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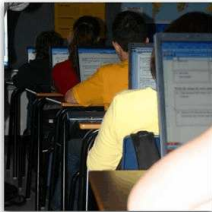
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Humanity lost in digital classrooms

COMMUNITY

Frank O'Shea



I have been trying to visualise what new Rudd year ten classrooms will look like: 25 laptops with their screens up, students hiding behind them, and teachers talking to what they can see — 25 machines.

What a depressing sight.

Today's teacher has to survive in a world of gimmickry. Students pay better attention to ringtones than to the human voice. They expect colour pictures and flashing graphics rather than pen and whiteboard. So a good teacher must learn to tap into short attention spans. In my case, an Irish accent and some quaint expressions helped, but teachers must use whatever they can.

I knew some senior boys once who kept a note of the odd statements of their favourite teacher. At the end of the year they presented them to him. Did he change? Not on your life — if his class remembered his bizarre comment on a passing helicopter it was possible they might also recall his enthusiasm for Jane Austen.

Good teachers need to be good actors. They must be able to do comedy as readily as drama, whispers as well as shouts; to be Jim Hacker one day and Sir Humphrey the next. Absentmindedness and even crankiness, real or feigned, can be effective so long as they are not overused.

Over time the teacher will create a mystique about themselves, a set of stories to be passed on. They will let slip that they follow Essendon or South Sydney, can't stand boy bands or Kylie Minogue or *Big Brother*, but love pan pipes and Scottish dancing — the more uncool the better.

Whether these preferences have any bearing on fact is irrelevant: they are ways teachers reveal themselves. They give students the impression that they know the teacher and can tap into a weakness. Frank McCourt, who survived in New York schools, put it well: 'They may like you; they may even love you. But they are young and it is the business of the young to push the old off the planet.'

I applaud Mr Rudd's belief that modern education has to deal with the world of ringtones and Facebook. But while the promise of a laptop for every student in their last four years of high school was politically smart, it was educationally naive.

That the states would come up with a shopping list of extra money to get the scheme to

work was merely the political bird predictably coming home to roost. More damaging was the impression that laptops would somehow produce better classroom results.

And there is the implication that a clever machine can replace a human. As a teacher you quickly learn that you should not talk for more than five minutes at a time, possibly less in some subjects. That is all the time you can command students' attention, so you know you must get across what you want without wandering into some side street. After that, there may be questions or classroom interaction or a short period of quiet work, before the whole process is repeated.

In our brave new world, you are likely to hear 'Sir, ctrl-z doesn't work' or 'do we have to use www?' It is like a mobile phone ringing in the middle of a Sunday sermon — the thread of your work and their concentration is lost to technology.

One final thought. A classroom of laptops is best controlled and monitored by a technician. A classroom of year ten humans is best overseen by another human. But please don't tell Mr Rudd or we may hasten the day — already predicted — when a school of 100 teachers will be reduced to 20 teachers and 80 technicians.

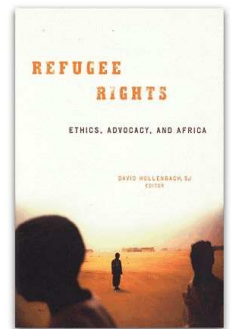
Why saying no to asylum seekers is immoral

BOOK REVIEW

David Holdcroft

Hollenbach, David (ed.); *Refugee Rights: Ethics, Advocacy and Africa*. Washington DC, Georgetown University Press, 2008. RRP \$26.95. ISBN 9781589012028

Titles on the ethics of forced migration are surprisingly rare. There is a plethora of works defining operational guidelines and standards for agencies working with refugees, of which the Sphere Project is one of the more well known. Guy Goodwin-Gill and Jane McAdam's *The Refugee in International Law* leads a sizeable literature on refugees in relation to international human rights law. Among titles that approach the question of how to deal with forced migrants in an ethical manner, Matthew Gibney's *The Ethics and Politics of Asylum* is the stand out in a sparse field.



In Australia too, there is voluminous historical literature opposing the lamentable practices of succeeding governments and their deleterious effect on the most vulnerable people that seek the refuge of our shores. Frank Brennan's *Tampering with Asylum* and Klaus Neumann's *Refuge Australia: Australia's Humanitarian Record* provide essential background on the Australian stance towards asylum seekers. Only Brennan's book discusses the ethics in detail, however, looking to practice overseas in suggesting possible ways forward.

It is into this context that David Hollenbach's *Refugee Rights, Advocacy and Africa* arrives. The book's collected essays construct a comprehensive framework for effective advocacy and thinking around refugees in the African situation. In doing so, they create a narrative for a group of people who, by definition, are cut off from the mainstream narrative of nation-building. This creation of a 'narrative of the dispossessed' is the collection's strength and major contribution.

The opening essay grounds the work: Abebe Feyissa, an Ethiopian refugee, has spent over 15 years in refugee camps in Kenya. He elicits surprisingly refreshing insight from his experience, and gives them articulate expression (with the help of co-author Rebecca Horn). Emphasised is the denial of the right to freedom of movement of refugees and the dangers of prolonged encampment. In this nether world, people create their own mental landscape into which they increasingly escape. Absentmindedness, both laughable and sometimes with tragic consequences, is rife. Domestic violence is endemic, as small events prick the artificial thought-bubble and assume outlandish importance: as simple an occurrence as a late-served lunch can provide the spark needed to unleash violent forces within.

This first-hand narrative becomes the foundation on which all the other contributions rely.

In a volume of strong contributions, O'Neill's and Hollenbach's are particularly insightful. O'Neill distinguishes between the creation of universal human rights frameworks and the mechanism by which they are conferred, the nation state. It is the people who, in his view, delegate the maintenance of their overall security to the state. What therefore happens when the state is neither able nor, in some cases, willing to carry this responsibility?

The denial of human rights becomes a question of application, as refugees are no longer part of any society that confers these rights. African communities have in their own make-up, however — the crucial resource that may find a way past this impasse, an access point to empathetic response:

For in African tradition ... the uniqueness of moral persons rests not in abstracting the individual from the ensemble of social relations, but precisely in the 'communitarian dimension of life'. The discourse of human rights must reflect the natural 'interdependence between the individual and society'. And it is just this inter-dependence in 'cosmopolitan solidarity' that lets us 'see' the morally tragic character of the victim's suffering.

Hollenbach's essay frames the question of refugee rights from the opposite end, in an historical analysis of the evolution of the sovereign state. The very values that gave rise to the predominance of this essentially social structure, particularly that of freedom of domination by others, now give rise to circumscription of the state's powers.

He argues against the hegemony of the state in favour of a 'cosmopolitan approach to international affairs'. Under certain conditions, a foreign state may not only have the right, but be positively obliged, to intervene in another state's internal affairs to uphold more universal human values. In addition there is 'a responsibility to develop institutional means within the transnational network that will make it possible to respond to crises in a timely and effective way'.

Reading these and other contributions, there appear clear parallels to the Australian situation. Often, refugees and asylum seekers survive insurmountable odds to reach Australia. At the same time, our national narrative is one of a people building a nation despite terrible hardship. One would think that the two narratives are perfectly matched. Yet one narrative is accepted, its parallel, with the associated human qualities of survival, hope, courage and suffering, we deny. Surely this must be to the cost of the entire community, not to mention the rights of those seeking asylum.

This collection takes the important step of linking the narrative of refugee Africans with our own. Overall this book is a rare attempt at considering ethical questions posed by forced migration from both practice and policy perspectives. One cannot help but be left with the sense of the massive scale of displacement described and the question this poses: how much human suffering does it take to elicit lasting social change in the international order? It is a sobering reminder of a question that much of humanity is forced to live with every day.

The ethics of climate change solutions

ENVIRONMENT

Andrew Hamilton



The Government's Green Paper outlining its response to climate change has heated debate. It has shown that to reduce carbon emissions will have costs. Groups with much to lose have defended their interests. Critics of the consensus among scientists on human contribution to global warming have gained publicity.

If we are to think out what we and the Government should do in response to climate change, we need a framework in which to set and evaluate the many arguments and considerations that have been raised. That must be a moral framework because the issue is about how we are to live humanly on our planet. To develop such a framework is challenging for four interlocking reasons.

First, we have to base our judgement about what we should do on probability, not on certain knowledge. The arguments that support the consensus view that human activity adds to global warming and so can reduce it are strong, but cannot be absolutely conclusive. So we cannot be absolutely sure that we have identified the causes of global warming or that our actions will be effective. Equally, if we decide to do nothing, we must recognise the strong possibility that our inactivity will lead to catastrophic and avoidable consequences.

Second, the calculation behind action to reduce emissions is that short term-pain will lead to long term-gain. People will forego benefits now in order to protect later generations from greater suffering. Given that our action is based on probability, we shall exchange certain short term-pain for probable long-term gain.

Third, action to reduce emissions cannot be effective unless the major polluting nations commit to it. But it is likely that many nations will commit only if others lead the way. A nation that does commit to cut emissions will suffer certain pain to achieve goals that its actions alone cannot realise.

Fourth, according to the consensus we must act decisively in the near future. We cannot delay acting until we have certain knowledge why global warming is taking place and whether we can check it.

These considerations make ethical reflection on how to respond to climate change very complex. In order to sort through the issues and arguments, our moral framework must give full weight to solidarity and responsibility.

An emphasis on solidarity puts a high value to the relationships that bind each human being to other human beings and to the world. It suggests that in all our moral decisions we

need to keep in mind the flourishing of all human beings and of our world.

Solidarity demands that we measure our response by the needs of all human beings, particularly those most threatened, and of the world. Further, not only living human beings and our present environment make a claim on us, but future human beings and the world that they inherit. Solidarity runs across space and time.

In our moral framework, too, we need to give full weight to responsibility. It implies a way of seeing and responding to people and situations in our world that make a claim on us.

To be responsible often involves acting without certain knowledge. If we rush to pull someone from a burning car, we do not know for certain whether she will survive even without our intervention, whether she or we ourselves will survive at all, and whether she will live a full life after rescue.

This is a dramatic example, but in most of the ordinary moral judgements we make we also need to work on reasonable probabilities.

When we imagine people acting responsibly in the face of a threat to others, we will normally see them as leaders. Their response encourages others to respond decently.

Leadership and responsibility go together because often we can be responsible only if we act. If a drowning group's lives can be saved only if many people go to their rescue, someone may have to jump into the water in order to draw others to follow. If we wait to decide whether concerted action will be possible and effective, people will drown anyway. So responsibility often demands leadership.

An ethical framework that gives due weight to solidarity and responsibility does not dictate whether we must act urgently to address climate change, still less what kind of action we should take. But it does structure the conversation.

It puts proper weight on the judgement we make about the causes and effects of climate change. But it also suggests that criticism of opposed positions alone is not an ethical response. We must also respond to our judgement of the nature of climate change.

In our response, too, we must be committed to all human beings, including the poorest, to future generations and to the environment in which we live. In a later article I would like to explore further the implications of this framework.

Uploading the undead

FILM REVIEW

Tim Kroenert

***Diary of the Dead*: 95 minutes. Rated: Unclassified. Director: George Romero. Starring: Debra Moynihan, Joshua Close**

'Your films are very Freudian,' observes one fan to the bearded filmmaker on stage*. There are groans from sections of the crowd. 'They're horror films!' another fan retorts, intimating that such films are what they are, and should remain splendidly so.



In truth, the appropriate response to a George Romero film lies somewhere between. His most famous works, the zombie movies that comprise his *Dead* cycle (from 1968's *Night of the Living Dead* onwards) have certainly invited their fair share of over-interpretation. But by Romero's own admission, he's never just chasing scares.

For Romero, the concept always comes first — whether it's a treatise on humans' unwillingness to get along, even when lives depend on it, a satirical comment on the rise of consumerism, or an examination of how humanity can become lost amid a clash of ideologies.

The zombies are added later. In that respect, they are incidental. Romero is more interested in human behaviour. The zombies could be replaced by any large-scale natural or man-made disaster that would force human beings out of their usual patterns of existence and subject them to the ultimate test of character.

Romero's latest, high-concept gore-fest, *Diary of the Dead*, tackles the subject of new media, and the ways in which the dominance of the 'blogosphere' has determined how news is disseminated, accessed and interpreted.

Romero fears that the rise of online video sharing and online soapboxing has, rather than democratising the news, led to increased tribalism that is divisive rather than unifying, as people will automatically go to sources with whom they are predisposed to agree. It's a world he believes is dominated by opinion, rather than fact.

But he doesn't damn new media from on high — a benevolent god prodding his people back towards the true path. Nor does he assume the role of bitter grandfather pining for the good old days before technology overtook our lives.

Diary inhabits the new media world, visually and thematically. It speaks the language of that world. It articulates Romero's fears, but also celebrates the benefits when control of the news is taken back from politicised or self-serving media corporations by 'the people'.

The plot is shoestring: a group of university film students flee across the country in search of loved ones and safety following a zombie outbreak — the dead have been coming back to life, bearing an insatiable and instinctive hunger for human flesh.

Romero doesn't hold back on the atmospheric thrills or stomach-churning gore that go hand-in-hand with this kind of genre film. However the tension comes from the fact that one of the students, wannabe documentarian Jason Creed (Close), becomes obsessed with capturing every brutal detail of their ordeal on camera.

This raises questions regarding the ethics of filming real-life 'horrors' — and, as a result, not intervening to prevent said horrors — in the name of sharing a perceived truth with the world. It also critiques the veracity of that 'truth' when the subjectivity of both cameraman and editor intervene before the events are broadcast.

Part of the film's appeal is the way it evolves visually, as Jason's single-camera perspective is joined by footage from a mobile camera phone, then a second video camera found discarded in a deserted hospital and, later, bits of footage salvaged from surveillance cameras and news broadcasts uploaded from the internet.

The philosophising is a little heavy-handed, although that is perhaps appropriate in the name of verisimilitude in this mock student film. And while the film is far from Romero's best, it is well acted for the most part, skilfully executed and full of thrills and ideas. It is a horror film, but it is not *just* a horror film.

**George A. Romero was in Australia this week to participate in a retrospective of his films at the Melbourne International Film Festival, including [Diary of the Dead](#). The film is available to [purchase online](#) on Region 1 DVD.*

End in sight for 'cruel' asylum seeker policy

HUMAN RIGHTS

Kerry Murphy



'When I asked why the eight Burmese had not been settled in Australia in accordance with international law there was an embarrassed silence.

Eventually the answer emerged. The Howard Government had ordered they stay put. They had been left rotting on Nauru because the Howard Government wanted to maintain the myth that third country settlement was possible.

Sadly, Australia's treatment of asylum seekers had sunk this low.

The treatment of asylum seekers has been controversial in Australian political debate for many years. The length and conditions of their detention has been a particular focus of criticism.' Minister Evans, 29 July 2008

Mandatory detention of unauthorised arrivals has been the policy of the Australian government since at least 1989. When it was challenged in the courts in 1992, and the High Court found there was no legal basis for it, the response of the then Labor Government was to tighten the laws and offer a pittance of compensation for 'unlawful imprisonment'.

When it was again challenged in 2004 in the High Court the Howard Government's law that effectively provided for indefinite mandatory detention was upheld by a majority of the judges. Even one of the judges who voted to retain the law commented that he was uncomfortable about the decision.

Finally in July 2008, a government has accepted what most advocates and detainees have been calling for since 1989 — provision for quick release from detention of people assessed not to be a security risk. The onus on keeping someone in detention will fall on the relevant department.

A statement of '7 Immigration Detention Values' restates that mandatory detention is essential, but this is mitigated by values 4 and 5:

4. Detention that is indefinite or otherwise arbitrary is not acceptable and the length and conditions of detention ... will be subject to regular review.

5. Detention in IDCs (Immigration Detention Centres) is only to be used as a last resort and for the shortest practicable time.

This is a major policy change since the High Court found in 2004 that a Palestinian could be detained without a time limit.

This brings Australia more in line with the recommendations of the UNHCR Executive

Committee which provided for only short-term detention for health and security checks.

The exact details of the changes still need to be seen in the legislation, but the announcement is a major reform of what was without doubt a cruel policy. The policy was slowly unwinding even under Howard since the Cornelia Rau and Vivian Solon cases showed the politically driven policy was out of control.

The new policy also provides for legal advice for people who are considered to come within the 'excised' provisions and previously would not have any entitlement to legal advice. A mechanism of review is also to be set up, though the details still need to be seen.

This fundamental shift in policy may have been possible because there are really few cases affected. If boats do arrive, it will be interesting to see if the Government holds to these commitments. We can only hope it will.

The changes ameliorate some of the worst parts of the 'excision policy' which was part of the infamous 'Pacific Solution'. Ideally the excision provisions should also be repealed but many people will breathe more easily at this reform.

The stated abolition of the TPV is still to be legislated, and hopefully this punishing visa will be gone before the year's end. In the meantime, many will welcome the changes as they would an escape from a form of eternal punishment.

SIEV X, the boat that sank

EUREKA STREET/READER'S FEAST AWARD

Tony Kevin

Viewed at a distance, it looks like a neat child's display of family snapshots or holiday postcards, a symmetrical array of small rectangular pictures, covering most of a gallery wall.

Coming closer, one sees these are paintings of drowning people, heads or bodies suspended in metallic seawater, whose original tropical blue has been darkened and flattened by the spreading oily sheen of diesel fuel from a disintegrating wooden boat.



Their faces gaze out at the viewer, calm faces that do not shriek or even accuse, but just say quietly, this is me a human being, and this is you looking at me as I am dying.

There are 353 images, mostly children and women, for it was mostly children and women who boarded the boat. They are all different, yet all similar. Like the photographs of Khmer Rouge victims at Toul Sleng, their repetition eventually overpowers the emotions, as the viewer begins to gasp for breath.

The Artist speaks hesitantly, searching for the right words to introduce us to her strange imagined world of water and death. This might be the moment of their drowning, she says quietly. Or, they might just be floating at peace, resting, still wanting to stay alive.

They could be waiting for rescuers who never came, or remembering for the last time all the joy in their lives and in those whom they loved, or saying their last prayers to God before giving up the ghost.

What a penance it must have been to paint these many paintings one after the other, what an act of love.

They took so long to die through the long cold hours of night, one by one, quietly, drifting apart and disappearing. Some of the mothers, unencumbered by safety jackets, must in desperate instinct have struggled free from the trap of the women's below-deck area, only to die later in open water.

But many of the children would have been trapped inside the broken capsized hull, bobbing like corks in their securely tied little lifevests (for the smuggler only supplied lifevests for children), crowding the shrinking air space, unable to swim down and out. The inflowing water cruelly buoyed up their little bodies, butting heads into hull planks, until finally there was no more air for them to breathe.

Strange military boats came a few hours later, searchlights played on floating bodies and

feebly waving survivors, but there was no rescue till fishermen arrived the next day. By then, only a few still lived.

Let us now visualise a viewing of the Artist's work. And let it clearly be said, these characters exist only in my imagination and their words are mine.

Here first is a group of Parents and Survivors. Six years later, they still grieve. Will they ever stop grieving? We had no other way to come, to reunite our family, Papa had already gone and we were still here. I remember my daughter's last call to me, from a cheap phone shop — Daddy, wait for us, we are coming, in a few days we will be with you again, in Australia — I remember how she rolled that unfamiliar word around her tongue.

Here are my children's last photos, in their best clothes. We were poor, but we were so proud of our children. We always wanted the best for them. We held hands in the water for hours, keeping each other going, but eventually I lost her grip and she floated away.

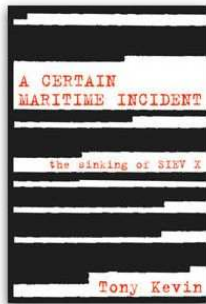
A young father says, my baby son could not swim but I could, God gave me strength, and somehow I kept him above water, on my shoulders, for 19 hours. He was one of two children who survived, a boy and a girl. We never knew the name of the boat, it had been scraped off. We had been motoring in the boat for over 30 hours, we were far from land, and we thought we were nearing our destination, Australia. Then the engine and the pumps failed. Or, the captain stopped the boat, to give the engine a rest, he said. It started rocking from side to side in the swell, and then just tipped over. Why did God in his infinite wisdom save me, when he let those whom I loved most die? I wanted to die with them, I should not have lived.

A Senior Australian Official squares his shoulders and says firmly, I can confidently say that despite some scurrilous and defamatory stories going around, nobody from my Agency would have had anything to do with this. We did nothing wrong. We operate under a strict moral code of ethics.

A National Security Expert says quietly, choosing his words carefully, national security imposes hard policy choices. We have to deter violations of the integrity of our borders. There can be hard choices of means. Things can go wrong, there might at times be collateral damage. Maybe this tragedy helped to prevent future larger tragedies, for the boat people stopped coming after this. The truth may never fully be known, what really happened here. Perhaps nobody was to blame.

A Realist says coldly, those people got what they deserved, they had no right to try to come here, it's our country not theirs, and it was their fault to board an obviously overloaded, unseaworthy boat. Stuff happens. Nobody cares about this boat any more. Get over it, much bigger things have happened since. There's a new national agenda now, forget these old stories.

A Historian works away quietly year after year, disciplining emotion, patiently piecing together the jigsaw of incompletely known facts, searching for truth in dark places, knowing that truth in history matters.



A Politician says, please understand this. We're in government now, we are trying to govern well, to rebuild our damaged society and country. Whatever my private views might be, I'm bound by the collective judgement of my Party. We only got in by three per cent, and it's still the same electorate. There's an election only two-and-a-half years away. Howard nearly lost the 1998 election, and Rudd could face a tough next election too.

A Playwright says, I tried to show in my play how it might have been for decent people of loyalty and conscience, working in a chain of command answerable to a group enjoying absolute power and who seemed quite indifferent to the lives of Others. I didn't expect to be so reviled, but I'm proud of what I wrote for the stage.

A Writer struggles with recurring waves of self-doubt. He says, I gave this my all, hoping that my passion, my outrage, would arouse public conscience, that the People would rise up and say to Authority, we demand to know the truth, what really happened here when our nation had a responsibility to protect life? What crimes of callous indifference might have been left to happen? But I was mocked and shunned as a slanderer and fantasist, an obsessive nag who could not let go. By the end, I was boring and irrelevant, same old same old. It's hard to see now if I achieved anything, whether it was worth the stress and moral exhaustion, the happiness-sapping alienation from my society.

A Priest replies consolingly, what you did will not be forgotten. You cared. You and the others put the story of these poor people on the map, you gave their boat a name, and their story will live on quietly now in our libraries and our national memory, until one day when the full truth of this becomes known.

A Memorial Builder stands quietly by. Sometimes, he says softly, it is better to go around prejudice and hatred, not to confront it uselessly head on. We have found a good way to remember this, to honour the memory of these fine people who wanted to become Australians, to show our love for them. Yes, accountability matters, but maybe it has to come slowly? We must take things step by step.

Let us give the last words to The Artist. She says, I cared so much about this, I took part in so many meetings and petitions, but in the end nothing was working, nothing was really taking. So I returned to what I know I do best, to my painting. I hoped these works might convey something of what I feel about this. I know I won't gain sympathy if I harangue people or give them horror. And the time for grand Gericault-style epic painting is past.

But it took me a while to realise the vastness of this project I'd embarked on, to paint 353 people in a lot of little individual pictures. For me, it's no longer about slogans or sending messages. It's saying, here I am witnessing this, it's not fiction, it did happen. It's through the sheer volume of the people I painted, one by one, that I'm hoping to have an effect.

Author's Note: This essay was originally inspired by his viewing for the first time, in Canberra in March 2007, of [Kate Durham](#)'s magnificent cycle of SIEV X paintings, now in the custody of the Fryer Library at the University of Queensland. He also drew on her DVD interview, 'Kate Durham's SIEV X Paintings'.

The above essay was the Winner of the 2008 Eureka Street/Reader's Feast Award.

Dummy cops leave child porn unchecked

HUMAN RIGHTS

Harry Nicolaides

In a small dimly-lit room at the Burmese immigration office, on the border of northern Thailand and Burma, there is a large, luminous portrait of General Than Shwe, festooned with medals and ribbons.



His steely gaze surveys the hundreds of foreign tourists who cross the border bridge to visit the ramshackle, open air market at Tachilek each day. He is also the embodiment of the strict and relentless censorship of everything, from poetry to the latest *Rambo* film (set in Burma), controlled by his Orwellian regime.

Less than 50 meters away, under the bridge on the Burmese side, you can buy, for a little over a dollar, films depicting the sexual abuse and torture of British, American, European and Asian children. Some are aged as young as four while none is older than 12.

And unless you are a saffron-robed monk, you will not be searched on the way back across the border into Thailand.

While the market at Tachilek is notorious for fake designer goods, dubious precious gemstones, the teeth, skulls and skins of endangered animals and phony pharmaceuticals, the child pornography is real. The tears and shrieks are not the result of dubbing or digital manipulation.

The graphic footage of a five-year-old Cambodian girl having her arms strapped to her legs with electrical tape before being subjected to unspeakable violations is unrehearsed.

The diminutive seven-year-old British girl who is raped by a 200 pound, black-hooded man while another man films, has been deceived by a man she trusts.

The Indian girl, aged about six, wearing only school socks and shoes has not been groomed to look like a primary school student — she is one. And she is violently raped.

While the fake designer goods are mass produced for a large diverse market, thousands of such films are sold exclusively to a dedicated group of connoisseurs by the world's most malevolent cottage industry.

The market and the bridge crossing at Mai Sai are well known to international human rights groups, NGOs and law enforcement bodies as strategically important to regional human trafficking and narcotics smuggling.

On the Burmese mountains and in the dark ravines there are dozens of makeshift camps

where ethnic minorities, uprooted, persecuted and displaced by Burma's military regime, seek refuge. Many of them make their way to Thailand to find work.

On the Thai side, in the lowlands of rice and corn fields, are hundreds of crumbling orphanages where large rickety chalk boards bear the names of thousands of children. As one aid worker said, even these vast lists do not reflect the real number of transient children in care.

And while Thailand has set up roadside checkpoints on the highway between Chiang Rai and Mai Sai, in reality they consist of life-sized, fiber-glass figures of Thai police officers, signalling to drivers to stop. Sadly, unlike the fake designer goods at the Tachilek market, the dummies lack verisimilitude.

Burma is a party to the United Nation's [Convention on the Rights of the Child](#) (1990) but has not yet signed the [Optional Protocol](#) (2000) on the sale of children, child prostitution and child pornography.

Nations and states that are parties to the convention and optional protocol are, in addition to protecting children from all forms of abuse and exploitation, obliged to take appropriate measures to thwart the production and distribution of child pornography.

In addition, Burma's own child laws state that it is a punishable offence to use children in the making of pornographic material while its penal code makes it illegal to exhibit or distribute any obscene material. The penalties range from fines to terms of imprisonment of up to two years.

However, with Burma's state infrastructure and law enforcement bodies riddled with corruption it's no surprise the Tachilek market is honeycombed with illegal goods.

Behind legitimate shop fronts are secret doors and false walls leading to hidden inner-rooms where thousands of films depicting the most depraved social taboos are displayed and sold.

The trade in child pornography flourishes while the omniscient Burmese regime scrutinises the plots of the latest Hollywood films for conspiracies and subversion against the state — when the greatest subterfuge is within.

There are no borders or checkpoints on route to the heart of darkness.

His God was Dylan, Bob

POETRY

Liam Guilar

Seven poems about growing up in Coventry

Grandmothers

No one told the women in my family
they were the weaker sex.

My grandmothers, worn by the century,
were beautiful, resilient and humane.

My English Gran survived
both husband and the Blitz
and treated those disasters
much the same.

One daughter asked:

'If Hitler comes, what shall we do?'

'Leave him to me,' she said,

'I'll sort the blighter out.'

Mrs Kelly's Miracle

Outside the church, the sweep of playground laughter,
while inside, Mrs Kelly took us round the stations of the cross.

The weekly repetition never softening the narrative's brutality
that ended at the altar rail, and Mrs Kelly's Miracles.

Sundays, the stand up sit down keep moving
of the mass. Dominic was coming with the biscuits
and I was waiting to eat a missare est,
but caught up in the rhythms of the congregation,
chanting the poetry of 'Trespases',

'Melchisedech', I'd surf the loneliness
of hymns, the wintry elegance of carols,
towards whatever was kept hidden on the altar.

Widdershins

Stephen Morgan swore upon his mother's grave
crossed his heart and hoped to die:
he'd seen a soul ascending into heaven.
A puff of smoke. But then he was an altar boy.
And Gaffney said she went all cold before
the blessed virgin's statue talked to her.
But she was nuts. We met before the church,
eight years old, experts in the supernatural.
If you run widdershins three times round,
the devil will be waiting at the porch.
But we weren't daft: the implications
of his non-appearance were not worth the risk.

The Man in 27B

The blackened kettle front ring right.
Cracked mug beside the biscuit tin.
Remote sits on the right arm of the chair.
Table, bottom left hand corner, TV guide.
For twenty years. Tracks worn into the carpet,
grooves carved by repetition in the air.
My name's the first thing he's misplaced.
His years unravel. A shelf of paperbacks
their titles faded, plot lines mingle, characters migrate.
Dialogues he knew by heart dissolve to nonsense.

A memory of purpose cobwebs the millennia
between phone calls, shopping trips, Christmas cards.

Tolerance

Good will is soon abraded, where
tolerance is theorised indifference.
Their welcome, frail as washing in the dirty air,
or a concrete playground seen
from a fifth floor window. Where
the once bright railings circle
childhood in containment and exclusion.
The menace of broken swings, creaking
in isolation. This is your space.
Don't ask for more, or try to leave
Is it any wonder for our children
resentment's an hereditary disease?

He was a Rock

He was a rock, he was an island. I'd visit
like a Catholic at a Church of England service.
The same passion but his was turning inwards.
His books and poetry would protect him
though records were his preferred insulation.
His God was Dylan, Bob, mine had no name.
The world seemed too untidy for the lyrics of a song
but he could build a conversation from quotations.
I wanted mountains, rivers, knowledge;
he quoted Sartre, 'There are no adventures left.'
Even then I knew rooms were for leaving;

he stayed, confusing eloquence with revelation.

Bridge

Turn down beside the pub, there was a footbridge here.

It rose up, unexpectedly. Bolted blue grey metal,

wrenching your gaze above the rooftops

to the horizon line, beyond the city boundaries.

She would cross that dirty foot bridge

on the long walk to the station. Beside her, holding hands

or sometimes with my arm around her waist, the world

seemed full of light and possibility.

The bridge is gone. Turn down beside the same old pub.

A narrow lane. A fence that fails to keep the weeds at bay.

The houses, moving in, like thugs in a dark alleyway

and the dim light, and the streets, all going nowhere.

Singapore's cane can't restore justice

EDITORIAL

Michael Mullins



If convicted on the drug charges he's facing, it's possible ABC journalist Peter Lloyd's prison sentence will be supplemented by up to 15 lashes of the cane.

Judicial caning was introduced to Singapore by the British. Thousands of male criminals are subject to the barbaric practice each year. The 1.2 metre long rattan cane is soaked in water before use to prevent it splitting and to make it more flexible. The caning is carried out in a single session, and it can lead to permanent scarring of the buttocks.

Amnesty International has condemned Singapore's caning procedures as 'cruel, inhuman and degrading'. They are specified in Singapore's criminal code for administration in conjunction with prison sentences, but also in widespread use in families and schools throughout the country.

Until relatively recently, many Australian parents and teachers used forms of corporal punishment. It is no longer socially acceptable, and [legislation](#) is slowly being introduced by various state governments to ban its use. But New Zealand's 'smacking' debate earlier this year demonstrated that there are some vociferous proponents close to home.

Until recent decades, parts of the Catholic education system were particularly noted for their use of corporal punishment. It was also the default means of administering justice in many families. Now teachers and parents struggle to find effective alternatives.

Most encouraging is the growing discussion of restorative justice. Some Catholic education offices are playing a leading role. This in itself is a form of restorative justice.

Restorative justice has a useful outcome, and focuses on the person involved, rather than the misdeed. It can replace or complement retributive justice. The offender sees the full impact of his or her crime, and the victim often receives some form of restitution, directly from the offender.

The Tasmanian Catholic Justice and Peace Commission recently issued a [fact sheet](#) on restorative justice. It quotes education consultant David Vinegrad's assertion that humans have always sat around a fire in groups and put their problem — rather than the perpetrator — in the centre. He says:

That's the way human beings are happy interacting with each other. When we don't, and we work punitively, we drive these kids into the subculture. They're the ones burning down our schools.

If Singapore's courts find that Peter Lloyd has been involved in drug use and trade, a caning would make him physically sore, and resentful of Singapore's justice system. In a better world, a form of restorative justice would give him the chance to do something practical towards countering the social ills that led to his actions.

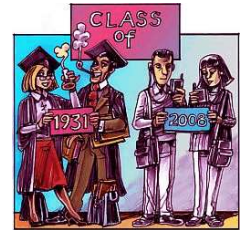
'Ratbag' student activist decries Education Revolution

COMMUNITY

Susie Byers

Current debate about higher education and the role of universities tends to be dominated by super-efficient, economic rationalist thinking.

The Federal Government's review of higher education, for example, aims to ensure the system is 'contributing to the innovation and productivity gains required for long term economic development and growth', and that 'there is a broad-based tertiary education system producing professionals for both national and local labour market needs'.



Perhaps the time is right to wonder about alternatives to this view of higher education.

It might be strange to look for such an alternative in the words of a well-known economist and public servant, but in 1931, H. C. 'Nugget' Coombs, President of the Guild of Undergraduates at UWA., gave a report at a general meeting of the students. The secretary of the guild faithfully recorded both his words and his mood:

Mr Coombs spoke of student life and the attitude students should adopt towards the university as a whole ... [Coombs] enjoined the students to do things, not because they had to, but because it was worth while doing them ... The university was not a graduate shop to train men and women for professions, but the home of knowledge, where they could develop their intellect and ideas.

Universities in Australia have since become more or less what Nugget Coombs feared: graduate shops to train us for professions.

The well-documented and much-lamented stripping away of funding that occurred under Howard, and before then under Keating, has forced universities to seek funding from private and corporate sources, run lucrative fee-paying courses, and place a greater financial burden on students by pushing for increased HECS fees.

These complaints have been well-rehearsed over the past decade, and it is not my intention to drag them out again — not least because it is a painful reminder of the battles my generation of student activists failed to win!

In any case, for all the vitriol directed at him by ratbag student types such as myself, John Howard was not the first to let the idea of universities as places of community and higher learning fall out of his head. Coombs' speech suggests that even back then, higher learning occurred on contested turf.

Which is not to say the discourse surrounding higher education does not need changing. But looking longingly back at the halcyon days of student activism and campus

philosophising makes it too easy to blame the most recent government, and to relax in the belief that the Big Bad of neo-liberal governments has left the building.

Kevin Rudd should not be let off the hook so easily. It is time to measure the Labor Government's 'Education Revolution' against the challenge Coombs established. The Federal Budget in May did indeed show a renewed focus on education. But was it 'revolutionary'? Well, no.

The \$5.9 billion promised to education represents a significant boost to the sector. Other initiatives outlined on 13 May will help Australia's higher education system recover some lost ground. The Education Investment Fund to support infrastructure for higher education is a good initiative, as are the extra scholarships for postgraduate research students.

Missing, however, from the Government's rhetoric was a sense that higher education represents more than a training centre for the professionals of the future, or that graduates represent more than pegs to plug the holes in Australia's collective skills set.

One way to achieve space for in-depth learning is to create a system, similar to that of the USA, where students are required to undertake a generalist Arts or Science degree before undertaking a professional qualification.

This might enable students to find space and time for intellectual exploring before they devote themselves to their professional degree and for 'resum -builders' such as clerkships, internships and work placements.

Increased student income support and greater freedom for academic staff to spend time on their own research would also help drive reform. These things are, naturally, code for 'spend more money' — which is what makes this argument a difficult one to win.

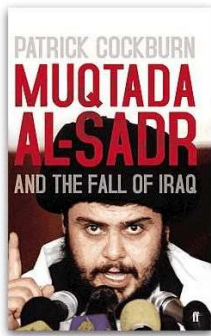
In any case, the review is unlikely to provide solace to those who were hoping this government would start to redefine the education debate. Not when its terms of reference focus on 'productivity and participation' and 'effective and efficient investment', with a nod to 'underpinning social inclusion through access and opportunity'.

Unless the government turns its attention to supporting universities as 'homes of knowledge', then areas of pure research and the humanities will be neglected, non-profitable as they are. Nugget Coombs knew the dangers of that. Let's hope that this government comes to recognise it too.

Fathoming the Iraqi quagmire

BOOK REVIEW

Shahram Akbarzadeh



Cockburn, Patrick, *Muqtada al-Sadr and the Fall of Iraq*, Faber and Faber, London, 2008, ISBN 9780571239757

When US troops marched into Baghdad and toppled Saddam's regime in April 2003, the international media focused on pockets of cheering Iraqis who brought down statues of Saddam Hussein.

This was the image Washington was keen to promote. US policy makers believed that US forces would be welcomed in Iraq as a liberating force. The US decision to dismantle the Iraqi army and the state machinery under the guise of de-Ba'athification was based on what now appears to have been naïve optimism about the transition process.

What transpired after the fall of Saddam was a catastrophe. Iraq was plunged into civil war with a bloody tally of civilian casualties that grows by the day. The failure of the post-Saddam authority to provide physical security for Iraqi citizens, maintain employment opportunities and food supplies and organise garbage collection, to name a few essentials, has seriously discredited US policy makers.

The US invasion, however, heralded a new era for the Shia majority in Iraq. Constituting over 60 per cent of the population, they had lived under fear and persecution during Saddam's rule. The history of rivalry, and sometimes animosity, between Shia and Sunni Arabs was a critical factor in the course of post-Saddam politics.

This was not news to Patrick Cockburn, a foreign correspondent with the Independent newspaper who has reported on the Middle East for nearly three decades. Cockburn was keenly aware of the sectarian and ethnic loyalties in Iraq and was simply amazed at the level of ignorance among US policy makers.

In this book Cockburn chooses to introduce the reader to that historical background before dealing with Muqtada al-Sadr himself. As a result the reader is treated to an easy-to-read account of Iraq's politics under Saddam, especially the relationship between the Shia and the state.

This account is all the more relevant today because it helps explain the political attitudes of the Iraqi Shia population towards the United States, Shia Iran and the rest of the Arab world. It also contextualises the rapid rise of Muqtada al-Sadr to a position of authority in post-Saddam Iraq.

As Cockburn points out, Saddam's brutal policy of suppressing dissent 'destroyed the secular opposition parties and his own ruinous wars ... discredited secular Arab Nationalism'. So by default, religious figures who had managed to stay alive by not antagonising Saddam were in a position to exert popular authority.

Shia ulema, most notably Ayatollah al-Sistani who is regarded by the Shia in Iraq (and even in Iran) as the highest ranking scholar of Islam, were in an opportune position to benefit from the political vacuum following the fall of Saddam.

What is remarkable, however, is how the 30-something Muqtada al-Sadr, with no special standing in Islamic scholarship, managed to gain a position on a par with al-Sistani.

Muqtada's rise is based partly on his lineage, partly on his political position, and partly on the policies the US adopted in dealing with him. Muqtada comes from a highly respected clerical family. His father, Grand Ayatollah Muhammad al-Sadr, and his uncle, Sayyid Muhammad Baqir al-Sadr, were both killed by Saddam's regime for their opposition to the regime.

This gave Muqtada a certain amount of credibility among the Shia, but he was not foolish enough to give himself up to Saddam's henchmen. Instead he played the role of the junior scholar with no political ambitions.

Muqtada chose his moment carefully. He entered politics when the threat of Saddam's retribution was removed, and made a name for himself by rejecting the US occupation of the country.

This put him at odds with the leading Shia scholars. Al-Sistani, for example, was careful in his statements and preferred to wait for the natural transition of power, confident that the Shia's demographic majority would deliver the state to them in due time.

Muqtada had no such patience. His fiery rhetoric against US occupation, and the establishment of an armed militia named after the 12th imam of Shia (the Mahdi army) gained him the titles of firebrand and rogue Shia cleric in the international media.

Cockburn, however, argues that Muqtada was also a fast learner. He realised that direct military confrontation with US forces could easily lead to his own demise. The battle of Najaf in 2004 when the Mahdi army was pounded by superior US war machine was a bitter lesson for Muqtada.

So when President George W. Bush announced the escalation of US commitment in January 2007, Muqtada was quick to order the Mahdi army out of their positions in Baghdad to avoid a military engagement. Instead he agreed to take part in the political process, participating in the Shia coalition that now dominates Iraq.

Muqtada's rapid rise would have not been possible without US help. Cockburn paints a

convincing picture as to how Washington effectively elevated Muqtada's standing, first by treating him on a par with other, more senior, Shia leaders, and then by failing to arrest or pacify him.

'Had he been part of the political process from the beginning,' Cockburn argues, 'then the chances of creating a peaceful, prosperous Iraq would have been greater.'

This is an informative and accessible book. It is a must read for anyone who seeks to make sense of the Iraqi quagmire.

Abuse comments fuel sectarian prejudice

MULTICULTURALISM

Irfan Yusuf

When it comes to sensitivity toward victims of sexual abuse and assault, Australian religious leaders could learn a thing or two from Pope Benedict. As could some allegedly conservative commentators and political leaders of all persuasions.



In the past two years, two prominent Australian religious leaders have seemed to cast aspersions on sexual assault victims and their families — former Mufti Sheik Hilaly and Catholic Bishop Anthony Fisher.

Hilaly used a Ramadan address in 2006 to suggest that some women ask to be raped by displaying themselves like ‘uncovered meat’. He said this before a few hundred people in a Sydney mosque in Arabic, a language spoken by a minority of Australian Muslims. His remarks only came to general attention once translated into English and reported in the media.

Last Wednesday Fisher, the Australian bishop responsible for organising World Youth Day, responded to questions about the case of two girls repeatedly raped by priest Kevin O’Donnell between 1988 to 1993, when they were primary school students, by saying: ‘Happily, I think most of Australia was enjoying, delighting in, the beauty and goodness of these young people (at WDY) ... rather than dwelling crankily, as a few people are doing, on old wounds.’

The insensitivity was heightened because one of the girls committed suicide this year, aged 26.

His remarks were made in English during a press conference before local and international media.

The two cases aren’t completely parallel. Islam (at least in its majority Sunni manifestation) doesn’t have a clerical hierarchy. Imams play roles similar to rabbis — they are jurists authorised to provide authoritative but not binding opinions on sacred law. The role of a mufti is not identical to that of a bishop.

That said, the vast majority of lay Catholics and Muslims have no meaningful role in the selection or removal of clergy, bishops, popes, imams or muftis. Further, the views expressed by Catholic clergy are not necessarily representative of the majority of ordinary Australian Catholics. The same applies to Muslims, many of whom had been openly criticising Hilaly years before his remarks about uncovered meat.

Notwithstanding these differences, it’s interesting to compare responses to the two cases. In the case of Hilaly, commentators and politicians of all stripes and faiths vocally condemned

the remarks. Yet some couldn't resist using the incident to fight sectarian and cultural battles.

The front page of Sydney tabloid newspaper *The Daily Telegraph* on 27 October 2006 carried a photo of the Sheik with the headline 'You heartless ignorant man'. The Sheik's remarks were described as part of 'a deranged sermon'. The editorial carried the headline 'Vile rape remarks can't be forgiven', and attacked his 'wind-up apologist Keysar Trad' for alleging the Sheik was quoted out of context or misunderstood.

Neither Fisher nor his remarks have made it to the front page of the *Telegraph*. Fisher hasn't been called heartless or ignorant, nor have his comments been described as 'deranged'. The *Telegraph* hasn't questioned Fisher's claims that his comments have been misunderstood, nor run an editorial on the issue.



The *Telegraph* was not alone in using Hilaly's comments to fight monocultural warfare. Under the headline 'No, Sheik, saying sorry is not good enough', columnist and ABC board member Janet Albrechtsen (*The Australian*, 1 November 2006) attacked Hilaly's apology to rape victims before alleging that 'many Muslims support his outpourings of hate'.

She managed to link Hilaly's outburst to TV stations run by Hamas and Hezbollah before concluding that Muslim leaders are conspiring to produce a generation of people hostile to Western values.

Yet Albrechtsen has been silent about Fisher's remarks or his attempts to explain them away. As has Peter Costello, whom Albrechtsen quoted in the wake of the Hilaly comments as saying: 'You wonder whether kids rioting down at Cronulla have heard these kinds of attitudes'.

In fact, I'm yet to hear a peep from a leader of any major political party Australian state or territory.

This isn't just another case of inconsistency inspired by sectarian prejudice, of what's good for the Muslim goose being not good for the non-Muslim gander. The clear message is that misogynistic or insensitive remarks about sexual assault victims are only worthy of universal condemnation if those making the remarks belong to the 'wrong' religious, ethnic and/or cultural background.

When an ABC board member and virtually every State and Federal MP is silent when the families of rape victims appear to be described as 'dwelling crankily ... on old wounds', it means we still live in a society where violence against women is effectively tolerated — or one in which imbecilic words belittling the experience of sexual violence victims are only condemned when it serves sectarian or cultural prejudices.

Ordinary Catholics shouldn't be held accountable for Fisher's statements. They had little or no say in his appointment any more than they have in procedures used by the Church in

sexual assault matters.

Nor should commentators and politicians cast aspersions on Australian Catholics in the same manner as many did on Australian Muslims. This would achieve nothing.

When sexual assault becomes a cultural or sectarian wedge, it demeans and insults the suffering of all victims and their families. It also opens to question our society's commitment to unconditionally ending violence against women.

Superhero's dark night

FILM REVIEW

Tim Kroenert

***The Dark Knight*: 152 minutes. Rated: M. Director: Christopher Nolan. Starring: Christian Bale, Heath Ledger, Aaron Eckhart, Maggie Gyllenhaal, Gary Oldman**

The Dark Knight is a rarity: an intelligent action film, and an 'event' film that lives up to the hype. Its roaring trade at the Australian box office (\$11,779,716 on its opening weekend) has been matched by the din of critics singing its praise. Plus it's a superhero movie that will keep the most slathering, purist fanboy content while updating the premise for a contemporary, general audience.



If comic book movies are not your 'thing', bear in mind that they have come a long way this past decade. Sam Raimi's *Spider-Man* films and Brian Singer's take on *X-Men* proved that latex costumes and blockbuster spectacle can go hand-in-hand with serious character development and a compelling story.

And then there was *Batman Begins*, an epic character study (some quipped, half-seriously, that it was a \$200 million art movie) which, in the hands of director Christopher Nolan, delved at length into the motives and relationships of millionaire Bruce Wayne, Batman's alter ego.

Batman/Bruce Wayne has always been a fascinating character. He has no superpowers, but his sheer rage in the face of injustice elevates him to the realm of 'superhero'. In contrast to Detective Comics' other great hero, patriotic golden boy Superman, Batman is dark and brutal, arguably a fascist, but certainly prone to soul-searching regarding his questionable methods.

Batman Begins was memorable, as it was the first Batman movie where the many dimensions of the conflicted hero were not overshadowed by the charisma of the villains. As a result, the relaunch of the franchise obliterated the memory of Joel Schumacher's cartoonish *Batman Forever* and *Batman and Robin*, recaptured the dark, serious tone of Tim Burton's 80s/early 90s offerings *Batman* and *Batman Returns*, and took it to a new level.

In all likelihood its legacy will now be that it laid the groundwork for *The Dark Knight*. *Batman Begins* established the complexity of the character. The sequel tests his mettle during a proverbial 'dark night of the soul'.

Exhibit A: the Joker. It seemed from the time 'our Heath' Ledger first stepped onto the *Dark Knight* set there were murmurs regarding the brilliance of his portrayal of the most infamous figure in the Batman rogues gallery.

The murmur of praise became a bellow after the 28-year-old actor died of an accidental

drug overdose in January. Speculation that the abuse of pills which killed him was linked to his methodic immersion in the psychotic character added to the mystique.

Needless to say, Ledger is almost unrecognisable. Not just because of the heavy, scarified 'cut-smile' make-up. His voice is a villainous snarl. His walk is a Quasimodo slouch. His eyes are anarchic. Ledger's joker is a chaotic force of nature. The performance is as iconic as Jack Nicholson's very different take on the character in 1989.

Exhibit B: Harvey Dent. Chisel-jawed Aaron Eckhart is perfectly cast as the district attorney who teams up with Batman and good cop Lieutenant Jim Gordon (Oldman) to try to rid Gotham City of organised crime.

Dent represents the other side of the 'hero' coin — playing by the rules within a largely corrupt system, while Batman merely does whatever he deems necessary to attack the system from the outside. Bruce Wayne sees Dent as heir apparent to the mantle of 'protector of Gotham'.

Most audiences will be aware of what's in store for Dent in the film. He is destined to be overwhelmed by his dark side following a horrific run-in with the Joker. In *The Dark Knight* the tragedy of Harvey 'Two-Face' will affect Batman, and the way in which he is regarded by the people of Gotham, more than his epic battles with the Joker.

This is an action film, and its action sequences are indeed spectacular. For a case in point, see Batman base-jumping from a Hong Kong skyscraper. Or mounting his bat-bike and engaging in a high-speed chase with the Joker's semi-trailer.

The spectacle sweetens the experience, but it's the characters who linger, particularly the triumvirate of Batman/Joker/Dent, who define each other by contrast. Burton attempted something similar in 1992's *Batman Returns* with Batman, the Penguin and Catwoman. Nolan, in *The Dark Knight*, is more successful, with the result that this is not simply the best superhero movie ever. It may be the best film, of any genre, for 2008.

'Bumbling' Karadzic faces political justice

POLITICS

Binoy Kampmark



It took almost 13 years, but Radovan Karadzic has finally been detained. In 1995, the International Tribunal for the Former Yugoslavia slapped an indictment on the former leader of the Bosnian Serbs for crimes against humanity and acts of genocide. Another duly followed. Until now, the former leader of the Bosnian Serb nationalists has proven elusive, often hiding among paramilitaries and sympathisers.

Along with military commander Ratko Mladic, the slightly bumbling Karadzic made a name for himself stirring the heated pot of Serbian nationalism in the wake of Yugoslavia's dissolution. With the declaration of independence by Bosnia-Herzegovina in 1992, Karadzic, then head of the Serbian Democratic Party (SDS), struck back at both Bosnian and Croatian forces with effective and brutal results.

His darkest achievements remain his role in the brutal massacre of 10,000 during the 43 month siege of Sarajevo, and some 7500 Bosnian Muslims (or Bosniaks) in the cruelly named safe haven of Srebrenica on the watch of Dutch peacekeepers in the summer of 1995.

International war crimes trials, notably of foreign leaders, have their problems. The Rome Statute establishing the International Criminal Court may have 106 signatories, but it also has vocal critics on all sides of politics. Such a creature can only be as effective as its participating members. International law is, after all, a beast of consensus.

The ledger of opposition against international war crimes trials is impressively weighted. Even such wise heads as George Orwell were against them. Lawyers, he suggested in 1944, should not be in the business of hauling heads-of-state before tribunals for acts of foreign policy and war. Best let them go and suffer the ignominy of public execration. To do otherwise would provide the accused with a ticket to martyrdom.

Those on the Allied side in 1945 would have none of it, and the formula of the international criminal tribunal was born in the rumble of Nuremberg.

Another conventional argument against such state trials is their impact on the society in question. Putting a talismanic figure of a nationalist or ethnic grouping before the law, and one judged by international figures, tends to fuel rather than dampen tensions. An embittered population is an unruly one. This had the potential to derail the ICTY proceedings of such figures as former Serb leader, Slobodan Milosevic.

As time went by, it was clear that the tribunal had had some measure of success. The Serbs, initially cast aside as international pariahs, members of Europe's very own rogue state, were

gradually 'normalised'. Though Belgrade's politicians detested the badgering they received from the international community, they relented in giving up their subjects for punishment, most notably Milosevic.

The Serbs were also reminded that their subjects were not the only objects of punishment. A few notorious Croat war criminals have fronted the judges, though the number remains small. Olli Rehn, EU enlargement commissioner, has hinted at quicker Serbian integration into Europe as a result of the capture.

Problems as to how to conduct the trial will be acute. The inconclusive trial of Milosevic was something of an embarrassment. Given the incidents in Bosnia during the Civil War, Karadzic was probably the more appropriate candidate. Milosevic, if anything, tried to restrain the overly dedicated Serb leader.

The Dayton Accords ending the conflict in 1995 were concluded despite Karadzic's near-fanatical opposition. Serbian nationalists could only congregate in and around the curious, slightly decrepit international entity called Republika Srpska, one of Karadzic's proud creations.

Lawyers at the Hague will want to avoid the mistake made with Milosevic — justice delayed is often said to be justice denied. Dying in the dock, as the wily Milosevic did, is not the best recipe for legal propriety. Karadzic is not necessarily going to be any easier and resistance is bound to be robust and plentiful. Though it has been some time since he has practiced psychiatry, his mental agility in questioning will give prosecutors headaches.

The painful episodes of the early 1990s still haunt the landscape of the Balkans. One of the vices of nationalism is the symptom of long memory. Punishing Karadzic will do little to convince those who are already set in their positions. Bosnia's Muslims will feel vindicated; Bosnian Serbs are simply weary.

But even if this trial won't settle the record permanently, or bridge divides, it will discharge the solemn task undertaken at Nuremberg: giving history a record of political justice.

At odds with the 'celebrity science'

SCIENCE AND TECHNOLOGY

Marko Beljac

We usually associate collective irrationality with mysticism and various crazed cultish forms of belief. By contrast, since the enlightenment, science has been viewed as almost embodying reason itself.

There are plenty of fanciful doctrines in philosophy and social theory that could be seen as forms of collective irrationality, where systems of belief in the intellectual world completely fly in the face of empirical reality or have little basis in firm empirical support. But can collective irrationality also be displayed in the hard sciences?



It can, and was, on several occasions during the past century. Collective irrationality in the sciences is usually seen as a feature of totalitarian regimes. There was the Stalin-era Lysenko affair in biology, 'Aryan physics' in Nazi Germany, and mad 'Mao Tse Tung Thought' style particle physics during the cultural revolution.

Sometimes, this type of collective irrationality can work. For instance a group of Japanese physicists who tried to prove Karl Marx's philosophy of 'dialectical materialism' actually made some important discoveries in our understanding of the strong nuclear force in the 1950s. Alas they went off the rails thereafter.

But scientific irrationality is not linked exclusively to doctrinaire ideology. It would appear that a more market-driven collective irrationality, based around fashion, has emerged in the science world. This relates to a contentious line of theory known as 'superstring theory'.

One of the enduring goals of theoretical physics is the marriage of Einstein's general theory of relativity — a theory of gravity — with quantum mechanics. Gravity is the weakest force but operates over large scales, so it is crucial to understanding some of the bigger things in life, such as the universe as a whole. Quantum mechanics, on the other hand, accounts for the micro-world.

It is hoped that the consummation of this marriage, 'quantum gravity', would unify physics and provide us with new insight into the underlying laws of nature. Some even hold out the promise of a 'theory of everything', because we would thereby combine our best theories of the very big and the very small into one neat package.

But it has been a calamitous and rocky courtship. Even Dexter, the robot who yielded his compatibility algorithm on the dating game show *Perfect Match*, would struggle! Every attempt at unification results in ugly mathematics that spews out nonsense and anomalies.

Superstring theory is the most popular theory aimed at unifying physics. It has had a long and torturous history, but essentially the premise is that the physical world — literally, everything, including space and time — is built out of strings and membranes.

It's become something of a celebrity science. Anyone who follows popular science would be familiar with the theory, as it has been the subject of many books, articles, documentaries and radio shows, all attempting to explain the promise and hidden intricacies of the theory.

Superstring theory is noted for its mathematical elegance. It does not produce troublesome infinities and has even prompted important new developments in pure mathematics.

But superstring theory comes at a price. For example, to be mathematically consistent and to exorcise the demons of traditional quantum gravity, the theory requires that we assume 'spacetime' has many dimensions. The obvious paradox is explained away by assuming that all those extra dimensions that we do not perceive are conveniently hidden in tiny, tiny spaces.

A bigger problem is that the theory requires more universes than our own. The inherent paradox is addressed by invoking the 'anthropic principle', which states that we can make predictions about the nature of our universe based upon the fact of our own existence. This constrains how many of the theoretical universes could possibly be our own. But with so many universes anything and everything becomes possible, rendering 'prediction' rather pointless. Our universe is not being explained so much as explained away.

In short, despite its popularity, progress in superstring theory is being conducted without reference to empirical reality.

It is true that it is easier to get a job or get on the box doing superstring theory than any of its rival theories. It might be appropriate to conclude that it is the emphasis of universities on quantity of publications and citations, combined with the gravitational effect that intellectual celebrity has on university funding levels, that explains the collective irrationality around superstring theory.

This would be a market driven form of collective irrationality in contrast to our earlier examples that stressed irrationality arising from ideology.

What is of fascination here is that string theory might end up telling us more about the sociology and philosophy of science itself than it does about nature.

Pub mural's lost legacy

BY THE WAY

Brian Matthews



During the 'Dunstan Decade' in South Australia, Don Dunstan commissioned Adelaide painter Tom Gleghorn to do a mural for the newly upgraded and renovated arrivals hall at Port Adelaide.

Tom was at the height of his considerable powers and acknowledged as one of Australia's leading artists. Behind him in the mid-70s lay a string of some 30 awards, 34 solo exhibitions, representation in major Australian and international galleries and a record as an inspirational and innovative university and college teacher of art.

None of this recognition, however, had in any way blunted or inhibited his famously larrikin ways or had any impact on his long-haired, colourful and bejewelled appearance.

Accepting the commission, Tom enlisted the aid of Mitch, his best student, hired a large space in the Adelaide Hills village of Summertown, carted all the materials up there in Mitch's old ute and started work. The finished mural would be painted in sections in the improvised Summertown studio then pieced together on the wall of the Port Adelaide arrivals hall.

Once into their routine, Tom and Mitch would start work early, knock off around one for lunch then resume an hour or so later and work till late because the deadline was a tough one.

There was no pub in Summertown so each day they would drive the few kilometres to the next town, Uraidla, for a counter lunch. As always, Tom's first entrance into the front bar caused a mild and muffled sensation but his gregarious affability, wit and easygoing ways soon won over the locals.

When, after about a week of lunch time visitations the barman asked, 'What do you blokes do? You workin' round here?' Mitch explained they were painters and they were doing a job in Summertown.

Always fascinated by the passing parade and human foibles, Tom became absorbed in a drama that was part of the Uraidla pub's lunchtime routine. This was a daily game of pool between two of the locals, 'Moose' Maguire and 'Everyday' Albert. Moose was so called because he had a large and, some said, much too inquisitive nose. Albert's nickname, 'Everyday', was much more explicable. He had never missed a day at the pub.

But what interested Tom about Moose Maguire and Everyday Albert was that Albert never won a game of pool. Day after day they would square off at the table and day after day Moose would either clean him up or, occasionally, when Albert seemed to be finding some touch, sneak in with an amazingly potted black right at the death.

Tom shouted Albert a few beers, barracked for him, even had Mitch give him some coaching, but nothing changed the result. Each day as they left to return to Summertown, Albert, an irascible, disgruntled sort of bloke at the best of times, would be slamming his cue back in the rack and shouting Moose — yet again.

After a couple of weeks of this, Tom one lunch time announced to the usual crowd that if Everyday Albert could win just one match before he and Mitch finished work in Summertown, he would paint the side wall of the bar. Albert redoubled his efforts. The lunchtime pool game became as tense as a session of Pot Black, lacking only Whispering Ted Lowe's sibilant commentary.

Twice Albert came very close but missed crucial shots. Then, it happened. Albert 'got up'.

Next morning, Tom and Mitch arrived with their gear. Mitch cleaned down the wall and Tom got to work. His painting at that time was very much inclined to hard edge abstract landscapes dominated by bright bands of colour. This is what he put on the wall. It was instantly recognisable to Gleghorn aficionados. But you didn't have to be one because he signed it anyway!

The publican was dumbfounded, the locals bewildered, and Everyday Albert, sensing that some further dimension had been added to his triumph, was thoroughly obnoxious. Mitch told the publican that he now had a very valuable mural on his wall.

'The Great Uraidla Pub Mural' was the wonder and the enigma of locals and tourists alike. It stayed there, unmolested, as its curious magnetic attraction became more and more obvious. Not to mention that the occasional knowledgeable blow-in would be flabbergasted and deeply impressed to find 'a Gleghorn' on the wall.

About a year after these events, the publican sold out and the new man came in, took one look at the Great Uraidla Pub Mural and said, 'Get rid of it'. He was deaf to advice and so, in came the sand blaster and scarified the Gleghorn from the wall.

Under certain circumstances — like when the Philistines broach the castle gates and invade the fortress — the survival test for great art is not necessarily an instructive one.

Church abuse protocol is no joke

THE MEDDLING PRIEST

Frank Brennan

It is very gratifying that Pope Benedict took the opportunity of his World Youth Day visit to apologise to the victims of sexual abuse by clergy and other church personnel. He ended his visit by celebrating mass with some victims, having already made his own courageous decision to say sorry for the pain and suffering endured.

His apology was heartfelt and included a clear directive to the local church to extend compassion, care and justice to the victims.

During his visit, some persons expressed dissatisfaction with the Catholic Church's protocol Towards Healing, which sets out the principles and procedures for the Church response to complaints of abuse against Church personnel. Father Chris Riley went so far as to label it 'a joke', with the perpetrators being the only winners.

I beg to differ. Towards Healing, established in 1996 and revised in 2000, is continually reviewed. There may well be defects in the protocol's application by some church authorities. But it would be a disaster for victims of abuse if the church were to dismantle Towards Healing leaving victims to rely solely on the civil law. The protocol and its application need to be assessed against the backdrop of Australian law.

Sexual abuse of a child by an adult is always a serious criminal offence. The perpetrator is not only criminally responsible but also civilly liable for damage caused to the victim. If the perpetrator is employed in a situation involving regular contact with children, the victim might want to sue the employer as well as the perpetrator.

In 2003, the High Court of Australia decided three cases on the liability of the State for sexual abuse of students by state school teachers. The court decided that state education authorities are not liable for the wrongs of these teachers unless the authorities themselves have been at fault. Chief Justice Gleeson said:

The legal responsibilities of such an authority include a duty to take reasonable care for the safety of pupils. There may be cases in which sexual abuse is related to a failure to take such care. A school authority may have been negligent in employing a particular person, or in failing to make adequate arrangements for supervision of staff, or in failing to respond appropriately to complaints of previous misconduct, or in some other respect that can be identified as a cause of the harm to the pupil.

The relationship between school authority and pupil is one of the exceptional relationships which give rise to a duty in one party to take reasonable care to protect the other from the wrongful behaviour of third parties even if such behaviour is criminal. Breach of that duty, and consequent harm, will result in



liability for damages for negligence.

Following this reasoning, a Church could be liable for the negligence of (say) a bishop who failed adequately to screen or supervise a Church worker or to investigate thoroughly any complaints made about a worker. If there was no evidence of negligence in recruitment or supervision, the Church would not be directly liable for the wrong committed by the worker.

In law, an employer could still be vicariously liable for the damage caused by a worker committing a criminal act if the act occurred in the course of employment. When dealing with this vicarious liability, Chief Justice Gleeson observed that 'where the teacher-student relationship is invested with a high degree of power and intimacy, the use of that power and intimacy to commit sexual abuse may provide a sufficient connection between the sexual assault and the employment to make it just to treat such contact as occurring in the course of employment'.

In one of the cases considered by the Court, not even abuse by a teacher of primary school students in a one-teacher country school entailed vicarious liability of the teaching authority.

In most cases, churches like other employers and service providers are unlikely to be civilly liable for the criminal abuse committed by their workers provided the workers have been properly supervised at all times. In Australia, the victims of sexual abuse are unlikely to succeed in court against anyone but the perpetrator or against a callously negligent employer or supervisor who had little regard for the signs that there may be a sexual predator in their midst. There are many hurdles for a victim wanting to sue anyone but the criminal perpetrator.

A victim faces one additional hurdle when suing for abuse by a priest or other church personnel. Often the alleged abuse will have occurred many years ago and now there is a new supervising bishop or superior. The previous bishop or superior may even have died. Who is to be sued?

In 2007, the New South Wales Court of Appeal clarified that in the case of the Catholic Church, there was no point in trying to sue the 'Trustees of the Roman Catholic Church', the statutory trust corporation that holds title to all the church lands of a diocese. That corporation may hold the assets but it does not supervise, employ or oversee clergy or other church workers.

The Church should not give any appearance of hiding behind the corporate veil. Justice demands that present church leaders agree to satisfy any judgment debt against their predecessors or their deceased predecessors' estates when there is an allegation of past failure to supervise or adequately investigate a sexual predator in the ranks. Any damages should be paid from church assets.

The Towards Healing protocol is not a substitute for criminal prosecution of sex abusers.

Nor is it a cheap alternative to civil liability for damages. It is a procedure available by choice to victims in addition to criminal prosecution of perpetrators or pursuit of civil damages for negligence by church authorities. Whenever a complaint concerns an alleged crime, the protocol states that 'the Church has a strong preference that the allegation be referred to police and, if desired, the complainant will be assisted to do this'.

Many victims of abuse have been helped by this professionally administered protocol. The church and victims would be worse off without this additional path to compassion, care and justice.

The vigour of heresy

POETRY

Earl Livings

Dialectic

Pluralitas non est ponenda sine necessitate (Plurality should not be posited without necessity)
—William of Ockham

In his first serious essay
for Religious Instruction
he applies Occam's razor
(budding scientist at work)
to God's reputation:
all power to do all things,
all essence in all things,
all guidance for all things,
past, present, future.
Keeping it simple, he favours
the universe as is
in its cycles of bloom
and dust, orbits
and double helix feats
launched by laws
of urge and reaction,
lure and strife,
first seed, last song,
billiard balls colliding
ad infinitum, no recourse

to maker or judge.

He awaits appreciation

of insight and logic

by his Marist teacher.

None comes, others praised

in a covenant of dogma,

his first taste of discourse

by dismissal, his first vow

for the vigour of heresy.

Bipedal

Alone of God's creatures, apparently,

we can thumb our noses while walking.

Ever since our ancestors found favour

by standing to reach food or refuge,

such tottering greed for upright poise

goaded and blazed our brains as we carried

tools or weapons, chased prey or dodged

predator around and over obstacles,

hefted the injured to our shoulders,

carted bricks for tower or mausoleum.

We sprint for the train, jog for health, dance

and tumble for pleasure, rock children to sleep.

We walk until we lay ourselves down

to dream we are walking. Our erect gaze

spans the horizons of six million years.

Even the dead are known to walk.

Psychopomp

Death is not my true name,
nor the nature of my work.
That decay you sniff
is your second last breath
laced with effluence
of organ meltdown.
That sound, twitch of artery,
prayer in last gasp,
rasp of eyelids closing.
That touch, quick jading
of nerves cragged by light.
That taste, minerals
recycling into carbon grace.
And what you see as eyes
roll back on time
is that mirror of silence
at the back of your mind.
How it braids the shadows
behind each venture
flung aside, each setback.
How it summons the yearning
that once kindled your face.
How it cheers the birth
of all work we puzzle together.

Abuse victims reconciliation a work in progress

EDITORIAL

Michael Mullins



It's hard to think of anybody who would not have welcomed Pope Benedict's apology for sexual abuse, when he [delivered it](#) in St Mary's Cathedral, Sydney, on Saturday morning. By contrast, nobody could have been justifiably pleased to hear an exasperated Bishop Anthony Fisher refer on Wednesday to those 'dwelling crankily ... on old wounds'.

Yet in a way, Bishop Fisher's comment was as fortuitous as it was unwittingly honest. It reminded us that reconciliation with victims and their families is still very much a work in progress. It revealed where we're up to. It might be far short of where many would like it to be, but at least he came clean, in a manner of speaking. Together with Pope Benedict's words of apology, Bishop Fisher's unpremeditated comment has provided a starting point from which we can move forward.

The next stage is set out in the current issue of the New York *Catholic Worker* newspaper, where managing editor Matt Vogel has a commentary on the Pope's recent apology to abuse victims in the USA. Vogel points to honesty, and then examination of conscience, on the part of bishops, as the precondition for reconciliation.

Putting forward the Sacrament of Reconciliation as an appropriate lens through which to understand how to move ahead with the kind of work for reconciliation called for by the Pope, he says:

A crucial part of any Christian response must be forgiveness, but forgiveness doesn't mean forgetting, ignoring or wiping away the past as though it didn't happen. On the contrary, forgiveness requires naming and remembering that which is to be forgiven so as to be able to be reconciled.

Prime Minister Kevin Rudd [did just that](#) during his apology to the Stolen Generations in February when he specified the 'laws and policies of successive Parliaments and governments that have inflicted profound grief, suffering and loss on these our fellow Australians'.

He probably did not realise it, but he was following the principles that underlie the Sacrament of Reconciliation, when he said:

We today take this first step by acknowledging the past and laying claim to a future that embraces all Australians.

Indigenous Australians had turned their backs on an exasperated John Howard. It was his successor Kevin Rudd who took the great leap forward. For the Church, the 'great leap forward' is yet to be taken. But the starting point is now clear.

Controversies forgotten amid 'boisterous' WYD celebrations

RELIGION

Andrew Hamilton

World Youth Day has now come and gone. It was as if tropical fish of every colour had briefly made the city their pond. Many thousands of young Catholics from Australia and overseas met, found connection in their faith, celebrated exuberantly, and are now returning to their smaller worlds. Thousands of families, schools and parishes around Australia offered hospitality to the young pilgrims. It was a boisterous exercise in connection at many levels.



Now we have seen the splendid and varied reality of World Youth Day, it is worth reflecting back upon the controversies that accompanied it. The principal points at issue were the support given by the State to a Church event, the laws introduced to cover the event, the media coverage, particularly of Church handling of sexual abuse, and the image of the Catholic Church conveyed by World Youth Day.

The argument that Government support for World Youth Day breached the walls that separate church and state was a furphy. In staging World Youth Day the Catholic Church was a significant secular player that contributes greatly to the economy through its schools, hospitals, institutions of social outreach and networks of volunteers.

When an economic player of that size sponsors a large international event that brings many tourists to Sydney, governments must decide whether it is prudent to contribute to the costs of the event in the expectation of larger benefits. That decision is as open to debate as it is for funding the Grand Prix.

Whether this Government commitment was properly and transparently made on the basis of public benefit is a fair question to ask. At special events governance easily becomes unaccountable.

Responsibility for the regulations introduced to protect World Youth Day rested with the State Government. These laws were rightly criticised by citizens and pruned by courts for their overbroad curb on civil liberties.

It was perhaps regrettable that many Catholics failed to see that the armour offered the Church by such regulations is a shirt of Nessus. Churches need freedom of religious expression in order to thrive. The last two Popes have insisted on it when addressing Islamic states. Laws that limit free expression on the grounds of annoyance leave churches vulnerable.

In a secularist society, for example, some groups will be annoyed by public religious symbols like crosses, and others by protests defending the right to life. In Islamic societies

some will be annoyed by the sight of Christians going to worship. In the event, the protests against World Youth Day, condoms and all, simply fed the young pilgrims' enjoyment of the rich human pageant that they encountered in Sydney.

The critical attitude of the media to World Youth Day also provoked comment. For some Catholics it revealed prejudice against their church.

To my mind, this view is too simple. Media coverage before big events, like the Beijing Olympics, always focuses on the defects of organization and of people, and on ideological conflict. Those prejudiced against the events hope that they will fail, and provide the media with rich conflictual copy. But when the buoyant human reality of the event is seen, the media coverage becomes very favourable.

This was generally true of World Youth Day. Except for one issue. Coverage about the Catholic Church treatment of sexual abuse continued throughout World Youth Day. But this did not prove media prejudice against the Catholic Church.

The old saying runs, 'If you do the crime, you do the time'. Appalling criminal behaviour by some ministers of the Catholic Church, the terrible suffering of their victims, and the unaccountability of some Bishops, are fresh memories. We should expect that, like football clubs with notable drug problems, the Church will be confronted with its sins until it has persuaded people it has genuinely changed and acts ethically and accountably.

The response of the leaders of the Sydney Church was less than persuasive. But the Pope's apology, with its emphasis on justice and compassion, offered exemplary leadership. If Australian Catholics speak and act in the spirit of his words, the media will gradually cease to scrutinise the Catholic Church through the single lens of this issue.

Finally some Catholics criticised the image of Church communicated through World Youth Day. They saw it as a monolithic event, dominated by the presence of Pope Benedict with his Cardinals and Bishops. Certainly, the young people were enthusiastically involved within the life of this hierarchical Church. Their faith was expressed through participation at Masses, sermons and Confessions.

But images are refracted through the many ways in which people experience the event. It is like a pool in which the large, highly coloured fish stand out, but whose ecology has been shaped by the busyness of smaller, equally gorgeous creatures.

The young people celebrated World Youth Day in their own way, took what they wanted from it, and shaped what they received. The World Youth Day that remains with them will have a distinctive personal image. The church they found was a broad and welcoming church.

