city. He makes common cause with Aufidius and prepares to attack Rome. But he is won over by the entreaty of his mother, Volumnia, guarantees peace to Rome and, as he predicts, is murdered by Aufidius.

The plot suggests that the characters may be troublesome. Marcius and Aufidius confine their virtues to those appropriate on the battlefield. Marcius, like any Godfather, defers to his mother, a harridan who would prefer a dead to a gentle son. The other patricians, with the exception of Menenius, are ineffectual; the consuls and the crowd are odious.

Steven Berkoff's solution was to highlight the confrontational. The crowds are done in punk. The Roman patricians wear jackboots and grey cloaks; Aufidius dons black battle-gear, the tribunes are in spiv, Marcius' mother dresses in blood-red and Thatchers her hair. The text is abbreviated, the movement staccato, the actors shout their lines and the music is spiky.

The play becomes a commentary on contemporary politics, with its immediate point of reference to the Europe of the 1930s, and beyond that to contemporary Britain. But the politics are essentially without hope, for the alternative to the fascist totalitarian rule promised by Marcius and the military mayhem represented by

Aufidius is the weathercock and manipulated crowd, always on the edge of violence.

The climax of the production represents the death of politics. The unrelenting in-your-face aggression of the first half of the play is discharged in the one scene where gentleness prevails. Marcius finally gives way to his mother and promises to spare Rome.

As in Arnold's *On Dover Beach*, the bleakness of the public world is redeemed by personal devotion. With this scene, a determinedly unlovely production issues in something delicate.

I wondered, however, if there were not more than this to *Coriolanus*, a play of Shakespeare's maturity. In order to explore the nature of honour, he reworks Plutarch's improving tale of a man whose vice was to be unbending. Like Don Quixote, Caius Marcius is a splendid representative of a code of virtue that has passed its use-by-date. The future rests with those who can speak dishonestly and manipulate the mob.

There is pathos even in the bombast of Marcius, yesterday's man. But finally, he is undone by the internal contradictions of the code of honour. His honour leads him to revolt against a state that treats him dishonourably. The honour pledged to Aufidius is subverted by devotion to his mother. Aufidius' remark is exact and lethal:

...thou hast set thy mercy and thy honour
At difference in thee.

The really hard man finds the flaw he can exploit.

So, in the play there are perennial political references—to a Keating reader to govern than to seek government, to the dilemmas faced by the factional chiefs in Afghanistan or Bosnia.

But ultimately Berkoff is right. In this play politics has nowhere to go, for Shakespeare is heir to the Augustinian deconstruction of a Rome founded on honour and the desire for glory. The virtue founded empires and gave victory in the wars that alone gave peace. But honour could not build a lasting city, for it fathered self-interest in the bad and mercy in the good. Both children were politically sterile.

Augustine, of course, went beyond the political. *Coriolanus* simply withdraws playgoers from it. And they go away empty. ■

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Altman's lemon

Kansas City dir. Robert Altman (independent). Robert Altman has given me great pleasure. His flair, style and wit have created some of the most enjoyable films I have seen in the past 20 years. To me he is the Gary Ablett of film directors.

Alas, *Kansas City* is a great disappointment. The story line is listless. Johnnie O'Hara (Dermott Mulroney) a small-time hood, has robbed a wealthy gambling customer of gangster Seldom Seen (Harry Belafonte). Duly captured by Seldom Seen he is held captive in the gambling house for most of the movie. His wife Blondie (Jennifer Jason Leigh) hits on the bizarre idea of kidnapping the wife of a presidential adviser with connections, to put pressure on him to arrange for her husband to be rescued. It is a thin premise. To bolster it, Altman resorts to lengthy sessions of jazz (splendidly played) to add energy to a sagging plot, but in the end one must ask how good is a film in which you welcome interruptions.

In this talk-fest of a movie, the performances aren't much to write home about. The talented Leigh turns in a caricature of a gangster's moll and delivers her lines in a way that suggests she has mistaken Araldite for toothpaste. Harry Belafonte basically plays Marlon Brando on a diet. At times (indeed most of the time) his dialogue is incomprehensible, but this does not deter him from attempting to murder his captive

by talking him to death. Had I been the luckless O'Hara I would have begged to be put out of my misery. Miranda Richardson as the kidnapped wife hooked on laudanum, plays the part with a stunned expression which may have related to a sudden awareness of the sort of movie she was involved in.

The film has now done the rounds of the film festivals with mixed reviews. However, as Gary Ablett has found out, reputation can get you so far but eventually the critics come home to roast. My advice is buy the CD of the soundtrack and dismiss the film as a temporary loss of form by Altman.

—Gordon Lewis



film-maker. This movie spent over two and a half hours telling its tale but I fear the result will be little more than 15 minutes of fame for the unfortunate Valerie Solanas.

—Siobhan Jackson

Pop gun

I Shot Andy Warhol, dir. Mary Harron (Independent). 'Sometimes, as Sherlock Holmes recognised, the most important thing to happen is nothing, as when the dog does not bark.' Arthur C. Danto wrote this in relation to Andy Warhol, and in a subtle way it captures something of the 'absence' that makes Warhol loom so large in our 20th century imaginations. In 1968, Valerie Solanas shot this king of Pop, this most talked-about artist, but instead of becoming the Oswald of the art world, she has remained relatively unknown.

A radical feminist 'outsider', Solanas was desperate to have her views heard, via the publication of her own manifesto SCUM (Society for Cutting Up Men) and through her association with Warhol and his phenomenally successful 'Factory'. Solanas' increasing madness and inevitable failure as a feminist writer was in stark contrast to the growing success and acceptance of Warhol. It seems this in part inspired her to implement her revolutionary plan to rid the world of men, starting with Warhol himself.

I was hoping this film would treat its audience to that rare occasion—a shift in the popular historical gaze that reveals a radically different picture. But the film was conservative in its 'radical' politics and tedious in its historical description.

I wanted to enjoy the fine performances of the lead actors, (particularly Lili Taylor as Solanas and Lothaire Bluteau as the bankrupt publisher) but instead felt hectored by the

In warm blood

The Grass Harp dir. Charles Matthau (Independent). I suppose it's nothing new for a son to tell his father what to do, and I'm sure that sons have directed fathers in movies before this. But there is such a calm intensity in Walter Matthau's performance as Judge Cool in this film that just occasionally you wonder how closely he is watching his son Charles behind the camera.

Maybe, confronted with a story in which Collin Fenwick (Edward Furlong), orphaned at ten, has to negotiate terms with the adult world before his time, my imagination was reading in a further agenda about fathers and sons. It may just be Truman Capote, the author of the novel on which the film is based, who is responsible for the sense pervading this film, that its entire delicate fabric is going to tear apart at any moment. I don't know where anyone got the idea that Capote was a tough writer. Perhaps that was the way he sold himself. But until *In Cold Blood*, his fiction depends on how close to disbelief you are prepared to be drawn. *The Grass Harp*, set in an endless southern summer in the 1940s, has the boy, Edward, escaping his rigid aunt Verena (Sissy Spacek), to go and live in a tree house with his beloved mad aunt Dolly (Piper Laurie) and her housemaid, Catherine (Nell Carter). The whole town tries to bring them to heel, to get them to go back indoors.

But never was a film so well shot between indoors and outdoors, never was a choice more stark, never was pettiness and gossip made to look so insipid. This is an exquisite

EUREKA STREET FILM COMPETITION

It's caption time again. Here's a nicely ironic still from Martin Scorsese's *Taxi Driver*. If you can tell us what Robert De Niro is thinking, there's \$30 for a night at the movies in it for you.

The winner of the September competition was Tony Baker. His caption for the photo of Tom Mix and Tony read:

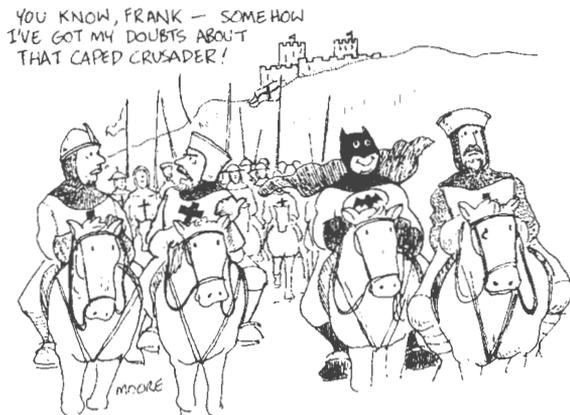
I'll shoot that taxidermist, he promised me flexible legs.



film. It has some longueurs in the second half, but use these to ponder what you've seen and heard. —**Michael McGirr**

Under sentence

Life dir. Lawrence Johnson (Independent). A story of prisoners facing two types of containment, that imposed by a prison sentence as well as the insidious effects of AIDS, *Life* examines how individually and



collectively a group of men handle the role of modern-day leper. It occupies that other space which is made up of dreams and memories and to this end the directing of Lawrence Johnson, who was responsible for the outstanding documentary *Eternity*, is a powerful mover. The layered cinematography and dramatic asides Johnson works into the film are what really make this film.

Based on a play written by John Brumpton, it is a good vehicle for his talents. His intense performance style, which at times comes across as one-dimensional, is well-suited to the character of Des. A bit of a lad with a penchant for the biff, he is thrown in jail after an altercation with a bouncer goes horribly wrong. It is here he finds out he is HIV positive.

Transferred to a division which segregates the HIV positive from other prisoners, he shares a cell with Ralph (David Tredinnick)—a closeted personality with an artistic flair. The two men develop a trust, which includes the rest of the division, brought on by the undertow of confusion and desperation which pulls all of them.

Life does move a little slowly at times, but then again it is not a film driven by dialogue or a pacey plot. If you allow yourself to be seduced by its aesthetic quality, *Life* offers more than the immediately apparent. It was nominated for a few AFI awards and deserves this sort of recognition. —**Jon Greenaway**

Run away

Fled dir. Kevin Hooks (Greater Union). When the key witness in a US Senate hearing against mafia supremo Frank Mantajano (William Nadar) is 'blown away', the Attorney General's Department has 72 hours to find another witness or Mantajano walks free.

The new key witness is a man named Dodge (William Baldwin)—a computer hacker serving time for fraud. It turns out Dodge stole \$25 million from one of Mantajano's companies and copied enough accounting records to put Mantajano behind bars. So the government want Dodge alive, the mafia want him dead and both want the disk.

After a bloody shootout, Dodge escapes from prison with Piper (Laurence Fishburne). The two try to retrieve the disk—and the money—before either the mafia or the government can track them down.

But there's a twist! Dodge discovers Piper is really a cop and their escape was engineered so he can lead Federal Marshall Schiller (Robert John Burke) to the disk. But Mantajano bribes Schiller—so now the government and the mafia are both trying to kill Dodge.

Fled unashamedly imitates escapee-on-the-run films like *The Fugitive*, and *The Defiant Ones*, and blatantly steals lines from other contemporary action films. There's enough action to distract you from the ridiculous storyline—but it becomes so silly in the end you wonder whether its intended to be a spoof. —**Tim Stoney**

Split personality

Multiplicity dir. Harold Ramis (Hoyts and Village). It wouldn't surprise me if Michael Keaton, when he accepted the many-handed role of Doug Kinney, wanted to quadruple the salary that came with it.

After all he plays four parts and deserves the money, and no one else really features in the film anyway. But this is where the film has a bit of a problem with its central idea.

Doug Kinney is a builder, husband of Laura (Andie MacDowell), and father of Zack and Jennifer. The pressure of filling all these roles becomes too much. So when Dr Leeds of the Gemini Institute (*there's* a clue) offers him a way out, he decides to cheat a little. What he thinks will be his saving grace turns into a debacle—before you know it, Michael Keaton is all over the

screen like fairy penguins on a Phillip Island beach.

Multiplicity is a bit of fun but not up to the mark of other films Harold Ramis has done, such as *Caddyshack* and *Ground Hog Day* (the former is extremely vulgar yet a classic in this reviewer's opinion). The problem is that, even though it might be a good one, it is a one-joke film. And it is compounded by Michael Keaton having no one to help him for most of the picture, bar the editor's cunning. Andie MacDowell is, unfortunately, as flat as she normally is. However *Multiplicity* has the occasional moment, particularly with some good slapstick towards the end. —**Jon Greenaway**

Not worth the wait

Martha, dir. Fassbinder, 1972, (Independent). The problem, according to Fassbinder, was that 'most men do not know how to oppress women the way women would like to be oppressed.' (!) No wonder this film is so dated—there is something too limp-wristedly deferential about Martha to ring true for today. There must have been mobs of people making S-M films in the early '70s (*Maitresse*, *Salò*, et al) and of these only *Salò* had anything of value to say.

Fassbinder does have something to say, but the statement is misogynistic. The descent of Martha, (Margit Carstensen) into ever-sicker interactions with her extremely unpleasant husband Helmut Salomon (Karlheinz Böhm, a less-saturnine James Mason type) does not inspire sympathy, and this is full of directorial intent. She is a ditsy masochist, giving rise to such reflections as why doesn't she just kneel to him in the goolies and go out and start a first wives' club...

The only part that inspired any pity or terror was the completely genuine agony of a large cat being dangled for a considerable time by the scruff of its neck—Helmut is *not* a nice person, and neither, I'm afraid, was Fassbinder. (Why, in a German film where every word and action is loaded with capital S-symbolism, does the sadist have a Jewish name?) When our heroine discovers its limp body later and enacts Cheltenham tragedies over it (as Georgette Heyer would say), you wonder whether the creature was actually killed. Certainly *Martha* wouldn't qualify for the 'no animals suffered in the making of this movie' tag.

They need a tag like that for audiences.

—**Judith Hughes**

BOOKS: 1
RAY CASSIN

My name is legion

THE SILENCERS IS ON NO ONE'S list of the top 100 movies. It probably wouldn't make it to many lists of the top 1000 movies either, if there were such things. But this mediocre spy-thriller spoof made in 1966, starring Dean Martin as the libidinous and promiscuous secret agent Matt Helm, remains imprinted on my memory because of the circumstances in which I first heard of it.

The headmaster of the Marist brothers' school I then attended wrote to the parents of all pupils, warning them not to let their sons be corrupted by viewing such filth. He had not seen it, apparently, but he had been assured by others who had that it contained scenes even more obscenely degrading than those that were routinely included in the notorious James Bond films. (He had seen one of these, as I recall, and had been so shocked by it that he decided to write the stern admonition to parents that I am describing.)

I do not know whether Br Nilus' letter prevented many of the pubescent youths in his charge from being titillated by Matt Helm's frolics with a bevy of companions who all seemed to have names like Lovey Kravesit. But the letter's sentiments, at once innocent and prurient, paternal and authoritarian, are memorable because they typify a kind of Catholicism that, if it has not entirely vanished, has certainly lost its power over most who were nurtured by it.

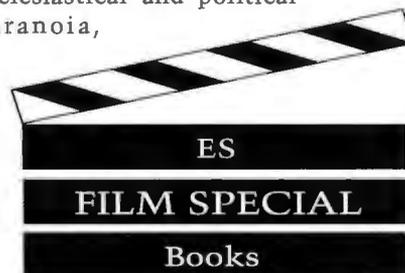
And what power it was. In America, the colossus of the world's film industry, there was until the early 1960s a whole legion of Br Nilus clones—in fact they called themselves the Legion of Decency—who had as much influence on what the Hollywood studios could and could not produce as did



The temptation scene from the 1932 film *The Sign of The Cross*, with Elissa Landy as the Christian virgin and Joyzelle Joyner as the temptress.

the legendary studio bosses themselves. How the legion acquired and lost its influence is the subject of Frank Walsh's remarkable story.

Walsh, a professor of history at the University of Massachusetts, Lowell, tells his story in a dry, almost plodding, fashion but that is no great handicap; when nearly every page carries a whiff of sex and the reek of ecclesiastical and political paranoia,



Sin and Censorship: The Catholic Church and the Motion Picture Industry, Frank Walsh, Yale University Press, New Haven, 1996. ISBN 0 300 06373 3, RRP \$57.

an historian doesn't have to be Edward Gibbon to retain the reader's interest.

More disappointing than the book's stylistic flatness, however, is Walsh's reluctance to place his narrative of events in an interpretative context. It is no accident that the demise of the Legion of Decency coincided with the upheavals of Vatican II, and especially with *Dignitatis Humanae*, the council's declaration on religious freedom. The principal architect of that declaration, the American theologian John Courtney Murray SJ, is certainly mentioned in *Sin and Censorship*, as are—briefly—the debates about the church's relationship to a pluralist society that

Murray initiated. But what is missing is any extended discussion of why it might be that the same pioneering liberal democracy should spawn both the world's first great mass-entertainment industry and the revolution in the church's self-understanding expressed by *Dignitatis Humanae*. Perhaps, for an American historian, these things are so much a part of the cultural fabric as not to seem to need explanation. Yet that, of course, is noteworthy in itself.

John Courtney Murray may receive cursory treatment in *Sin and Censorship*, but several other American Jesuits do not. Indeed, one measure of the change in attitudes that brought down the legion lies in the distance between the outlook of Wilfrid Parsons SJ, a zealous protector of morals who edited the Jesuit weekly *America* in the 1920s and '30s, and that of Patrick Sullivan SJ, an associate of Courtney Murray who was appointed to advise the executive secretary of the legion in 1957.

For each man there is a landmark film. *America* savaged Cecil B. DeMille's *The Sign of the Cross* (1932), declaring its scenes of decadence in Nero's Rome to be 'among the most unpleasant bits of footage ever passed by the Hollywood censors'; but Sullivan's refusal to condemn Fellini's *La Dolce Vita* (1960), which satirised popular Catholicism and portrayed Roman orgies of a latter-day kind, began the legion's slide into irrelevance.

In effect, Sullivan encouraged Thomas Little, the New York diocesan priest who was his boss at the legion, to preside over a program of liberalisation by stealth.

There is a nice irony in the fact that it was a biblical epic, the aforementioned *Sign of the Cross*, that helped bring the

Legion of Decency into existence. And again there was a Jesuit involved, though one rather less effectual than either Parsons or Sullivan. The wily DeMille had hired Daniel Lord SJ, an urbane cleric with a taste for high living and the company of those who could treat him to it, as a consultant on his earlier movie about Christian origins, *King of Kings* (1927). While they sipped martinis on the deck of DeMille's yacht, Lord had loftily conceded to the director that the depiction of Mary Magdalen as a scantily clad courtesan in *King of Kings* might be justified if it served the plot and was not merely gratuitous.

DEMILLE CUT 1500 FEET of film that showed more of the Magdalen than Lord thought was necessary, and then used the Jesuit's endorsement of the script to widen the scope for the portrayal of sexuality in the cinema. He hoped that *The Sign of the Cross* would be a further stage in the process, assuring the studio chiefs that sex was a guaranteed audience attraction and that the churches would not object if the sex came with biblical trappings.

DeMille was right about the box-office potential of *The Sign of the Cross*—it made heaps—but dead wrong about the response of the churches, and especially the Catholic Church. What's more, Lord turned against him and



Jacqueline Logan as Mary Magdalen in *King of Kings*.

Above right: Fr Daniel Lord SJ, a prime mover in the Legion of Decency. Left: Fr Patrick Sullivan SJ, who tried to bring church attitudes to film in line with the spirit of *Vatican II*.

campaigned against the film in the Catholic press. Lord and similarly minded critics objected to the contrast between the prim Christian martyrs and their sensual pagan persecutors; Christianity would lose its appeal, the critics feared, if its adherents were seen to be so dull. In particular, Lord and others reviled an orgy sequence in which a female dancer tries to arouse the virginal Christian heroine: 'that lesbian scene' became the preferred target of all those who thought it was time to clean up Hollywood.

The initiative then passed to the US bishops, who established the Legion of Decency in 1934 and persuaded the Hollywood studios to accept a Catholic layman, Joe Breen, as head of the Production Code Administration. The code, which had existed

since 1930, was a list of dos and don'ts that in theory the studios adhered to voluntarily—gangster heroes had to repent, and die a violent death to prove that crime does not pay; 'fallen' women had to give up the men they seduced to preserve marriage and family; actors had to be chastely attired; scripts must be devoid of innuendo. Since 'that lesbian scene' appeared to prove that self-regulation by the industry had failed, the purpose of the legion was to provide leverage for Breen in his negotiations with



incorrectly, to speak with a single voice. And from the Catholic side, there was a trade-off: if the studios accepted the guidance of Catholic censors, the hierarchy agreed to support the studios in opposing government regulation. The bishops had a long history of resisting acts of censorship by public authorities, which they regarded as attempts by the Protestant majority to impose its culture on the Catholic minority. Thus the church helped the industry to remain nominally free, while effectively constraining its freedom.

Even odder than this strange alliance for freedom was the fact that Breen, a virulent anti-Semite, worked so closely and for so long with producers he habitually described as 'kikes of the lowest type'. The lay leaders of the legion and the Production Code Administration were motivated as much by cultural paranoia as by prudery; they feared the influence of Jewish business, and even more that of the Jewish intellectuals who provided so many of Hollywood's writers and directors. And, given the left-leaning politics of some of those writers and directors, the Cold War fed the paranoia of Breen and others in the late 1940s and the '50s. There is not much to separate the loonier comments of Joe Breen from those of Joe McCarthy—but Breen, unlike Senator McCarthy, kept his job.

That this edifice eventually fell apart was in no small part due to the work of men of men like John Courtney Murray and Patrick Sullivan and, as I have indicated, Walsh could have devoted more attention to the former in his book. But the death of the legion was ultimately the work of ordinary Catholics whose names will never be cited in theological journals or in histories like *Sin and Censorship*. As a priest quoted in *The New Republic* said about the Breen era: 'My mother read the legion's reviews, but God was not going to keep her from seeing Clark Gable.' By the time that Sullivan refused to condemn *La Dolce Vita*, most Catholics were making up their own minds about what to watch, and did not feel that their Catholicism was threatened when they did so. There were bishops who tried to stem the tide: James Cardinal McIntyre, Archbishop of Los Angeles, decided to

punish Sullivan by banning him from visiting Tinsel Town in an official capacity. It was a futile gesture. Once movie producers realised that the Catholic Church was not a monolith, the threat of a legion boycott meant nothing.

There are still those who think as the legion's reviewers used to do. Consider, for example, the reaction of Cardinal O'Connor, Archbishop of New York, and of some lay groups in this country, to *Priest*. But the

game is up. Hierarchs and their minions may have trouble understanding that the freedom spoken of in *Dignitatis Humanae* means more than freedom for the church to speak its mind, but most of us in the Catholic rank and file do not. After all, the declaration describes the world, and the church, we live in. ■

Ray Cassin is a freelance writer, and regularly reviews films for *Eureka Street*.

BOOKS: 2

JON GREENAWAY

Hot and buttered

Popcorn, Ben Elton, Simon & Schuster, 1996.

ISBN 0 684 81612 1 RRP \$24.95

YOU GET THE FEELING while reading *Popcorn* that after Ben Elton saw Oliver Stone's *Natural Born Killers* he bypassed the merchandise stand in his rush to get to the bathroom before throwing up. Perhaps that's when he imagined that such film mayhem can have profound implications.

In *Popcorn* he allows cinematic violence to escape the movie screen and visit itself upon society, especially its creators: he blurs distinctions between real and imagined worlds. Stone achieved something similar with *Natural Born Killers*, however he did so without the pointed irony Elton brings to *Popcorn*. Pavlov's dog gets a mention at a crucial stage of the novel, and the reader is left under no misapprehension about where Elton believes Hollywood, in its arrogance, fits into the metaphor.

But isn't life too chaotic for humans to be controlled in the way a dog can be trained? If the effect of a movie could always be determined then we would have no debate over censorship. Furthermore, we would have no need for critics either, as we would all see the same things at the same time. Elton, in his mischief-making style, creates a worst-case scenario in which he asks whether the media has so acculturated the general public to violence, that we are morally and ethically moribund.

One of the problems of Elton's writing has been its lack of subtlety. He is a very good stand-up comic after all, and it's not hard to imagine him sitting at his desk imagining the response of a club audience as he types the words. The advantage of his directness is that most of his observations have a searing accuracy, such as when he describes the moment his protagonist, bad-boy director Bruce Delamitri, wins best film at the Oscars for his gory but groovy *Ordinary Americans*:

Now was his chance. To tell like it was. To rise above the sanctimonious emotional manipulation that had characterised the evening thus far. Like the 'Best Actor', who had won his award for playing a person with brain damage and who had actually carried a brain-damaged child on to the stage and presented her with his award. Or the 'Best Actress', who had won so many hearts by accepting her award dressed in a gown designed in the shape of an enormous Aids-awareness ribbon....

Now it was Bruce's turn. To tell it like it really was.

EVEN THOUGH ELTON has a tendency to badger the reader, the narrative is imaginative and punctuated with moments of textured wit. It slips from standard novel to film script without a hiccup and the moulding of scene and scenario would do Oliver Stone himself proud. This complements the commentary running through *Popcorn* and Elton's qualities as a mimic are so good that it would not surprise if the novel survives the transition to film—and it's less than even money that it will become a feature movie—more or less intact.

Since *Popcorn* aims to satirise Hollywood—its cant, hypocrisy and sinister ramifications—it of course builds up to a dramatic climax, one which comes very close to falling from Elton's grasp. The trap of turning mimicry into literal repetition is avoided at the last when he cleverly involves the general public in the drama. Their presence is implied throughout but bringing them into the picture at such a crucial stage makes a well-timed connection. All of this stuff has to involve more than just the garden-variety psychopath

and cynical movie moguls.

A film version of *Popcorn* would be an interesting but difficult prospect for anyone game enough to take on the challenge. It pillories the lurid displays Hollywood is so enamoured with, yet it uses these same brazen images to make its point. If they fell into the temptation of revelling in the gratuitous sex and violence then it would become its own target—particularly as film does not enjoy the same privileges with the authorial voice.

Indeed a strong case could be made that even as a novel *Popcorn* makes this mistake; that is if the reader believes that Elton fails to use the gruesome images he paints to evoke his central theme. It's not difficult to forget that the novel is a construct in apposition to the living, breathing Hollywood as one gets carried along by Elton's infectious writing style.

Maybe this is why Elton feels the need to make his points as clear as day. Nevertheless he should still hope that the reading—and viewing—public is more adept at distinguishing 'life' and 'art' than he gives them credit for in the book. ■

Jon Greenaway is the assistant editor of *Eureka Street*.

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Die Hard

THAT BOX IN THE CORNER of the living room takes up so much of our time. Now people are willing to pay a substantial

monthly fee just to cram more tv into their lives. The biggest selling point of cable tv is the lack of sell, as it were, the absence of commercials. This is no doubt an unaccustomed luxury to people who need a street directory to find Channel 2, but who are irritated when commercials cut into their programs (13 per cent more since self-regulation came in). The fact is that without responsible public funding of broadcast media, we are being served up more and more to commercial interests. They may be selling to us, but we are also the commodity, as the channels scramble for the sponsors' dollar.

Dennis Potter saw it coming. *Cold Lazarus* was his swan song: he used his last breath to warn us, to curse the darkness of the merchant hearts that run the mass media. The sequel to *Karaoke* was a bleakly satirical revelation that felt curiously familiar: a frozen head plundered for its most private experiences. It was a little over the top, I thought, until I watched the terrible Royalty programs that were on recently. On Kerry Packer's Channel Nine, Diana, Princess of Wales, was the main attraction as homage was paid to Victor Chang, the heart surgeon who was murdered six years ago. It was impossible to escape the thought that Mr Packer, who had been saved by Dr Chang, just *had* to have the queen of heart-bypasses there. As television it was extraordinarily bad: more boring than a school speech night. Not even Sting could raise the level of an entertainment too stultifying to watch. At the same time, Ten showed an appalling tabloid-tv hatchet job on the British royals, *The Royal Soap Opera*. I watched as obedient flunkies of the tabloid barons spouted their masters' policies regarding the British royal family.

It was conducted like a children's show, with two perky presenters to tell one what to think (and those thoughts all of the deepest pusillanimity). The only virtue was that when James Whittaker (Royal correspondent for the *Daily Mail*) and his cohorts were interviewed, here at least we saw the main perpetrators of the hype in their bloated hypocrisy and snobbery. Just like the media leeches in *Cold Lazarus*, they want to loot the most private thoughts and feelings of the person under attack. They snorted and haw-hawed with contempt at Prince Edward's girlfriend: '...her father's a car salesman—people like that shouldn't marry into the House of Windsor.'

It was useful however, to see shots of Diana huddling through the airport pursued by tabloid employees, a poor daft doe bejackalled. These images awake sympathy that the media moguls command us to deny Sarah Ferguson or Charles. The presenters did their spin-doctor thing, informing us that Charles is rich and mean, fickle and weak. In the next breath they spoke of his stubbornness and sheer bloodmindedness when remaining faithful to his lover. He was declared to be a wimpy talker to plants, a user of Alternative Medicines. His long-established Prince's Trust was declared by the presenters to be a recent fad—that he must show some interest in social welfare to compete with his ex-wife's forays into hospitals. The rage against Charles the supposed dilettante was precisely because he tried to use his position to ameliorate some of the effects of Thatcherism. Anything he now does, good or ill, is fuel for their hate. No-one's privacy should be invaded like this.

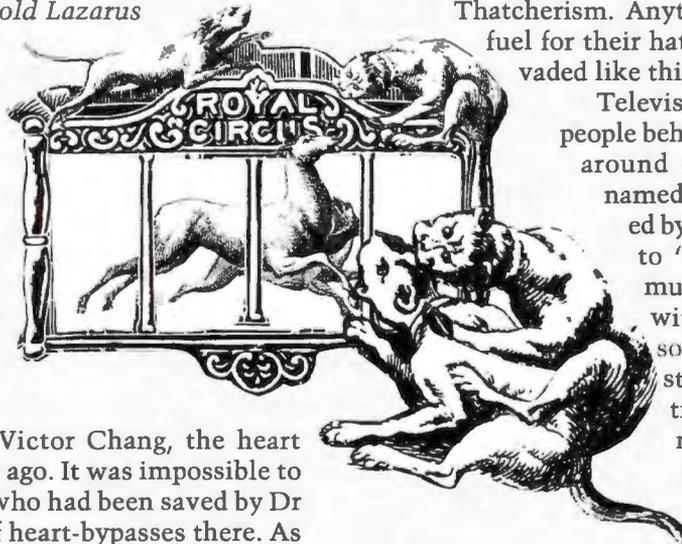
Television is of use here, letting us see the people behind the creation of the print-myths around celebrity. Rupert Murdoch was named on the program as being suspected by the Windsors of being determined to 'bring them down'. Republicans must feel it's the only thing they agree with him about. But the weapons are so mean—*no-one's* private life could stand this endless hostile glare, particularly when the commentary is mostly lies and half-lies, the judgments so Grundyish and inhumane.

But the lessons the Thatcherites and their copiers have learned is that you lose no votes by depriving people of ideals, community and jobs. Make everyone afraid and alone and we're well on our way to the Ik-tribe future that Dennis Potter foresaw and that media moguls want. Our trance of consumerist anxiety is their oxygen. In the meantime they can sell us dreams.

On a lighter note, the repeat, the night before Halloween, of the splendid *X-Files* episode *Die Hand Die Verletzt* (His is the hand that wounds) was unanimously and hilariously reproduced in the *Age & Sun-Herald* tv guides as 'Die Hard, Die Verletzi'—'Verletzi' obviously sounded to the subbies like one of those ethnic-type names, and of course they'd all heard of the *Die Hard* movies. It was good and scary stuff anyway—no UFOs, just a spot of satanic gruesomeness, good to tape and run again at your Halloween party.

But as usual the best stuff was on *The Simpsons*. ■

Juliette Hughes is a freelance writer and reviewer.





Eureka Street Cryptic Crossword no. 48, November 1996

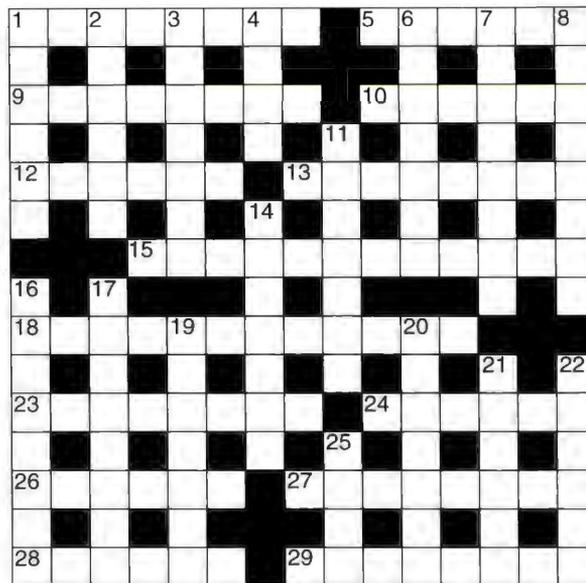
Devised by Joan Nowotny IBVM

ACROSS

- 1 & 5. There's no evening expenditure in the summer time. (8,6)
9. Gaze rudely at the auditor on the way to the flight. (8)
10. Does he make a hacking sound in the chest? (6)
12. Allow, after reversal of legislation, a place to keep money. (6)
13. Betaking oneself to a possible source of help about menu offering. (8)
15. In my broken heart's circle of pain, can this possibly measure the shock? (7,5)
18. Race for Rome Club—up north-east somewhere. (9,3)
23. The psychiatrist said poor Linus consumed food to cut off connections. (8)
24. A caper oddly for colloid consistence. (6)
26. Accustomed, at home, to rude diversion. (6)
27. Detailed epic recited before we hear the record—that's the final word! (8)
28. Settle comfortably with a chocolate company. (6)
29. Whip round the Navy, to start with, and cadge a few dollars, perhaps. (8)

DOWN

1. Refuse to acknowledge girl's proper rights. (6)
2. Expression of agreement over railway, in short! It occurs regularly. (6)
3. With difficulty I raise left arm to salute a national. (7)
4. Man has a quiet mass. (4)
6. Be loving in the morning or ring us for help. (7)
7. Conclude endless land deals? That's fiendish! (8)
8. Felt snubbed even though a Pole illuminated the way. (8)
11. Prised open mosaic book with bent reed! (7)
14. Wary about it being cold instead of loving. (7)
16. There's scope to be numero uno, but it requires get-up-and-go. (8)
17. Every living being to celebrate the day? Paradoxical! (3,5)
19. Grease the palm thoroughly for this boring enterprise. (7)
20. Painter felt poorly in the midst of unseemly rout. (7)
21. If you continue to be weary, you may take to the bottle. (6)
22. Namely, he and I object to the plan. (6)
25. Included in library stocks, be sure to keep Iceland saga. (4)



Solution to Crossword no. 47, October 1996



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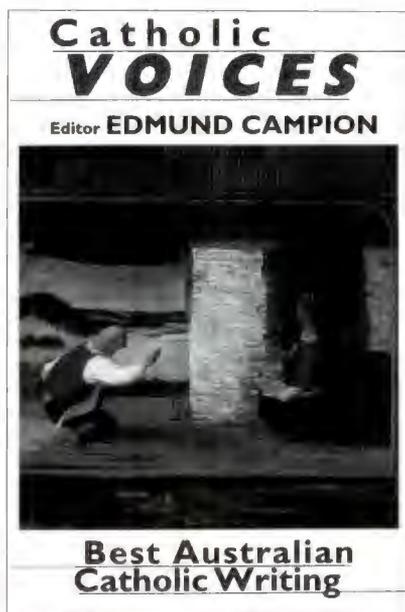
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