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Discerning humanity.

### In praise of moral robustness

Michael Mullins EDITORIAL



Congratulations to longtime *Eureka Street* federal politics correspondent Jack Waterford (pictured), who has been named Canberran of the Year.

Making the <u>announcement last week</u>, ACT Chief Minister Jon Stanhope described him as a "household name". He said Jack Waterford has informed and analysed the local community, in plain English, for many decades, as reporter, editor, columnist and leader-writer for its daily newspaper, *The Canberra Times*.

Politicians are usually sparing in their praise for journalists. It took the likelihood that journalists were among the victims of this month's Yogjakarta air crash for the Prime Minister to <u>acknowledge</u> that those who "report the news" are part of the "democratic network".

Colleagues aside, politicians are even more sparing in their praise for each other. It will be a while before we forget the Government's recent and ongoing attempt to demonstrate that Opposition Leader Kevin Rudd is "morally compromised".

But they appear more focused on moral cleanliness than moral robustness. In an essay for *Eureka Street Extra* next week, Andrew Hamilton looks at what lies behind the idea of *moral purity*, which is what has governed the recent mudslinging in Federal Parliament. It seems that politicians consider this essentially negative mode of characterising ethical behaviour to be more apposite than the term we prefer, which is *moral robustness*.

Many people regarded as morally robust would not pass the politicians' purity test. Countless great Australians have fallen foul of the law, and the criteria for judging moral purity, at some stage in their life. We can inspect the full list of Canberrans of the Year, or <u>Australians of the Year</u>, and the list of the morally robust who have been honoured in the various divisions of the <u>Order of Australia</u>. Research queries would most likely reveal more



than a few of them to be "morally compromised". Yet they are the citizens of which we are most proud.

In this fortnight's *Eureka Street*, we present an interview with a US citizen who is an official disgrace. Jesuit peace activist John Dear, who has spent the past month visiting Australia from the United States. John has been arrested many times, and is a convicted criminal who has spent much time in jail. He has caused damage to US military hardware and establishments through acts of civil disobedience. He has done this out of deep moral conviction. Some would say that he is misguided. But clearly he is guided by his conscience, faithfulness to which is the measure of moral robustness.



### The quality of asylum seeker processing

AUSTRALIA David Corlett



The interception of a group of 83 Sri Lankan asylum seekers by the Australian Navy in late February prompted renewed public discussion about the way Australia should respond to people who arrive in this country in search of protection.

The government initially said it would return the group to Indonesia. The Indonesians said that they would send them back to Sri Lanka. But without a guarantee that they would be safe in Sri Lanka, and after a good

deal of deliberation and negotiation, the Australian government decided the group is to have its claims for protection assessed on Nauru.

The handling of the Sri Lankan asylum seekers by the government looked clumsy and ad hoc. More alarmingly, it also looked precariously close to risking the return of a group of people to a situation where they could have been placed in grave danger.

In part, this indicates the flawed assumptions that have underpinned Australia's response to asylum seekers for the past decade and a half. These assumptions can be summarised thus: asylum seekers " people who are deemed to be of questionable character, particularly because they rely on people smugglers " must be deterred from seeking protection in Australia lest this country be seen as 'soft' and therefore a place where more asylum seekers might seek to come.

In the long term, these assumptions and their policy implications ought to be challenged. Asylum seeker policy and practice ought to be radically altered.

More immediately, there is a need to engage in policy change that allows the existing system to be made more protection-focused while not being so drastic as to frighten policy-makers from its implementation.

I am soon to have a discussion paper published on the <u>APO website</u> which seeks such a compromise. It does not call for the dismantling of the Pacific Solution. Nor does it call for a revamping of the legislative regime that has proven so bankrupt.

What it does seek to do is to identify ways in which Australia's response to asylum seekers can be better balanced between border control and the obligation to offer protection to those who need it.

In the first place, upon interception, the Sri Lankans ought to have been informed that they would be returned from whence they came unless they had reason to fear returning and then been offered an opportunity to express any such fear. As radical as it sounds, such a practice need not be altogether alarming for policy-makers. Asylum seekers arriving in the United States already have access to a similar opportunity.

Those arriving by air are asked the 'three fear questions': 'Why did you leave your home country or country of last residence? Do you have any fear or concern about being returned to your home country or being removed from the United States? Would you be harmed if you are returned to you home country or country of last residence?' Those arriving by boat



are subject to a less rigorous process, but one which is better than Australia's.

Issuing a statement outlining their legal status and granting unauthorised boat arrivals the opportunity to express any fears would also reduce the possibility of loss of life at sea. Present policy requires the navy to prevent asylum seekers from disembarking from their vessels unless they are deemed unseaworthy. There is a fine line between a barely seaworthy vessel and one that is unseaworthy, and it is a line that might be crossed quickly.

Had the Sri Lankans articulated a fear of returning, they could then have been brought to a safe and convenient place to have their claims for protection processed. In fact, they were brought to Christmas Island, but only for a short time. The decision to transfer the group to Nauru for processing seems expensive and unnecessary.

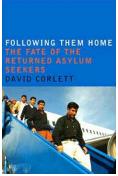


A group of Sri Lankan asylum seekers intercepted by the navy near Christmas Island last month will be transferred to the Pacific

For the purpose of my argument, however, it matters less where the asylum seekers will be processed " Christmas Island has been removed legislatively from Australia's 'migration zone' and Nauru is an independent nation " and more the nature of their reception and processing.

The Sri Lankans now ought to be given access to the resources to ensure that they can best articulate their claims for protection. This involves providing the asylum seekers independent, high-quality legal advice and a fair, efficient and transparent protection determination process. They ought to have access to an independent merits review process should their claims for protection be rejected in the first instance.

Further, the Sri Lankans should be provided with medical care, appropriate accommodation, welfare support, counselling and other opportunities to prepare them for the three possible outcomes they will face " asylum, return to their homelands, should their claims be rejected, or resettlement in a third country.



Those found to have valid protection concerns should be given permanent residence in Australia. Those found not to have protection concerns " defined broadly, as concerns about their basic human rights to life and liberty " ought to be returned to Sri Lanka. As far as possible, this should be done with the consent of the failed asylum seekers. Should those without protection concerns refuse to return, it is reasonable that the state enforce their return. This ought to be done in as dignified a manner as possible, by officials of the Australian government " not by employees of private companies or organisations " and under guidelines which dictate the appropriate use of force.

Finally, Australia should establish a returnee monitoring body to ensure that the asylum seekers it does return " to Sri Lanka or anywhere else " are indeed safe, and should establish processes by which those wrongly returned can be properly protected.

By implementing practices of the sort discussed here, Australia's response to asylum seekers arriving without prior authorisation could better balance the government's desire to control its borders with the obligation to protect those in need of protection. If the reaction to the Sri Lankans is any indication, there is an ongoing need for policy reform, if not revolution, in this area.



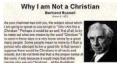
Discerning humanity.

### The dark gospel of Martin Scorsese

COLUMNS

Scott Stephens

In his infamous lecture, 'Why I am Not a Christian' " presented 80 years ago this month " Bertrand Russell remarked that the word Christian "does not have quite such a full-blooded meaning now as it had in the times of St. Augustine and St. Thomas



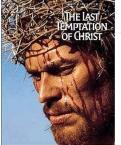
Aquinas. In those days, if a man said that he was a Christian it was known what he meant | Nowadays it is not quite that." This comment reflects the state of atrophy into which Christianity has descended, the continual process of being alienated from its own essence, of growing ever more vague and indistinct.

And yet it is truly a peculiar aspect of our time that shards of a lost authenticity can be found in the most 'anti-Christian' of sources. As Marx put it, referring to Feuerbach: "Shame on you, Christians, both high and lowly, learned and unlearned, shame on you that an anti-Christian had to show you the essence of Christianity in its true and unveiled form!" Perhaps one of the paradoxical tasks left to us, then, is to try to make out the truth in the likes of Andres Serrano's *Piss Christ*, or buried deep in the pages of Darwin's scientific notebooks, or even amid the moving images of Martin Scorsese's *The Last Temptation of Christ*.

There is a disturbing dimension to Scorsese's films that is far more profound than just on-screen violence. It is conveyed by the stark inelegance of the cinematography, the absence of warm tones, the chilling sense of an austere world in which kindness, let alone love, is not possible. Scorsese's is a fallen world. Like Cain, his tortured characters are driven further into the wastelands " whether the desert or the untamed streets of New York " by their acts of almost mythical violence, until any remaining vestige of hope or virtue is finally extinguished.

And it is in this world that Scorsese conceived his own Christ. Drawing inspiration from Nikos Kazantzakis, *The Last Temptation of Christ* presented a radically different version of the Jesus story than other, more sanitized depictions. Scorsese's Jesus, like all of his protagonists, is a tortured soul, haunted by a divine vocation that brings with it, not enlightenment, but darkness, confusion, oppression.

Jesus' experience of God is of an expansive, entirely free presence that can no more be apprehended by the young Galilean's marginalized psyche than it can by the temple in Jerusalem. The psycho-spiritual journey of the film, then, is not toward some deep sense of Jesus' 'secret identity', a clearer realization of who he is and what he must do, but rather away from any such security. He is plunged into the divine void, and need only be willing to resign himself to it to find salvation, and sanity.



This is where the film's near fatal weakness lies: it reduces Jesus' message to an anti-establishment spiritualism, or even vulgar pantheism over against the rigid formality of Jewish ritual. (As Jesus puts it at one point in the film, 'God is an immortal spirit who belongs to everybody, to the whole world!') By casting God as an all-embracing life spirit, rather than some tribal deity, the film locates the critical opposition as being between Jesus' free spirituality and Judaism's stale religion.

But although *The Last Temptation of Christ* is undeniably wrong here " in the Gospels, Jesus sets the conflict within Judaism itself, between the holiness code and prophetic traditions " the film in equal measure gets something remarkably right. A strong temptation did bedevil Jesus his entire life, one that was fully as much domestic and familial as it was national and political. And while this temptation wasn't purely internal, neither was it entirely external, for it went to the heart of Jesus' self-understanding.

Take, for instance, the Gospel of Luke's presentation of Jesus' temptation in the wilderness. What is usually missed in those banal readings of this account is that the expectations and birthright of the messiah " refracted here through allusions to Psalms 2 and 91 " are themselves presented as temptations, and from the devil's own mouth, no less! The effect of this outrageous assertion is that one is forced to reinterpret Mary's and Zechariah's hallowed songs " both of which eagerly anticipate the coming deliverance of Israel from its Roman oppressors " as nigh on 'satanic utterances'.

Jesus' refusal was an absolute rejection of the notion of 'messiah', and thus of his family, his nation, and ultimately, of that God known as 'Yahweh'" an implication perfectly captured by Scorsese's Jesus when he cries, "God is not an Israelite!" The prophetic path on which he then embarked was one of urgent warning: that the nationalized structures of holiness and resistance will lead unavoidably, not to deliverance, but to the destruction of Jerusalem. And it was the necessity of this protest " which entailed an altogether different conception of God, defined by mercy, but whose dark purposes include his own death " that was burned indelibly into his self-understanding.

Jesus' crucifixion " a form of execution reserved exclusively for insurgents, rebels against the Roman occupation " was then the final symbolic act to warn that further revolt would end in national catastrophe, that this was the fate that awaited them all if they remained fixed on messianic resistance.

At this point, Scorsese's is unique among those cinematic depictions of Jesus' life, for he accurately connects the necessity of his crucifixion with the impending destruction of Jerusalem. If the 'last temptation' of Jesus was to succumb to the weight of those national and familial expectations, to pull back from the darkness



and uncertainty of his vocation, perhaps our temptation this Easter season is to give in to the security of those all-too-familiar portrayals of Jesus, and thus miss the power of his resurrection.



### **Terrorists not solely responsible for violence**

COLUMNS Summa Theologiae James McEvoy

Lily Brett's writing is often autobiographical and reveals a life shaped by the profound injustices visited on her parents. She was born to Holocaust survivors in a displaced persons' camp in Germany. The family migrated to Australia in her second year. Her poems and stories portray incidents such as: childhood scenes in a



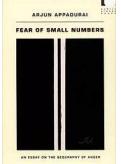
sad, darkened house in suburban Melbourne, as well as her struggle to come to grips with her emotional scars in middle age.

Brett's story gives us insight into our own. This picture of violence or evil as having its source outside of us, but at the same time shaping our self-understanding, reflects a deep theme of each of our lives. Attention to the dynamics of cultural violence bears it out. It is this dimension of human life that the Christian doctrine of original sin articulates.

When rid of gross misinterpretations, the doctrine of original sin can powerfully illuminate the human predicament. It does not mean that humans are inherently evil, although it is often understood in such a way; nor does it mean that we are individually responsible for the broken situation in which we find ourselves. In broad terms, there are two dimensions to a contemporary reading of the doctrine. First, that every person is born into the long history of human sinful choices. And second, that this history of brokenness enters into and is an inner determinant of each person's situation. American theologian Stephen Duffy sums it up in these words: "Before being able to choose, one is, merely by being historically situated, inextricably caught in an immense web of reciprocity in evil that one cannot escape and that has forming power."

From my reading, these dynamics are also found in a recent book by Indian-born, New York-based social theorist Arjun Appadurai. In <u>Fear of Small</u> <u>Numbers: An Essay on the Geography of Anger</u> (Duke 2006) he explores the shape of culturally motivated violence. He asks: why should the 1990s, a decade dominated by globalisation, have produced a plethora of examples of both ethnic cleansing and extreme forms of terrorism?

Appadurai argues that the social structures and understandings that brought about globalisation, like all social arrangements, have a dark underside. The massive changes in global finance, transport, work and consumption produce uncertainty in the lives of the common people, and in turn this uncertainly "produces new incentives for cultural purification as more nations lose the illusion of national economic sovereignty or well-being."



Although it's a short book, it is rich in observation and analysis. Appadurai examines the tension between what he calls vertebrate and cellular social structures. Vertebrate structures, like the system of nation-states, are symbolised by the large body of institutions and agreements that allow states to function and relate to one another. In recent years, new social structures have emerged in which money, people and information are linked by multiple international networks.

It is these emerging structures that he calls cellular. The global capitalist system is both a vertebrate and cellular system. It is a

vertebrate system in that it operates within the agreements and institutions formed by states; however it is also a cellular system in that global capital is increasingly mobile. Appadurai argues that the proliferation of global cellular forms of capital over the last decade has opened up new possibilities for terrorist networks. He leads us to see that œthe forms of global terrorism of which we are most conscious after 9/11 are only instances of a deep and broad transformation in the morphology of global economy and politics.

In another line of argument, Appadurai traces the connection between high levels of uncertainty in a population and the targeting of minorities, which easily tips over into ethnocide. It is this dynamic which provides the title for the book.

So, our temptation to blame violence entirely on the terrorists is unmasked by Appadurai as far too simplistic. We are all caught up in the dynamics of globalisation and its dark underside. He puts it in this way: "Our terrorists, whether in the United States, India, or elsewhere, are | doubly horrifying: they are malignant, to be sure, but they also somehow seem to be symptoms of the deep malaise in our own social and political bodies. They cannot easily be exorcised as evil spirits or simply amputated like bad limbs. They force a deeper engagement with our states, our world, and ourselves."

Here again the doctrine of original sin enlightens. Not only does violence come from without and shape us within; its overcoming must be sought in continually subverting the cycle of violence. Or, in Christian terms, hope is found in opening ourselves to the stream of divine grace so that we might love and the world be transformed.



## Traditional musician echoes south-of-Derry hometown

COLUMNS Simple Pleasures Paul Daffey

The interview with Martin Kelly (pictured), a guitar player with a mastery of Irish traditional music and a considerable talent for storytelling, was conducted in unlikely surrounds at the Lomond Hotel in Melbourne's East Brunswick.



Where it might be expected that a traditional musician would explicate on his passion for tunes with his elbow on a bar,

accompanied by a pint, Kelly did his talking beneath a bank of televisions, whose screens flashed greyhound races from Launceston and harness races from Geelong.

From the age five, while growing up on a sheep farm near the Sperrin Mountains in County Derry, in the North of Ireland, Kelly learned classical piano. At the age of 15, he heard an AC/DC record and dropped his interest in piano. Three weeks after his mother had placed a guitar behind the curtains and told him there was a present waiting for him, he was playing guitar in her band.

A decade later, while on tour in Germany with an Irish rock band, Kelly heard a song on the BBC World Service that changed his direction in music. The song was 'The Death of Queen Jane' by the Bothy Band, a Dublin outfit that fused traditional music with a rock sensibility. Kelly had never heard Irish music like it.

He sought out the members of the Bothy Band and became friends with them. In his home town of Ballinascreen, in the south of Derry, he started going to traditional music sessions. At the Market Inn in Ballinascreen he met a man who would be his tutor.

Maurice Bradley, a farmer, led Kelly on a never-ending tour through Irish tunes and, by extension, Irish history. Every tune had been handed down from nebulous sources, in such a fashion that every musician in the country believed he had a hand in its ownership, and yet every musician knew there was no such thing as owning tunes. For weeks, Bradley brought out the tale of a different tale and a different instrument. Kelly believed that Bradley was a genius. In years to come, he would be regarded as something of a genius himself.

As a bus driver for Paddywagon Tours, Kelly took wide-eyed tour groups into bars throughout the country and the publican welcomed him by name. Kelly would jump in on the traditional-music session and the backpackers would grasp an insight into another Celtic mystery.



Kelly would round out the learning process with comments and asides on all things Irish. Never one to draw from a bank of rehearsed tales, he would pull into a town and ask his acquaintances if they had any stories. By spreading the stories to backpackers on the bus tours Kelly came to serve as a roving ambassador.

In Kilkenny, on one of his trips around Ireland, Kelly fell in love with a Melbourne girl called Fiona. He says it was love at first sight. The couple married. The difficulty was working out where to live as Martin's family's roots in the district run deep.

The problem was solved when Fiona persuaded Martin to try out Melbourne for a one-month holiday and he took his guitar to the session at Dan O'Connell's in Carlton on a Saturday afternoon. To his astonishment, there were 14 fiddle players. One of them, Dan Bourke, was, in his words, "as good as you get".

Martin and Fiona live in Preston, in Melbourne's northern suburbs, and have a five-month-old girl, Gemma. Martin, one of life's enthusiasts, loves everything about his adopted city except the mosquitoes. Now 38, he drives a school bus, just like his father, and plays paid gigs in Irish pubs on weekends. On Monday nights, he heads to the Lomond Hotel for the pleasure of playing for himself.

The cream of Melbourne's traditional musicians converges on the Lomond to unwind after a weekend of playing in packed pubs. In a back room, they come to share stories and tunes, to tease out the music that's in their bones. According to Kelly, who's played in sessions from Donegal to Germany to New Orleans, the quality of musicianship around the table at the Lomond suffers nothing in comparison with anywhere he's been in the world.

On this night, after the dogs and the trots on the televisions have been silenced, the musicians arrange themselves around the table so that they're facing each other. The cast includes fiddle player Paul Wookey and pianist Tony Hargreaves. Two young women, who are both learning to play the fiddle, sit on a couch in the corner.

Kelly crouches over his guitar and nods while he picks up the timing during the first tune. At such a time as he's ready, he sends his right hand across the strings and the fingers of his left hand begin to dance. Musicians join in and drop out at their leisure.

After every tune, the sublime Dan Bourke wonders aloud where that tune came from. Opinions wander around the table, with suggestions varying from this or that musician to this or that county. At one stage, the word 'Malta' is mentioned.

After several lively tunes, an unusual event occurs when Marty Kelly is encouraged to change the tempo. He closes his eyes, plucks his guitar and sings



'Hard Times Come Again No More' which was written in the 1850s by American troubador Steve Foster. The ballad was written at the time when the potato famine was laying waste to Ireland. It's a tune that has survived the years because it serves as a universal lament.

When Kelly is finished, the room contemplates for an extended moment. Kelly then takes time out to speak to other onlookers. The talk turns to All-Ireland football finals and Walter Raleigh, the former mayor of the County Cork town of Youghal. A discussion begins on the origin of terms. There's a feeling that the night is young.



Is this really the worst drought on record?

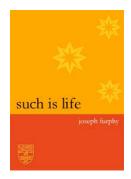
COLUMNS

By the way

Brian Matthews

When in September 1892, the editor of the *Bulletin*, F.H. Archibald, gave Henry Lawson £5 and a rail ticket to Bourke, what neither of them bargained on was that Lawson would arrive in Bourke in the middle of the worst drought in living memory.

Perhaps every drought, once it really grips hard, is 'the worst'. Lawson's mother, Louisa, had walked off their selection a decade earlier after the third successive year of drought defeated her. In that same year, 1883, Lawson's great literary contemporary, Joseph Furphy, his health and business ruined by the drought,



went back to Shepparton where he worked in his brother John's foundry, and set about writing one of the great classics of Australian literature, *Such is Life*.

But the drought Lawson encountered when he stepped off the train was 'the worst' anyone had heard of or experienced or knew about and it appalled him. He wrote to his aunt, Emma Brookes, of "the horror" of life in the drought-blasted outback where "men tramp and beg and live like dogs". Nevertheless Archibald's strategy worked: from Lawson's five fraught, ghastly months in the far west of New South Wales came some of the greatest stories in our literature, collected in the two series of *While The Billy Boils*.

Seventy-three years after Lawson gratefully set his "broken boots" on Sydney pavements " it began to rain the day he left! " I arrived in Bourke during, as the locals somberly assured me, the 'worst drought' since the 1890s. The sheep were on the long paddock, dust powdered up from the tracks and 'roly-pollies' bounded along the roads in the hot wind. People were consumed by drought: they talked about it constantly; they broke off in mid-sentence to scan the washed-out blue of the sky; women looked tired and grim; men kicked at the crumbled earth about their boots and squinted into the futile distance, baffled, helpless.

Statisticians of weather can have a shot at telling us where this drought stands in the pantheon of arid disasters. Is this the 'worst drought' in a thousand years, as Mike Rann is said to have claimed? Who knows?

But recently I flew from Melbourne to Adelaide and, contrary to my usual policy, which is to get an aisle seat " because quite often you see nothing but cloud from the window and clambering over other passengers to get to the toilet is embarrassing, bruising and undignified " I used the personal check-in computer to



give myself a window seat. The skies were flawless, the morning as bright and clear as when mornings were first made " probably " and I had carefully avoided the wing. The world lay at the mercy of my curious gaze.



On our left, the First Officer assured us over the PA, we would see the city of Ballarat as we climbed to our cruising altitude and, sure enough, there it was: a sprawl of hot, glinting roofs, a glassy, mirage-buckled CBD and a surrounding plain of earth that looked like it had been blow-torched. And that was the scene all the way west. Very occasionally, a small green patch where someone's bore was still producing (probably very salty) water, but overall, kilometres of scorch and armour-plate and the long, grey bones of roads straining across the emptiness and the dams and water

courses like congealed white splotches on a palette.

And then, the saddest sight of all in this 'worst drought' ever: the Coorong, one of my favourite places, shrinking and writhing between its dunes all the way to the dwindled Murray.

When you think about it, drought pierces so straight to our hearts " from the suburban gardener bucketing water on the tomatoes to the farmer selling off stock or watching them drop " that we need more than a government to deal with it. Government members, with the egos and ambitions that have driven them to their positions, are not inclined to think of the natural world as a colossus of mystery and power dwarfing them and their machinations. Those who do portray nature in this way " like Tim Flannery, for instance " have to be ridiculed or silenced.

There is a kind of moral dimension to drought " its purging, lacerating insistence, its longevity, so different from the unheeding high drama of storm or flood or fire " that turns it into a cultural as much as a meteorological event. Drought sticks around. People settle into it, however reluctantly. It suffuses their life texture.

Those who contend that we live in an 'economy' " people whose basic attitude to culture, any dimension of culture, is philistine " will never allow drought that force, even dignity, and so will never really understand drought's slow, resistless message that human life is tragedy as well as conquest, a confrontation with the depths as well as an aspiration towards the light.



## Military Commission rules lessen Hicks chances of fair trial

FEATURES Human rights

James Montgomery

Any commentary on the charges facing David Hicks, or the facts surrounding the case, is speculative and uninformed unless the commentator has read the prosecution brief. In order to consider whether Hicks will receive due process as understood in common law jurisdiction it is necessary to analyze the Manual for Military Commissions. It is the Manual that sets out the rules of evidence and procedure under which Hicks will be tried.



The Manual states in its Executive Summary that it provides for a full and fair prosecution of alien unlawful enemy combatants, and that it affords all the judicial guarantees which are recognized as indispensable by civilized people, as should any criminal justice system.

Whist acknowledging that many of the rules of procedure and evidence in the Manual are unexceptional and indeed familiar to criminal law practitioners in Australia, the Manual fails its own standards in a number of ways.

First of all, its jurisdiction is retrospective and wide ranging. Second, an involuntary confession is admissible as evidence. Third, the hearsay rule is unfair to the Accused and dilutes the common law rules of hearsay. Fourth, important procedural rules are not predicated on principles of fairness. Finally, any custodial sentence imposed does not take into account time served by the Accused.

#### Jurisdiction

The issue of Jurisdiction is difficult one, as it applies to unlawful enemy combatants. The definition of unlawful enemy combatant is so wide as to include purposeful and material support of hostilities against a co-belligerent of the US. A political analyst could imaginatively construct any number of scenarios that would fit into such a definition but would be outside on the war against terror .

#### Evidence

Combine the question of jurisdiction with the Rule 201 of the Rules of Evidence, which allows for offences backdated to September 11, 2001 and the Military Commission in effect has unlimited and retrospective jurisdiction over any perceived opponent of the United States in foreign policy.

#### Confessions

Rule 304 (a) of the Rules of Evidence excludes a statement obtained by use of torture, but if obtained by the product of coercion it may be admitted.

Torture is defined as an act specifically intended to inflict severe mental pain or suffering upon another within the actor's custody or physical control. Coercion is not defined.

The military judge may admit such statements if the totality of the circumstances renders the statement reliable and possessing sufficient probative value. The interrogation methods used to obtain the statement must not amount to cruel, inhuman or degrading treatment.

In short, an involuntary statement excluding one obtained by torture may be admissible. Torture is narrowly defined and conduct outside the definition could cover a wide range of physical and mental actions. It is only when it is ruled admissible that the defence can raise the issue of voluntariness.

The oral admission section in effect allows for the spectre of 'the police verbal'. Because there is no provision for compulsory recording either by tape or video of a confession, an oral account cannot be checked and its veracity depends on the truthfulness of the interviewing official.

Any statement obtained by coercion in these circumstances does not conform to the stated standards of a fair prosecution. Such a confession would not be admissible in Australia.

Hearsay

Rule 803 of the Rules of Evidence allows hearsay evidence to be admitted. The hearsay rule in Australian criminal law has been diluted by its admission as relationship evidence and contextual evidence.

But the onus is on the party seeking to have the evidence admitted to justify its case. The Manual's hearsay rules are much wider and are justified on the basis that many witnesses are likely to be foreign nationals and not amenable to process or otherwise unavailable.



Thus, if CIA agent X testifies that he heard a foreign national, not a witness, say that the accused told him that he bombed a US military base, that evidence would be admissible. The defence could not cross examine the maker of the statement and would be

reduced to discrediting agent X under the test of Rule 803 " a very difficult forensic exercise " and it would carry the burden of arguing for its exclusion.

The onus is on the Accused to demonstrate unreliability in practical terms. This means any hearsay evidence, including hearsay within hearsay, would invariably be admitted. This cannot be described as a fair prosecution. The basis for the exclusion of hearsay evidence is that the original witness can have his evidence tested in court. The party seeking the admission of hearsay should bear the onus

of providing cogent reasons for such admission.

#### Procedures

In combination or singly, the procedures discussed above infringe the Accused's right to a fair trial. An Accused person must be able to test evidence at its source; an Accused person must either personally or through his lawyer know the full extent of the evidence against him in order to meet it. The right of appeal should not be limited so that it excludes appealing against the factual basis of the conviction.

### Sentencing

The final issue is that of sentencing. Rule 1113 (d) of the Military Commission's Manual provides that any period of confinement begins to run from the date the sentence is adjudged. This would exclude a deduction for time served awaiting trial, a deduction normal in Australian courts. The unfairness of this is so obvious as to not need explanation. Surely a civilized people would regard such a deduction as indispensable

The progress of the case is difficult to predict. Challenges to the Manual in the US Supreme Court would seem to be inevitable. Such would be based on the questions of unfairness that I have raised. The delay that has occurred would in Australia form the basis for a compelling case for bail. That is not available to Hicks.

The prosecution case should be based on fairness, eye witness accounts and voluntary statements. A conviction obtained under the Manual for Military Commissions will be tainted and unreliable. Such an outcome does not support the Rule of Law as we know it, and the governments that have the very legitimate concern of combatting terrorism.

This is an abridged version of the orginal document. For the full version,  $\underline{\text{click}}$   $\underline{\text{here}}$  .



Discerning humanity.

### Bettie Page, the tease from Tennessee

FEATURES 20th Century Icons Madeleine Hamilton

Where I live in the inner city, there is a particular hairstyle that is very popular amongst local young women. For edgy rock babes with penchants for tattoos and dark red lipstick, the 'do' *du jour* is black and shoulder length with a short blunt fringe. In their retro self-styling these women evoke and pay tribute to the subject of the just-released film, *The Notorious Bettie Page*.



Bettie Page experiences an equal, if not greater, level of popularity today than she did during the peak of her career as a pin-up model in the early to mid 1950s. Hundreds of websites are dedicated to disseminating and celebrating images of this icon of fifties femininity; thousands of biceps sport tattooed tributes to the curvaceous queen of the pin-ups, and millions of dollars are made annually by savvy entrepreneurs supplying an eager market with DVDs, books, t-shirts and mouse pads featuring the endlessly reproduced images of the 'Tease from Tennessee'.

This resurgence in popularity has been explained as a symptom of the nostalgic yearnings sweeping the West for the past decade or so, in line with an apparent booming desire for lounge music, vintage automobiles, and retro-styled toasters. Bettie Page, it is assumed, is simply a symbol of a time when life was easier. Amid the casualization of work today, disruptions to family life, challenges to traditional roles, and the overwhelming, polymorphous images of sex dominating the mainstream media, Miss Page apparently symbolizes a more innocent, non-threatening period of history to which her fans long to return.

I doubt very much that the women sporting the Bettie Page hairstyle support this interpretation of their idol's recent popularity. Rather, I would suggest they see Page as an icon of rebellion and agency pushing the boundaries during an era of sexual conservatism and, as such, claim her as a post-feminist heroine. Yet how deserving is Page of this mantle? There are several disturbing aspects of the former model's brief career that contradict this post-feminist interpretation.

The Notorious Bettie Page does not address adequately the problematic aspects of Page's career. While it reveals abuses she endured during her early life, the exploitation she experienced as a model is so glossed over that the impression we are left with is that Bettie was a gal whose exhibitionist tendencies happily complemented the commercial interests of her employers. The internal battle Page experienced reconciling her religious beliefs with her preparedness to strip off before the camera is given far greater attention in the film than the fact that she was a highly exploited individual.



In addition to regular appearances in men's magazines, Bettie Page was the most famous model working for Movie Star News, Irving Klaw's infamous New York pin-up and fetish photography studio.

Page was by no means a naive ingEnue, but in the significant collection of photographs still in circulation, the model is tied up with ropes, blindfolded, spanked, and gagged " all the while attired in brassiere, knickers, stockings and perilous six-inch black leather heels. Klaw defended his product from charges of pornography by

pointing out that his models were never nude. Viewed today, such photographs are a radical challenge to common perceptions of the fifties being a more innocent period.

Movie Star News was a family business, and Klaw's sister Paula styled and shot many of the photographs featuring Page. The two women formed a close bond, assisted in part by the ludicrousness of the situations they were asked to create and capture by Klaw's customers. Despite her friendship with Paula, in several ways Bettie's time as a model for Irving Klaw was personally detrimental to her physical and general wellbeing. Though her general recollections of the bondage and fetish modeling being hilarious and good fun are widely circulated, she recalls at least one instance of being truly frightened, when she was tied spread-eagled to a tree. Page also experienced several other injuries modelling for Klaw, including cuts from stilettos sustained while wrestling with other models, and a badly damaged knee after a heavy fall.

Some comments she has made also lead one to doubt whether Page was truly prepared and willing to perform in the bondage scenarios. As she recalls, Irving Klaw insisted that all his models do fetish work. During a three or four hour shoot, at least an hour would be dedicated to bondage. The final event that would influence Page to quit modelling and leave New York was being subpoenaed to appear before a senate sub-committee investigation into obscenity, led by Senator Estes Kefauver. Though she would never be actually called to testify, the experience was traumatic for Page and she never did any work for the Klaws again.

Bettie Page was popular in the fifties because her fans could fetishize and ultimately contain her. In the end the magazines in which her image was featured were shunted into the box under the bed or joined the pile at the back of the wardrobe, dealt with and out of sight. Now that she has been reclaimed and re-interpreted by a new generation of fans as an icon of rebellious female sexuality, the disturbing realities of her career, as evident in the exploitative, even dangerous aspects of her work, should not be likewise pushed out of sight and



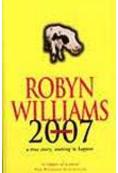
forgotten.



### 2007 the year for final decisions

FEATURES From the Vaults Tony Smith

During 1984, the year providing the title for perhaps the best known futuristic dystopia in the English novel, numerous social, political and literary commentators compared George Orwell's projected world with the one that had come into being. Orwell wrote his political science fiction around 1948 and discrepancies between the apparent realities of life in 1984 and his rigidly controlled system are understandable given the rapidity and depth of social and technological developments in the intervening thirty-six years.



In 2001, despite acknowledging that 'fiction is a foolhardy venture', Australia's Robyn Williams, afforded 'national treasure' status as a science broadcaster, produced a novel that is set in 2007. The casting of his characters only six years into the future suggests that change is occurring with exponential speed, and that our opportunities for altering course are dwindling numerically, shrinking in size and diluting in quality.

Julian Griffin, his twelve year old daughter Louise and their border collie Jez, live at a meteorological station on the north west coast of Tasmania. They are flown to Washington where Griffin participates in a television discussion with three prominent environmentalists (all named David and somehow familiar) and Kate Schumpeter, an 'events analyst' from the Simon Institute, a think tank with Future Options as its 'premier remit'. There and at the United Nations, Griffin attempts to explain the latest ecological catastrophe. Worldwide, animals both wild and domestic have begun a 'bestial insurrection', sinking whaling boats, closing airports, strangling drivers of bulldozers in rainforests, savaging packs of beagles and smothering expressways in heaps of manure.

Comparatively few humans have died in this catastrophe and the closure of facilities seems to be 'selective', as though the animals were issuing a warning. Griffin explains that nature is fighting back against its impending destruction by human exploitation. The animals face the 'obliteration of their entire habitat', something like the biggest earthquake ever. The problem for humans is that they want the immediate threat to be removed without 'sacrificing the conveniences of twenty-first century life'.

Williams has a keen eye for the ironies in debates over the fate of the earth. He

notes that at the end of last century, ministers presented 'their total ignorance of science as a natural asset, even a badge of honour. Now it was seen to be otherwise'. When governments looked for experts to explain what was happening, most of the candidates were ~wildly green.



You couldn't possibly have the minister sitting next to some hirsute Jeremiah telling the world's press grimly that it's all our own fault and we should dismantle Greed City'. The 'Pontiff', who heads the Simon Institute, recommends faunicide, a scorched earth response that will extinguish all species of animals. Coincidentally he has an interest in a biotechnology firm waiting to replace them with their own designer animals.

The politicians are condemned for their short-sightedness and self interest: "It is one of the rules of politics that tomorrow is a

better time to take action than today. Next year is even better. It is the job of the politician to sow doubt, to cloud the issue, to encourage fudge, to greet every revelation with studious doubt, diminish it and claim it to be but part of a complex web of uncertainty with which experts are battling."

As a result, it is not the politicians who make the necessary decisions, but Louise, as she mobilises the world's children to support their pets.

There are echoes here of the Gaia theory that sees the earth as a single complex organism whose instinct for survival advises it to turn against any threatening organism. Williams raises serious questions about the purpose of life and our responsibility to the planet. Julian's friend and colleague Cyril Ampleforth quotes Gerard Manley Hopkins:

O let them be left, wildness and wet,

Long live the weeds and the wilderness yet.

Clearly, we need to learn to listen to the animals and nature in general. We are after all, part of the system, and our arrogant refusal to acknowledge this can only be destructive.

Distasteful enough are the Australian Government's refusal to sign the Kyoto Protocol on the grounds that it would be a futile gesture, and its failure to design a viable strategy for dealing with global warming. The Prime Minister's decision to push nuclear power rather than potentially small scale alternatives to fossil fuels suggests that the Government too is beholden to those big businesses which might profit from the catastrophes of climate change.

If he manages to prevail politically in spite of the advice of scientists and the pleas of those who are concerned about the environment we are leaving to future generations, history will regard his mastery as absolute. How it will judge the world we leave behind is another matter altogether. Robyn Williams' prediction



was accurate in that 2007 is a year for absolutely vital and final decisions.

Robyn Williams' novel was titled 2007: A True Story, Waiting to Happen. It was published by Hodder in 2001 (ISBN 0-7336-1424-8)



# Bishop misses mark in assault on understanding of conscience

THEOLOGY

Max Charlesworth

Bishop Anthony Fisher's recent lecture, <u>Conscience and</u> <u>Authority</u>, is based on a similar lecture in 1991 by the then Cardinal Ratzinger. (<u>Conscience and Truth</u>). Both lectures are attempts to diminish the importance given to the role of conscience in the moral and religious life of Catholics, that had emerged in the Declaration on Human Freedom and other documents of Vatican II.



Fisher begins by giving an excellent account of the centrality of conscience in Catholic thinking, but he then attempts to show that, by the 1960s, conscience had come to mean something like 'a strong feeling, intuition, or sincere opinion'. In other words, it meant that the person who appealed to the primacy of conscience was surreptitiously pursuing his own personal and 'subjective' preferences over against the Church's authoritative teaching on sexuality, contraception, in vitro fertilsation. remarriage etc. The bishop gives no evidence for this extraordinary claim, and no account is given of the critical way in which Catholic lay people have in fact faced up to the Church's teachings on the issues just mentioned.

Many Catholics have found that the arguments proffered by the Church about these matters simply do not make sense and are unbelievable. For example, the Commission of lay people set up by Paul VI to advise on contraception recommended that the prohibition on it be lifted because it could not be rationally justified. However, the Pope simply ignored this recommendation and maintained the ban. (see Robert McClory, *Turning Point: The Inside Story of the Papal Birth Control Commission*, Crossroad, 1995). It is clear that many Catholic women see the papal teaching on contraception as being untenable since the number of Catholic women taking the contraceptive pill is much the same as non-Catholic women.. They have, for the most part, while remaining in the Church, decided to follow their consciences as against the Church's teaching.

Much the same can be said about the Church's teaching on homosexuality where Catholic homosexual couples in long-standing relationships refuse to accept the view of the Congregation for the Doctrine of Faith that their sexual inclinations are 'disordered' or pathological. Once again, many Catholics follow their own consciences on this issue because they see the Church's teachings on homosexuality and same sex unions as irrational and inhumane. It is worthwhile



noting that Cardinal Murphy O'Connor in the UK has recently established a <u>regular</u> <u>Mass</u> at the cathedral at Westminster for the large number of homosexual Catholics in London, the implication being that it is possible to be a Catholic and a homosexual in good conscience.

Fisher argues that what distinguishes the 'Christian conscience' is that the authoritative teachings of the Church have to be taken into consideration when one is trying to decide conscientiously what to do. When we do this we see that the dictates of conscience and the teachings of the Church cannot really be in conflict. Even if I am not fully convinced by the Church's teaching on a particular matter, I should see, so Fisher says, that I ought to give 'religious submission of will and intellect', and refuse to do what my conscience tells me to do. But this, of course. requires (paradoxically) that I must make a decision of conscience to choose to do what they Church tells me to do and , in effect, to give up following my conscience!

Although Fisher admits that the Church is sometimes wrong in its teaching, he seems to think that the main moral injunctions of the magisterium on sexuality, reproduction, death and dying etc., are luminously clear and indubitable without the need for any kind of interpretation. We realise that the scriptures cannot be taken at their face value but must be interpreted, but apparently, Fisher seems to say, we don't need to interpret the injunctions of popes, curial bodies, bishops, councils etc., and we don't need to distinguish between mistaken teachings of the magisterium and valid teachings.

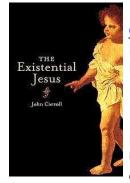
But of course we do need to discriminate between mistaken and valid teachings of the magisterium. And we do need to scrutinise them conscientiously. (And our bishops need to remember that the laity they address are now much more philosophically and theologically literate then they were in the past.). After all, if my faith in the Church requires an act of conscience, so also does my reception and acceptance of the Church's teachings.

In his prophetic work, Letter to the Duke of Norfolk (1875) Newman left no doubt about his view of the primacy of conscience: 'If I have to give an after-dinner toast, I shall drink -to the Pope if you please - still, to conscience first, and then the Pope'. Friends of Vatican II will say amen to that!



# Mark's Jesus goes beyond the Church

INTERVIEW Nahum Ayliffe



In <u>The Existential Jesus</u>, La Trobe University sociologist <u>John</u> <u>Carroll's</u> central proposition is that Jesus is the Philosopher of Being. This interesting, but sometimes perplexing, reading of Mark's Gospel is the subject of this interview with John Carroll.

### Nayum Ayliffe: What brought you to Mark's Gospel?

John Carroll: Basically what brought me to Mark was the Reading Group that I convened for a decade at La Trobe University. It wasn't a churchy group at all. We read Mark in the early days and we were all overwhelmed by it, and everything else

we read after it was disappointing.

I've come to the view that Archetypal stories are the basis of every culture. The Gallipoli story is just basically a re-telling of Homer from 2500 years ago. In the West obviously the big story is Jesus. Mark is an extraordinary narrative, quite unlike any other in the new or old testament. John is great as a story, but it does not have the intensity or the potency of Mark.

# NA: One of the perspectives I gained from the book was that you were rescuing Jesus from the church? Is that a fair analysis?

JC: Put crudely, Yes. Especially with Mark, I think the churches have distorted the text. I use the word for sin, the Greek word Hamartia really means missing your way, a bit like a spear throw that's gone wrong. Or it can also mean character flaw. It's not a moral, ethical term. Sin is really not the meaning.

It's very clear that Mark's Jesus is not really interested in sin, or really whether people are good people or bad people. He's much more interested in What's the nature of the 'I', or the being of the individual, 'Who are we' in the deep existential sense.

NA: Nick Cave wrote "The Christ that the Church offers us, the bloodless, placid 'Saviour' - the man smiling benignly at a group of children or serenely hanging from the cross - denies Christ His potent, creative sorrow or His boiling anger that confronts us so forcibly in Mark."

JC: He's also very alone. He's really the stranger. Of any major figure in a Western text, there is noone more alone than Mark's Jesus. His followers are all



hopeless. He ditches his family, "I haven't got a mother and I haven't got brothers."

At the crucifixion, there are thousands of people screaming to crucify him and no one he is close to is around. It's a very lonely end. And then there's just an empty tomb. You need reminding that there's no resurrection in Mark.



# NA: You say that Jesus is not interested in morals in the same way as John the Baptist.

JC: This Jesus, I don't think, is interested in morality. John the Baptist is a conventional Old Testament, Jewish preacher, who comes in from the wilderness and tells the people, "You're sinning and unless you reform your ways you're going to be damned."

From very early on, Jesus makes it clear that "that's the Jewish church." It's logic is 'ten commandments, ethics, etc.' He also makes it clear that all Peter and his followers are up to, is that sort of ethical religion too. But that's not in fact what he's interested in. That's not where truth lies.

# NA: In your book, you say that Jesus replaces God. But isn't God still present in Jesus?

JC: God steadily disappears in Mark's text, and I think John picks this up. (In) the great opening in John 1 about light and darkness, it's quite explicit that Jesus created all things. It's not like the Hebrew Bible, which has God in the beginning creating all things. Jesus is Eternal Being and out of his eternal being comes all that is.

Later on in John, he says, "before Abraham was, I am." Abraham was a normal man who was born and died, and is dead. The Eternal Being towards which (Jesus) is gesturing is something that all individuals potentially have. So he, as the philosopher of Being, which is my argument, becomes the creative representative. You sort of don't need a God.

# NA: You mention that the disciples don't get it. But would you agree that essentially we all don't get it?

JC: No I don't agree. The story ends with a young man in white inside an empty tomb speaking out. I think he's got to be speaking to the reader, and he basically says, 'Don't be alarmed.' Everyone else is terrified. There are characters through the story, starting with Legion, who happen across Jesus, who are transformed, who get it. There's the woman at Bethany, (and the) mad boy who sees the transfiguration. It's not the case that noone gets it.

The American critic Harold Bloom said, "It's only the demonic in us, that actually recognizes this Jesus. They are actually called demons or daemons in the text. One of the teachings of Mark is that if you get into the story, and you let the story

possess you, then the teaching will start to work, or something will start to work.

# NA: If Jesus is 'the other', is there beauty in the mystery of the inconceivable elements in what Jesus was. If we get it, then is this mystery diminished?

JC: If we get it, we only get it obscurely. I don't think Jesus is 'the other,' because in Mark, unlike John, for a lot of the text you identify with Jesus, you walk in his shoes. (Although) there is something peculiar and special about him.

But Mark sets up this sense, (and) I've tried to tease this out, that we are all composites of different personas, some are concrete personas, some are spectoral or otherworldly. And the story only works if there is some sort of conjunction between the reader and the Jesus figure in the story, so actually I don't think he's an 'other' in that sense.



### The cost of our friendship with the United States

INTERVIEW

James Massola

Jesuit peace activist John Dear has been in Australia for the past month, speaking to peace activists in this country, sharing ideas and spreading the gospel of non-violent prostest. He has written 25 books, has two Masters degrees in theology, has been arrested 75 times, and faces another court case when he returns to the United States in April. James Massola spoke with him late last week.



### James Massola: After being here for a month, what do you think of Australia?

John Dear: Well I love Australia, and I love Australians, and the only thing I don't like is your co-operation with the United States. I

think Australians are becoming very comfortable and complacent by and large, like North America, and that's a great, great danger. It looks to me like Australia is like we were 20 or 30 years ago and the United States has changed so radically in that time. At every level. And we are losing

all our civil liberties. Cheney says this is the new century of the American empire. I see that the Australian Government is aligning itself with the US Government, with the war in Iraq and nuclear weapons, and wanting to be part of the whole big global empire.

# JM: So you think Americans started to just tend to their own backyards 20 years ago?

JD: Yes, in the early 1980s under Reagan we really changed and became very comfortable with ourselves. Now we are waking up and seeing the direction that the country is going in. The best thing I have experienced, besides the thousands of people I have met, are the real committed Christians and peace activists who are standing up and doing things|for example the Pine Gap Four, who are going on trial on May 29th for walking onto Pine Gap.

To expose the radar installations, which actually pick the targets for every bomb that falls in Iraq. That's not happening in the US, that's happening in your backyard. These brave people walked onto the place and they face seven years in prison. That's the legacy of Daniel and Philip Berrigan, and that's what my friends and I are trying to do in the United States. To confront these nuclear military imperial installations through active gospel non-violence, and say no to it.

Another sign of what's happening in Australia I think is the Talisman Sabre 07 actions this summer. I looked it up on the internet. It says 15,000 US troops (are coming to Australia), but the activists are now telling me its 30,000 on US



warships, possibly carrying nukes, possibly using depleted uranium. They are going to be part of the largest ever US military exercise on Australia territory, fooling around on the Barrier Reef, with depleted uranium. People should be up in arms over this.

15,000 Australian troops will be part of it too. My hope is that Australia can continue to wake up to the gospelmethodology of creative non violence, and be a beacon of peace to the world. Australia has a very important role to play with Indonesia China and the US and Britain, you could really push us all into the right direction.

### JM: But I think that one of the major problems facing Australia is that there are less and less people interested in standing up " how do you get people to stand up?

This is the great danger " there are 35 wars happening, 3 billion living in poverty, the US has 25,000 nuclear weapons, and Dick Cheney and Bush would be thrilled to use them|they don't care about the environment and global warming|we all have to wake up and get involved publicly for peace and justice, and get involved or we are going to wake up one day and find a far worse events than 9/11|and this violence will hit home in Australia. Sydney or Melbourne will be attacked because Australia has co-operated in the global war against the poor and with the injustice of the US. So people have to wake up. The churches should be leading the way because that's what their spirituality is about.

### JM: Did you ever think that Robert Drinan SJ might have had the right idea "a 'top down' approach " he entered Congress, put forward a motion to dismiss Nixon, spent ten years there, was a visible person on the Hill. Do you ever think you should have done something like that instead?

JD: I lived with Robert Drinan, he is a great man, and he taught me a lot. He told me in 1982, if you want to go around talking about peace and justice, you have to write books, so people will invite you to speak. And I don't know how to write, but I've written 25 books. And I blame him!



To be in Congress is really to be working with the nuclear industry, and planning the destruction of the planet, and I think now things are so out of hand, and yet, there are some good people - there are certain good people, I'm friends with Congressmen and senators through my work" but I think the role of a Christian in the US is to resist these structures and change them, and create a non-violent US.

One day Robert Drinan said to me "John, if you can get 500 Jesuits to surround the White house, and go on a hunger strike, and kneel down, and not leave, and get arrested and for this over and over again, because if Jesuits did this it would shock the whole US " then nuclear weapons would be dismantled. But I would be lucky to get two or three Jesuits, and he would not join me either. But he knew too that Christian non-violence was the ideal, that what Martin Luther King talked about works, but it means organising people and taking great risks.

When the Jesuits of El Salvador were killed, we had massive Jesuit-led demos in the US, at one point I was arrested with 18 other Jesuits, and a month later US military aid to El Salvador was cut off.

Robert Drinan was right, but it's hard to get this organising to happen. I'm a big believer in getting this grass roots organising happening, community based work for justice and peace. It just seems to me that that was the way Jesus worked.



## What to do about Mugabe

INTERNATIONAL

Peter Roebuck



Towering rage is the only legitimate reaction to the latest outrage in the benighted, despoiled, corrupted, starving, bankrupt nation known as Zimbabwe. The cold blooded killing of an opposition activist, in Highfields, a high density suburb in Harare, and the shooting of mourners at his wake was merely the latest excess of an evil dictatorship.

A similar tale is told by the arrest and bashing to the point of death of opposition leaders at a prayer meeting organised by the Save Zimbabwe Coalition, a group of patriots committed to old fashioned causes such as justice, democracy and the rule of law. Meanwhile, the half-witted talk about such sops as cricket boycotts, and the puffy-chested pursue democracy by landing bombs upon civilians.

Matters came to a head in Zimbabwe on Sunday. Alas, Mugabe and his Mercedes-driving apologists have more heads than hydra. Political gatherings have long since been banned by the dictatorship. Mugabe's crazed isolation has become more marked in recent weeks as doctors and teachers downed tools to protest about low pay. Inflation had passed 1,000% and rifts were reported in Zanu PF, a party consisting of lame ducks whose strength nowadays lies in the rural areas where elections are easier to fix. To retain power and live longer, Mugabe has transformed his supposedly beloved country into a peasant society ruled by a rich elite. Sales of luxury cars are booming even as the economy collapses.

Despite the dictator's control of the airwaves, newspapers, courts and food distribution, and the best efforts of the dreaded, ubiquitous and brutal secret police (CIO), the struggle for democracy has continued unabated. Although the opposition party split into two factions over the issue of taking part in rigged senate elections, the desire to be rid of the tyrant has not wavered. Human rights lawyers, civil action groups, church leaders, and women's groups have carried on the fight. It has not been easy. Mugabe and his soldiers will stop at nothing to retain power. The snouts are deep in the trough.

Accordingly, the Save Zimbabwe Coalition decided to hold not a political meeting but a prayer meeting in Highfields. Zimbabwe is a religious country full of churches and outstanding schools. Even some Zanu PF leader feign allegiance to christian ideals. Mugabe has managed to secure the appointment of some tame and bribeable Bishops. Nevertheless, the Catholic Church especially has joined the women and labour unions in their defiance. Indeed the opposition has much in

common with Solidarity in Poland, except that it lacks a focal point and a charismatic leader.

Of course the State was not prepared at this dangerous hour to allow a meeting of any sort to take place, least of all a gathering to be attended by struggle luminaries such as the leaders of the two MDC factions, Morgan Tsvangiri, Arthur Mutambara, and the Chairperson of the NCA, Dr. Lovemore Madhuku. Therefore they broke up the meeting with bullets and beatings, killing Gift Tandari, arresting 30-40 activists, hauling them off to various police stations and torture chambers, thrashing them till they could scarcely breathe and then denying them access to doctors or lawyers.

Meanwhile a democratically elected South African government supposedly concerned about the lot of the common man continues to twiddle its thumbs. Meanwhile, food supplied by charities is used as a political tool, with sacks of rice sent to Zanu PF areas and the rest left to fend for themselves. Meanwhile the population



dwindles as the desperate seek opportunities elsewhere, many taking the risk of crossing the Limpopo River that forms the border with South Africa, a stretch of water infested with crocodiles and ruthlessly guarded by soldiers. Meanwhile Mugabe's cricketing representatives stay in posh hotels in the Caribbean, paying their young players a pittance and shamelessly taking care of themselves.

Of course the West had it coming. Hardly a harsh word has heard in the mid 1980's when Mugabe's fifth brigade crushed an imagined uprising in Matabeleland, slaughtering tens of thousands of mostly Ndebeles, stuffing their corpses down disused gold mines. At around the same time the Sinhalese were murdering the Tamils in Colombo as the government turned a blind eye. No-one said much about that either.

Zimbabwe is a wonderful country blessed with a multitude of outstanding people. The same can be said of other African countries. What can be done? Mugabe has been hailed a hero and draws attention away from his infamy with anti-colonial sloganeering. Moreover he has been close with Gaddafi, whose influence on the continent President Mbeki feared above all else.

Ultimately Africa must take care of its own. What else has worked? Mbeki must stop backing a wicked regime (but he also faces losing votes at home, and leaving the ANC in the hands of populists) Everyone must pray for Mugabe's death (but his mother reached three figures). At present the best response is to help those seeking justice and to assist those promoting education, thereby sustaining hope for a better tomorrow.

Along with a few friends, I have formed a charity called the <u>LBW Trust</u> which gives needy and deserving youngsters a chance to pursue tertiary studies. Already we are paying college fees for thirty impoverished Zimbabweans and we plan to uplift Sudanese, Somalian and other settlers in Melbourne and elsewhere.



Everyone deserves a chance. The warLords must not be allowed to cripple the young. Educate the child and the adult will take care of himself.



# Politically correct dancing

FILM REVIEW

Richard Leonard

# *Razzle Dazzle: A Journey into Dance.* Starring Kerry Armstrong, Jane Hall, Ben Miller, Toni Lamond and Nadine Garner. Directed by Darren Ashton. Rated PG. 95 mins. <u>website</u>



Mr Jonathon (Miller) runs a suburban dance school with a difference. He only produces routines that drive home a social or political message. His young proteges have to immerse themselves in choreographies about starvation, people dying of AIDS and the nuclear holocaust. Miss Elizabeth (Hall), on the other hand, runs a very traditional ballet academy where the closest the children come to getting down and dirty is a *demi-plie*.

Miss Elizabeth has won the Sanosafe Troupe Spectacular several times. But with the determination of a young dancer Tenille (Shayni Notelovitz) and her overbearing stage mum, Justine (Armstrong), this year might be a triumph for the socially inept dancing the politically correct.

*Razzle Dazzle: A Journey into Dance* is a classic ocker comedy. It lifts the lid on a particular slice of Australian suburbia, and deliciously mocks it. Reminiscent of *Strictly Ballroom*, this film parodies the pushy parent, children's recreation out of control, competition as everything, and middle class sensibilities.

The children in this film are very talented, and there are some hilarious moments on the screen. But the overall impression is not as great as its parts. In fact I found *Razzle Dazzle* an unsettling film for two reasons.

Many of the children we get to know come out of complex backgrounds " homosexual parents, rejected foster placements, serious body image issues or abusive mothers. It is hard to simply laugh off some of this stuff.

Secondly, in the name of advocating for multiculturalism, one of Mr Jonathan's ballets highlights the violent oppression of Afghani women by their men. In the choreography the symbol of their emancipation is when these Islamic women discard the burkha and jive around as western women. Such an idea might play to the gallery, but does not help anyone name the nature of gender politics, and let us not pretend that multiculturalism is truly expressed by everyone looking like us.



*Razzle Dazzle* is cute and fun, but is certainly not the "spectacular comedy" the creators would have us believe.



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## Film locates warmth in Stasi darkness

FILM REVIEW Drama

Tim Kroenert

# The Lives of Others, 132 minutes. Rated: MA. Director: Florian Henckel von Donnersmarck. Starring: Ulrich Mühe, Sebastian Koch, Martina Gedeck <u>website</u>



At the Academy Awards this year, *The Lives of Others* was judged Best Foreign Language Film. The fact this reviewer had hoped the German film would lose to Guillermo Del Toro's poignant horror-fantasy/historical epic *Pan's Labyrinth* says more about

personal taste than it does about cinematic quality.

While it may not have the most striking title (having lost something in translation from the original German, *Das Leben der Anderen*), as a film *The Lives of Others* is difficult to fault. It takes the viewer deep into the heart, both metaphorically and geographically, of the socialist German Democratic Republic.

At the film's core is the relationship between playwright Georg Dreyman (Koch) and actress Christa-Maria Sieland (Gedeck). Due to the GDR's Orwellian approach to censorship and control, both of their respective careers are under constant, thinly veiled threat; which adds additional tension to their already strained relationship.

Dreyman has been allowed the tentative belief that he's one of the country's few 'trusted' high-profile playwrights. However, unknown to either him or Sieland, their apartment has been bugged, and is under 24-hour surveillance" which should equal a whole lot of trouble, considering where their political sympathies secretly lie.

Fortunately for them, the Stasi officer assigned to their case, Captain Gerd Weisler (Muhe), through whose eyes most of the film unfolds, is not as cold as he first appears. Gradually Weisler vicarious involvement in the couple's lives turns to affection"but this may end up having dire consequences for all involved.

Essentially a low-key political thriller, the film is virtually impeccable on all fronts, featuring slow but steady pacing, a light-touch approach to exposition, finely crafted dialogue and excellent performances from each member of its cast.



In this last category, it's Muhe who really shines. The introspective Weisler has little dialogue or even action, leaving Muhe to communicate the character's redemptive character arc using, for the most part, only the most subtle of facial expressions.



He does this so effectively that, even during his earliest scenes, when we see him lecturing on the Stasi's calculated interrogation techniques, we can sense the barest glimpse of the warmth that will later bloom during his intimate, voyeuristic experience of Dreyman and Sieland's human dramas.

The Lives of Others is part of the recent wave of acclaimed German films (Good Bye Lenin!, Downfall, Sophie Scholl et al.) that turn an unflinching cinematic eye on the country's troubled 20th century, while simultaneously seeking out stories of hope, inspiration or simple humanity. In this case, the film succeeds in finding all three qualities, making this one unforgettable journey through dark recent history.



### A diaspora of purged peripatetics with holey socks

POETRY B.N. Oakman, Les Wicks

### The Pathway Of St. James

After forty days of cheap wine and pilgrims' dinners of nights rent by generous farts in frugal dormitories we ascend on blistered feet the stairs of stone to the Romanesque repository of the saint's bones and pause at the great doorway of pardons to place our palms on its marble portal in the touching furrow worn by faith of centuries before we enter the shrine to indulge first moments of expiation roaming the nave, apse and chapels of atonement watching the stained lights of Christendom concede to soft Galician darkness before repairing to the bars of Santiago to commune in broken tongues with penitents of many nations until dawn compels us to trains and planes to streak over mountains, deserts and oceans, a diaspora of purged peripatetics with holey socks returning to the places from whence they set forth where other bones lie buried. " B.N. Oakman

### **Little Congwong**

Still leaving.

She was on the sand, marooned scratch bleach, in a sleep that rides the boundaries of death. Naked.

Under sun never more bare. Flagrant innocence legs open, this driftwood beauty moans as her sister sprays her with sunblock. Harmonica ferns, flotsam joy, steel guitar breeze somehow overshot this autumn cove. As I drown Houellebecq in the shallows, real men discuss last night's game. Found at sea. A smug grey 747 dilutes Botany Bay. Travel is the last benediction, our maid, our trade. Each eye is caged under tinted lens. Banksias crowd the verge. Down the northern corner a small spring with a bucket underneath provides a freezing sluice. Weeds, money and Emma's mobile phone wheedling beside the towel. Misplaced future. It will kill us the sun our exhausts. But we fly. " Les Wicks