

EUREKA STREET

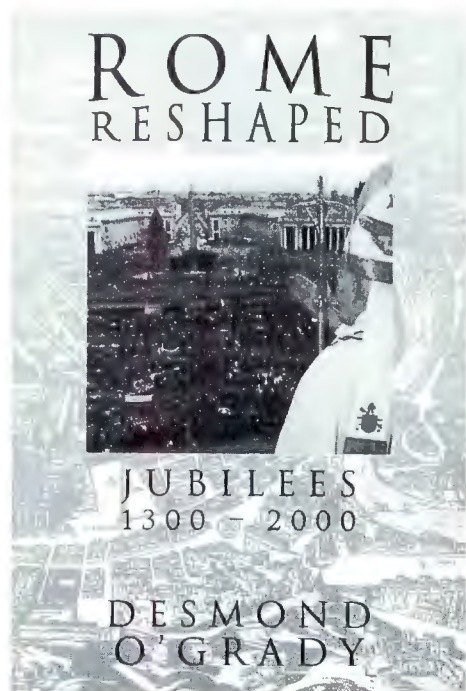
Vol. 9 No. 8 October 1999

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EUREKA STREET

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*In 1999,
the Crown
is no longer an
appropriate
or meaningful
symbol
for Australian
democracy.
It may have
been with us
for a long time,
but then
so have rabbits.*

—Mark McKenna, 'Shed the Queen', see p24

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EUREKA STREET

*A magazine of public affairs, the arts
and theology*

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COMMENT: I

MORAG FRASER

East Timor



VERONICA PEREIRA MAIA, pictured above, wove into the shawl she is wearing the names of all the victims of the 1991 Dili massacre. She wears it now to remember 'the way those young people lost their lives for our nation'.*

How many new shawls must now be woven?

Women like Veronica Pereira Maia bring home the individual nature of the human tragedy that is East Timor.

For a brief moment here in Australia the media responded appropriately. Coverage of events on the ground and even from Indonesia has been exemplary, making yet again the point that Australia must have specialist foreign correspondents if we are to respond to regional events with more than blinkered self-interest. The tragedy in East Timor has also had the salutary effect of reminding journalists that they have a vocation, not just a job in the entertainment/information industry, and can play a vital part in the struggle for human rights. This might also be the moment to demand that the Australian Government recommission the ABC Radio Australia transmitter on the Cox Peninsula, and recommence broadcasts into Indonesia—for all the obvious reasons.

With the Australian-led 'peace-enforcement mission' underway, legitimate questions are being asked about the part played by Australia in the catastrophe that followed the 4 September ballot results. If these questions are not answered we will again sink into the kind of orchestrated amnesia that has bedevilled foreign policy and the national conscience for 25 years. The relationship with Indonesia will certainly not benefit from being rebuilt on shifting sand. It is crucial to understand our neighbours, not just view them as the other side of an uneasy strategic alliance.

Action should also be taken now to resolve the status of East Timorese asylum seekers who have been in enforced limbo in Australia for years. They must be granted permanent residency and be supported in their contribution to the rebuilding of East Timor.

But most of all, we must remember the voices, the authentic cadences of both East Timorese and Indonesians

who have given their lives for freedom and for others.

One of the early deaths reported to us was that of Fr Tarcisio ('Antok') Dewanta, an Indonesian Jesuit working in East Timor. What follows is the tribute paid to him, and to all who suffered with him, by his compatriot, and fellow Jesuit, Sunu Hardiyanta.

Antok, we are proud of you, because Jesus has invited you to be one of His friends who bear His Cross with the oppressed and the tortured East Timorese.

Antok, for us you have brought a fresh word that never ceases to echo in the memory of our hearts: Yes, God never pretends. We have learned that over years. And now, through your martyrdom we learn one more time. That He, who himself carries the Cross, always brings us, our families, our Society of Jesus, the Cross.

You have shown us that there is no reason to avoid that Cross. In your last email before your ordination, you said, 'I am very happy. Even though I myself am unworthy. He calls me to be His friend.' East Timor, you said, had brought you more deeply to your decision to be a priest. You learned how to deal with ordinary people; you learned how to deal with poverty, simplicity, friendship and love. You did not find it easy to support and encourage the young Timorese who had spent almost the whole of their lives under the cloud of nightmare. You know that they would not easily welcome a foreigner like you, unless your heart was with them. It was not easy.

But you never ceased trying again and again and again.

Antok, my memory leads me back 13 years to the first year we spent together in the novitiate. On Monday evenings we taught catechism to children in the village. There was nothing special about you except your happiness and commitment. And now you have committed yourself finally to the East Timorese people and to humanity.

Antok, through your martyrdom you have told us that the Church cannot be indifferent—that we must be on the side of those who are oppressed, persecuted and marginalised. And you have shown us the cost of that commitment: to be with the victims and if necessary to become one of them.

Two thousand years ago, the Cross had become the place where God showed his solidarity with his people, with the world. Two weeks ago a big Cross stood in the land of Timor, and you Antok, with so many East Timorese men, women and children you loved and served, with your companions, priests and nuns, with all the victims, were there on that Cross. ■

Sunu Hardiyanta sj is an Indonesian Scholastic currently studying Theology at Jesuit Theological College, Melbourne.

*The photograph of Veronica Pereira Maia is from Ross Bird's *Inside Out, East Timor*, Herman Press, 1999.

—Morag Fraser

COMMENT: 2

FRANK BRENNAN

J Ridgeway: the gateway

JOHN HOWARD HAS BEFRIENDED Senator Aden Ridgeway. They have cut deals on the proposed constitutional preamble and the parliamentary motion on reconciliation and regret.

Many citizens, including significant Aboriginal leaders, have felt excluded from the process, and think the deals constitute a threat to reconciliation. Words like 'custodianship' and 'sorrow' have marked the divide between the two sides of the parliamentary chamber, and between two sets of indigenous leaders. One group of indigenous leaders and their supporters commend Ridgeway for gaining what is possible from the Howard Government. A second group thinks the gains too minimal and would prefer to leave matters unresolved until there is hope of a more sympathetic Labor government or a more obliging Coalition government. The obliging could come as a response to political pressure or with a change of heart. If history is any guide, the first group is right.

As a nation, we have consolidated some earlier gains during these last three years. The progress up to 1996 was not quite what it seemed because one side of politics was not on board. The progress since 1996 could have been more if the Prime Minister had displayed more gracious leadership, if he were more inclusive in his processes, and if he were not simply reacting so much to political pressure.

Despite the Coalition's non-cooperative bravado in opposition before 1996, there are now many things which are here to stay. The Coalition has abandoned its abolitionist stance on native title and ATSIC. Howard has described the Mabo decision as being 'completely unexceptionable', having been based 'on a good deal of logic and fairness and proper principle'. Native title and the national tribunal are here to stay. So is the indigenous land fund. ATSIC is a fixed part of the national system of governance. Both sides of parliament now acknowledge that the treatment of

Aborigines is the greatest blemish in our history. Both sides now recognise Aborigines and Torres Strait Islanders as having a special place as the first peoples of the nation. These things had all been acknowledged earlier by the Labor side of parliament and the cross benches. The achievement of the last three years has been the Coalition's dropping its opposition and coming on board.

John Howard now realises he cannot change his Wik legislation or the Northern Territory land rights legislation unless Aden Ridgeway gives his approval. Given the balance of power in the Senate, no Howard law directed at Aborigines (whether for their benefit or to their detriment) can pass unless Ridgeway gives it the tick. For the first time since federation, a prime minister has to treat with an Aboriginal leader if he wants to change the law. This power dynamic places much responsibility on Ridgeway. He is the primary gateway for Aborigines wanting to engage with the Howard Government. He also sets the base line on the parliament's conscience.

Three years down the track, John Herron, as Minister for Aboriginal Affairs, has had to abandon the cry that the problems in Aboriginal communities are the fault of past, wasteful Labor governments. The test now is in the outcomes. Education, employment, health and life-expectancy will not improve unless government co-operates with local Aboriginal communities and unless government provides resources.

THOSE WHO LAMENT the deal-making between Howard and Ridgeway need to accept that it has always been thus.

Think back to the Mabo negotiations between Prime Minister Keating and the so-called 'A Team' of Aboriginal leaders in 1993. Exasperated on Black Friday in October 1993, Keating said, 'I am not sure whether indigenous leaders can ever psychologically make a change to decide to come into a process, be part of it, and take the burdens of responsibility that go with it.' The 'A Team' came to the party only to be labelled as the Magnificent Seven by other indigenous leaders who said, 'They do not represent us. They have no right. They have got no mandates. These people have no right to negotiate on our behalf.' There emerged a 'B Team' which then cut a deal with the minor parties in the Senate.

In the end, the 'A Team' and the 'B Team' agreed to native title laws which were not subject to the

Racial Discrimination Act. They did the best deal they could and retained their dignity and commitment to principle. Brian Harradine did the same last year when he negotiated improvements to the Wik ten-point plan, avoiding the prospect of a double dissolution election. Ridgeway has now done the same thing.

Some would caution against compromise on the basis that leaving issues unresolved will increase the prospect of the election of a Labor government which could then do more. No-one would seriously suggest that if Brian Harradine had followed that course over Wik, Kim Beazley would now be prime minister. No, we would have had a returned Howard Government which would have passed an unamended ten-point plan, and there would have been a handful of One Nation Senators who would have needed only half the quota to be elected at a double dissolution election.

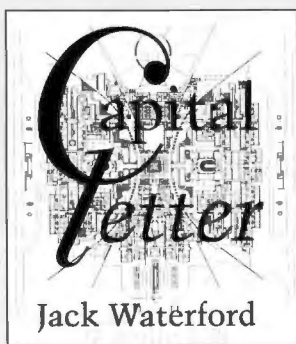
The welcome development since July is that it is now Ridgeway's call rather than Harradine's. An Aborigine carries the burden for his people. Those who criticise Ridgeway, putting their eggs in the Labor basket, would do

well to recall the last time Labor was in opposition promising to deliver additional rights to Aboriginal Australia. During the Commonwealth Games in Brisbane in 1982, Labor promised national legislation to deliver land rights and self-determination in Queensland. Susan Ryan, shadow minister, even drafted and tabled the legislation. But on election to government, nothing happened. Susan Ryan, in her recent book *Catching the Waves*, notes, 'To my shame and distress the Hawke Government ... was not able to deliver this policy.'

Ridgeway is the only Aboriginal leader with a foot in the door while Howard is in the Lodge. He has shown his capacity to compromise on the symbolic issues while standing firm on the substantive rights of his people. It would be folly to cut off his leg because he cannot let others through the door. National policy on Aboriginal affairs cannot fall below the line which Howard has been prepared to adopt in negotiation with Ridgeway. The line might be raised again by a future Labor government. But then it might not. It is always a mix of compromise and principle that sets the line. The nation is the better for having an Aborigine as a key architect of the line on the eve of the Olympics and the centenary of federation. ■

Frank Brennan SJ is Director of Uniya, the Jesuit Social Justice Centre.

*For the first time
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Howard's bid for history

JOHN HOWARD is the most powerful, most presidential, and the most political prime minister the nation has ever had. A year into his second term, it is hard to see

anything, apart from a will which has until now never faltered, which will stop him seeing out his fourth one. And when he has, he may still be struggling to articulate a vision of how Australia is or ought to be, but he will have done more to change the political landscape than almost any of his predecessors.

First terms are always difficult for prime ministers, even when they have arrived with an overwhelming majority. For Howard, it was not merely a matter of some bad faith with the electorate that had been promised little change other than a relief from Keating. It was also the fact that Labor, and Labor approaches and ideas, had captured most of the institutions, and come to seem the convention: every change made, no matter how minor, had to find a new legitimacy.

But there is nothing so legitimating as being re-elected. The public service, by and large, has come to accept the order of things. The Labor Party already seems so long out of government that it can scarcely remember how things are done. Nor does it get so many helping hands these days from the institutions, because John Howard has been busy stacking them with his own nominees—people without affiliations to Labor.

John Howard did not, of course, invent political patronage. Labor made an art-form of using patronage to reward friends and to punish enemies. But conservatives are often more abashed about it—if only because their own constituencies are not normally so rich with talented people yearning to involve themselves in fields which are the business of government. In just the same way, the Labor Party is often more blessed when it comes to finding talented advisers in government: academia, the bureaucracy, the trade unions and the welfare lobbies and, for that matter journalism, brim with people who have ideas about positive things that government ought to do.

Howard has not sought to capture a group of insiders to help him govern. He has recruited outsiders—indeed anyone capable of wearing the label of insider was almost certainly stained by a past relationship with Labor. What marks the discretionary appointments and the staffing of the ministerial offices of the Howard Government is the fact that the greater majority have no strong links with the Canberra milieu, having relationships with the public administration which are, at best, professional. In many cases, moreover, the primary loyalty of the staffers is not to the relevant minister, but to the party or the Prime Minister. More things, at very detailed levels, are funnelled through the Howard office than in any previous administration.

Howard is not the first prime minister to be a bit of a control freak. He himself suffered from Malcolm Fraser's tendency to reach down to low-ranking departmental officials when a crisis struck. In Paul Keating's office, particularly in his first 15 months, when every single government breath was focused on re-election, virtually all decisions were funnelled through the prime minister's office. The Howard office is proving rather more efficient, and also more effective in stopping ministers from thinking that they have been bypassed. But there's no doubting who's in charge.

And looking fairly relaxed and comfortable about it too. Certainly, he is all too rarely pulled up by a press to whom he hardly bothers to pay any attention. The media has yet to penetrate much of the obsessive secrecy of his administration, and yet to cultivate his minions to the point where there seems any serious risk of many of them going native. Even the republic debate, and the opportunity that gives Liberals to have a free kick at some of their rivals, has not much broken the discipline of government.

So relaxed and comfortable has Howard been that he has been treating even the republican debate as a full-scale election campaign. It's almost as though he has been bored and wanted the practice. That was why he has spent much of the past few months clearing the decks for action—making compromises with the Democrats to get legislation through, seeming to change his mind on the apology question, sorting out the problems of dispossessed miners, even using the occasion of the second Telstra sale to make broadcasts to the bush at public expense.

So skilfully has he prepared the ground for the referendum that there is hardly anything at stake for him whatever the result. But so woefully have most of the proponents of a republic played their cards that he may well have the satisfaction of defeating them.

INTO ALL OF THIS HAS COME EAST TIMOR. Now that is a public policy debacle by any standard, and John Howard has been around for long enough, and been closely involved at key points along the way, that one might think he cannot escape his share of the blame. I expect that he will, unless it is for a lack of skill in choosing his advisers.

In fact, both Howard and Alexander Downer deserve some credit, not only for kicking the East Timor ball into the field, but in pressuring President Habibie about the beastliness of his army long before the army went into virtual mutiny mode. One cannot blame them for being optimistic, because if their focus had been on the lack of real shift in the Indonesian institutions, it is doubtful that anything much more than regional autonomy would ever have come on to the agenda.

But the military, the bureaucracy and the foreign policy establishment was brimming not only with Indonesia experts but with people who claimed to have special relationships and leverage over the players. Their failure not only to predict the disaster but to devise contingency plans for coping with it left John Howard without much in the way of options. Just as disastrously, every moral debt owed by the United States had to be called in.

History may well judge that Howard coped with the crisis with some skill, if with little inspiration. First, he sensed the public outrage at the outcome and rode out the pressure it created for doing something, anything, however stupid. He lobbied and cajoled a very reluctant United States into the action. When Indonesia gave ground, Australia was still at centre stage. Of course, it may take years and years to repair the damage done to our relations with both the United States and Indonesia—perhaps our two most important ones—but then again John Howard might be around long enough to do that as well. ■

Jack Waterford is editor of the *Canberra Times*.

Timor debacle

From Tony Kevin, former ambassador to Poland (1991–94) and Cambodia (1994–97); head of the now-disbanded Policy Planning Branch in DFAT (1986–90); member of the International Division of the Prime Minister's Department under Prime Ministers Fraser and Hawke (1977–86)

After TNI's and the Timorese militias' week of bloody reprisals following the UN referendum result on Saturday 4 September, I wondered—was I the only person in Australia out of step? Our national media, impressed by our fast diplomatic footwork in New Zealand and at the United Nations, seemed to accept the Government's claim that its political management of the crisis was something we can take pride in. Most Australians saw Indonesian perfidy and cruelty as the prime cause of Timor's tragedy, and its main policy lesson the need to upgrade our defences. So why did I sense that this was Australia's worst-ever foreign policy disaster, both in strategic and moral terms?

I was not alone. Recently, more thoughtful commentaries appeared in the national press. Their headlines suggest the stories:

'A great deal to feel uneasy about', *Canberra Times*, 14 September; 'A holocaust of Canberra's making', Greg Sheridan, Foreign Editor, *The Australian*, 16 September; 'No regrets? Really, Mr Howard?', Michael Gordon, National Editor, *The Age*, 16 September; 'Canberra's massacre we had to have', Laurie Oakes, *Bulletin*, 21 September.

In timely evidence on 15 September to the Senate Foreign Affairs Committee, old Cambodia peacekeeping hands John Sanderson and Mark Plunkett further articulated such concerns. (Plunkett called for an inquiry.) All such views convey serious professional judgments that in East Timor this year, something went very badly wrong with Australia's national security assessment and foreign policy implementation.

Let's summarise the costs:

- In human terms: thousands of East Timorese murdered, the forced displacement or terrified flight to the hills of most of the population, the destruction of the towns, imminent starvation. This is now a society in ruins; it was not so a few weeks ago. We—the prime movers of the UN referendum process—betrayed the Timorese people's innocent trust that we would protect them. Though we can never bring the dead back to life, Australia has the moral responsibility now to try

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generously to help rebuild East Timor.

- A serious decline in our standing with our major ally. Americans judge that we mismanaged this affair 'in our own backyard' and then looked to them to pressure Indonesia (which, fortunately, they did) when we manifestly lacked power to do so. We have devalued ANZUS.

- Indonesian anger against Australia, because they think we shamed their country by setting them up in Timor to behave badly. This anger is felt not just in TNI but across the political spectrum, including the important Megawati party. We have soured relations with our major neighbour, perhaps for many years.

- Increased risk to our 4500 peacekeeping soldiers who are going into a now very dangerous environment for Australians.

- The revival of anti-Indonesian feeling in Australia.

So how did our responsible ministers and senior officials, in pressing for the UN referendum, make such major errors in timing and consultation? I see at least three explanatory policy models, all disturbing:

1. *The 'public servants are to blame' model.* That is, ministers were not fully briefed by officials on the seriousness of TNI's scorched-earth threats. But it would be hard to sustain this case. There is a great deal on the public record that, from around March 1999 onwards, Mr Downer was repeatedly directly confronted with the looming dangers by independent Australian defence and Indonesia experts, by the churches and Australian NGOs active in Timor, even by Indonesians, but that he and his policy advisers chose not to heed such warnings. Nevertheless, one must wonder why no

senior public servant put his or her career on the line as a matter of conscience, when the signs of a looming human disaster were so obvious to all.

2. *The 'wing and a prayer' model.* That is, that the ministers knew the risks, but went ahead regardless; that they assumed (or just hoped?) that TNI and the militias would in the end not follow through with their threatened reprisals when faced with a decisive, internationally monitored vote for independence; that they calculated that if we waited for Indonesian approval and American support of an international peacekeeping force, the election would never happen. The moment had to be seized now if the glittering prizes—a free East Timor, resolution of a running sore in Australian–Indonesian relations, and trumping the ALP's Cambodian peacemaking success—were to be won.

Under this model, senior officials would have swallowed their professional anxieties about reckless risk-taking, and supported ministerial policy inclinations. (That seems to be what senior public servants do these days.) On this hypothesis, Kofi Annan, who must have initially trusted Australian policy judgment on Timor, would have supported what he later described as 'a huge gamble'. And the Australians would not have sought help from Americans at senior policy level for fear that the Americans would dissuade Australia from such a high-risk policy. Reportedly, some raw intelligence might even have been withheld from the Americans for the same reason.

3. *The 'you cannot make an omelette without breaking eggs' model.* That is, that ministers anticipated that TNI and the militias would react violently to the referendum, causing some Timorese deaths and collateral civil damage; but that such casualties (one wonders how many? one hundred? one thousand? ten thousand?) were acceptable in the wider scheme of things, in order to achieve the desired policy outcomes. Under this model, the referendum was to set a lose–lose trap for TNI: either they had to accept the result, or if they resorted to violence, they would be shamed internationally and the new state of East Timor would be launched with even greater international sympathy and support.

Without an independent inquiry, we will never know which of these three policy models comes closest to the truth. Even so, it would be hard to get clear answers. These days, articulation of foreign policy choices is not much in fashion. It is more often

about nods and winks and murmured exchanges in the corridors about the minister's current thinking. But we have to assume there was an Australian game plan of some kind even if it was never made fully explicit by its practitioners. It should be interrogated.

I hope also that any such inquiry would not set moral values aside as irrelevant. A foreign policy without moral content is worthless and ultimately doomed to fail. Australian policy on East Timor should have had at its heart a respect for the values of protecting East Timorese lives and civil society. I don't see much sign of that in the policies we implemented this year. It seems under any possible analysis of what Australia did that we treated the East Timorese people as expendable pawns in a bigger game. (As Cambodians, Bosnians and Kosovars have been treated in recent years—but Timor was Australia's own call.)

In Timor this year, our ministers and senior national security officials set out to get it right, and failed tragically. The outcome shames all Australians. There should be an inquiry, both because the lost and destroyed Timorese lives do matter, and because Australia needs to rediscover more prudent, moral and effective ways to conduct its foreign and security policy.

Our world has become more dangerous and we need to perform better.

Tony Kevin
Canberra, ACT

Mistaken identity

From Edmund Campion

In my report of the Sydney meeting on the Shoah (*Eureka Street*, September), I said that Professor Colin Tatz had called for a rewriting of the New Testament. I was wrong. This suggestion came, not from Tatz, but from the president of the NSW Board of Deputies, Peter Wertheim.

Edmund Campion
Sydney, NSW

Schlock horror

From George Pugh, Executive Producer, Compass, ABC TV

Methinks Juliette Hughes protesteth too much? Her 'Homage to Catatonia' summary of the fetidly noisome wilderness of TeeveeLand (*Eureka Street*, September 1999) reveals far more than I want to know about her wantonly promiscuous viewing habits. From *Drew Carey* and *Rikki Lake* to *This is Your Life*, her taste isn't merely resplend-

ently eclectic, it's absolutely indiscriminate. Anyone who avidly trots out such a disparate litany of channel-surfer's mishaps displays gross evidence of a misspent maturity, probably erected upon a positively dissipated TV adolescence.

Get a life. Read a book. Take up crochet. Daytrade.

Paraphrasing Bruce Springsteen's 'fifty channels and nuthin's on', Ms Hughes pays homage to the gathering sum total of our shiny new national culture: the McDonalds-ising of our lucky country's far-horizoned sunburnt soul, prepackaged, portion-controlled, disposably wrapped, polystyrene-cupped, looking-nothing-like-the-picture-in-the-ad, a Whole New Us. It seems in TV terms that going global has meant we go brain dead, a Las Vegas-like Disneyfication of the information superhighway where every plot has an 'up' ending, every meaningless detail is analysed by a focus group, and the laws of demographics rule the ratings. To paraphrase Dorothy Parker, this is not television to be tossed aside lightly, it should be thrown a considerable distance with great force. Followed by the remote and the \$672-a-year bill.

Juliette's whimsical irony comparing *Inside Story's* unrelenting worthiness with 'the schlock and levity of *Compass'* (her words, praise indeed!) had my staff briskly neglecting the astrology column of their *Who Weekly* to sweatily paw the racy pages of *Eureka Street*.

As the primary perpetrator of the *Compass* diet of worthiness, I must rejoice in the seven cents a day's worth of ABC brain-fodder that we dish out (it hasn't been eight cents for quite a while, you know). We're just sorry it's so late on a Sunday night, but you'll have to take that up with the Network Programmer (my God! we've tried).

Thanks, Juliette, for the oblique compliment ... it was, wasn't it?

George Pugh
Gore Hill, NSW

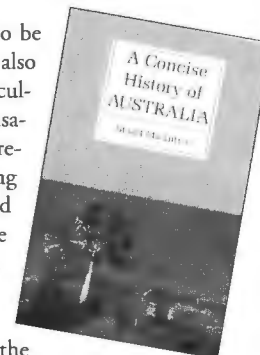
New Titles

A Concise History of Australia

STUART MACINTYRE

Australia is the last continent to be settled by Europeans, but it also sustains an ancient people and culture. Now, realising that colonisation began with invasion, present-day Australians are coming to terms with their past and recognising the need to redefine Australia in a changing world. This is the most up-to-date single-volume Australian history available. Drawing on the latest research, it takes up present concerns with indigenous issues, the environment and the republic question. Essential reading for all Australians.

Cambridge Concise Histories
November 1999 336 pages 40 halftones 6 maps
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The Centenary Companion to Australian Federation

Edited by HELEN IRVING

Published to mark the Centenary of Federation, this comprehensive and accessible book explores Australia's national origins. Starting from the perspective of the individual colonies as they made their way towards membership of the Australian Commonwealth in 1901, the book also provides short alphabetical entries covering key events, people and concepts. A major and important reference book, which includes the original document of the constitution.

October 1999 496 pages 30 halftones 5 maps 3 tables
0 521 57314 9 Hb \$49.95

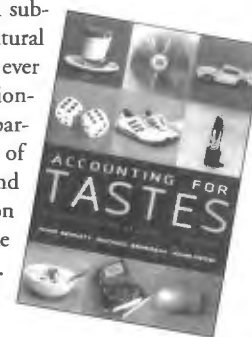
Accounting for Tastes

Australian Everyday Cultures

TONY BENNETT, MICHAEL EMMISON & JOHN FROW

This is the most systematic and substantial study of Australian cultural tastes, preferences and activities ever published. It examines the relationships between the patterns of participation in the different fields of cultural practice in Australia, and analyses trends of consumption and choice that Australians make in their everyday lives.

September 1999 328 pages 42 line diagrams 107 tables
0 521 63234 X Hb \$95.00
0 521 63504 7 Pb \$34.95



CAMBRIDGE
UNIVERSITY PRESS

10 Stamford Road, Oakleigh, 3166

All for one

THIS PROJECT IS PRECISELY what it sets out to be—a report on the participation of women in the Catholic Church in Australia. *Woman and Man: One in Christ Jesus* is carefully constructed, thoroughly researched, and it offers to its readers a mirror of wide-ranging perceptions about women's participation in the Church.

What is most promising about this volume is that it signals a beginning, and the initiative has permeated all levels of the Catholic community. Unlike some research projects on women, this one has taken the grassroots experience and opinions of women and men as seriously as it has previously taken the exposition of appointed 'experts'. Questions about women's participation, boundaries to participation and issues of assistance, support and increased involvement were put so that 'a solid basis for theological reflection, pastoral planning and dialogue with women and women's groups on particular issues' (p366) could be generated.

An historical work in itself, this gathering together of responses from so many areas is witness to the comprehensiveness of the approach of the Research Management Group (RMG). They have brought together written submissions, public hearings, a national survey of church attendees, a survey of Catholic organisations, theological institutions and targeted groups. It is a truly Australian report with no evidence of cultural (or ecclesial) cringe.



Woman and Man: One in Christ Jesus. Report on the Participation of Women in the Catholic Church in Australia

A Research Project undertaken for the Australian Catholic Bishops Conference by the Bishops' Committee for Justice, Development and Peace, Australian Catholic University, & the Australian Conference of Leaders of Religious Institutes.

Prepared by the Research Management Group, April 1999.

Perhaps the most significant conclusion that can be drawn from it is that women's participation is not a single or simply gender-related issue. The broader and deeper issue revealed is the nature of the Catholic Church and its structures of participation and exclusion.

That an 'overwhelming' 2555 written submissions were received from individuals and groups, makes this the most highly 'responded-to' inquiry of its kind conducted in the Catholic Church and the broader society. Input from public hearings and written submissions has been widely publicised, but less well-recognised has been the RMG's concern to reach those on the margins. This has resulted in input from some 50 groups representing women from different racial or cultural backgrounds, women with disabilities, lay men, refugees and solo parents—just a few of the often isolated groups who

are voiceless in the mainstream Church.

The writers have included telling vignettes to illustrate the findings. So the contents of the report belie its bland exterior. Readers will not be surprised to note that women outnumber men in parish activities, and that those who are separated or divorced feel themselves disenfranchised and even discriminated against. The report cites one woman respondent who points out that, whereas a murderer may be reconciled to God through the Sacrament of Reconciliation, this is not the case for one who is divorced and remarried. She

questions: 'Is a mistake in marriage worse than homicide? Is the Church a vehicle of the unlimited forgiveness and mercy of God?' (p85)

The Report confronts the traditional and defensive portrayals of women as 'whores and temptresses'. It highlights faulty Mariology and the exaltation of passivity and weakness in stories of the saints. The consequences of such misrepresentation are clearly stated: 'It is clear the current Church hierarchy would rather see the faithful without the celebration of the Eucharist than admit the possibility that Jesus the Christ was the symbol of all humanity and not only one part of it. Silencing the discussion, prohibiting dialogue, are not worthy of the Spirit of Christ—they are the hallmarks of a deep fear.' (p96) Fear may be seen to permeate the Church, but it is not present in this report.

The polarisation between those wanting to maintain the status quo (or pre-Vatican II worldview) and those seeking an 'expanded role' for women, is poignantly presented in responses. 'I remain steadfastly loyal to the Church, although often disenchanted, frustrated and angry ... I both love and hate the Church. I am both highly committed to it and to the Good News, while also ready to leave it and walk away.' (p174) The notion of 'unbecoming' a Catholic surfaces: 'It may be tempting for those who are ordained to think that lay persons have separate compartments for their lives, one of which is 'Church' ... But for those Catholics who consider "unbecoming" a Catholic, it is not so easy as closing off a compartment ... Being Catholic is part of who I am, and that is why I care enough about the Catholic Church to be part of this Research Project.' (p175)

The Report also yields a comprehensive history of women in the Australian Church. Again, a mirror—on the past, as well as the present, reflecting the high and low times of our history. The select bibliography represents an overview of the burgeoning interest in women and women's studies in both the academy and the pews.

What will happen now that the issue of women's participation has been raised? A persistent theme underlying the responses is the hope that the dialogue, once commenced, will continue. 'The comment was frequently made that if there is no follow-up from the Project by the Bishops, it would have been better if there had been no inquiry.' (p376) Whose is the responsibility to make sure that these are not voices 'crying in the wilderness' of unconcern or fear? Is it up to a Church described as 'hierarchical and authoritarian' to divest itself of some of its alienating practices? Is it up to those who participated in the inquiry—from the ranks of the church-goers to the disaffected? Who will take up the invitation that the research project has begun?

The cat has been let out of the bag. The questions now facing the Catholic Church in Australia are: Will it become domesticated? Go feral? Or become the Temple Cat? One thing is certain, this cat will not be belled! ■

Maryanne Confoy RSC teaches at Jesuit Theological College, Melbourne.

T The empire always strikes back

THIS MONTH I CAME TO THE LATEST FILE of periodicals already musing on a question of image. It was stimulated by a conversation with a women's group on how to live life as a calling. While the Church was marginal to the discussion, I was surprised at how differently it was imaged. When Catholics in the group spoke of the Church, I was reminded of Battleship Galactica. When it was approached, the wise walked self-consciously, for fear that the emissaries of Darth Vader might seek them out. When those of other church backgrounds spoke of the Church, I was reminded of a lean-to shed in a paddock. If ministers were feared, it was because they might walk clumsily and kick the shed down.

That made me ask whether such images are representative, and why people of different traditions have come to develop such different images of the Church.

Concilium (1999/3), edited by the formidable Elizabeth Schüssler-Fiorenza, is dedicated to 'The Non-Ordination of Women and the Politics of Power'. The image of the Church presented by many of the articles is certainly not strange to *Star Wars*. The Church is described as a place of misguided and abusive power, to which nothing less than a struggle for liberation is appropriate. Many examples of the abuse of Roman power are given. A story with which I was not familiar described Pius V's response to the news that there were not enough criminals to man the galleys: he had the gypsies rounded up for the work. And, happily, was later persuaded to repent.

But why should such an image of the Church have developed? An article by Claire Walker in *The Sixteenth Century Journal* (Summer 1999) suggests that the processes are long. She discusses the effects of the post-Tridentine Roman decision that contemplative nuns had to remain enclosed. Enclosure threatened the financial survival of many convents, particularly of congregations living in exile. As a result, choir nuns were required to provide dowries, lay sisters were sharply distinguished from choir sisters, and the convents undertook work to support themselves.

Life changed; so did spirituality. The story of Martha and Mary, traditionally taken to prefer a life of contemplation over one of activity, now suggested the need for sisters to be contemplative in the midst of their Martha-like labours. While this is a story of creative adaptation in the face of decisions taken without consultation of the participants, it is easy to see how it could engender an image of the Church as dangerous, requiring to be placated or resisted.

If churches shape the development of a culture, however, church artefacts also suggest that they are also shaped by their cultures. The whole edition of the *Mennonite Quarterly Review* (April, 1999) is devoted to Mennonite architecture. The Mennonites, a radically democratic Anabaptist group, originally met in houses to be faithful to the New Testament, and eschewed all hierarchies in their service. In the development of their architectural tradition, however, women came to be seated separately from men, and the male elders to have a separate meeting room. The relationship between art and faith can be neuralgic. It forms the subject of the Pope's recent letter to artists (*Catholic International*, July 1999). An interesting letter, it affirms the artist's calling to celebrate and explore the human, grounding this calling in the Christian belief in the goodness of the world and our sharing in God's creativity. But the image suggested by the confident tone of the letter is that of artists struggling on the ground to make something of humanity and its unformed questions. Their struggle is observed from above by the Church which applauds when they approach the truths which it has surely and effortlessly arrived at.

If images derive from culture, these articles encourage us to reflect on the culture of the Church. In their different ways, they speak of a culture of power and control, a clerical culture. It is this church culture that Denis Edwards addresses in the *Australasian Catholic Record* (July 1999). He argues that Catholic reflection on the Church needs to give a more significant place to the Holy Spirit. Where the Church is seen simply as the Body of Christ, the institution and its claims are overstressed. Recognition of the free work of the spirit un.masks the heaviness and emptiness of a clerical culture.

Nothing read this month encourages the belief that Battleship Galactica will disappear quickly from Catholic imagination, nor the fear that it might win the Wars. ■

Andrew Hamilton SJ teaches at the United Faculty of Theology, Melbourne.



The Month's Traffic
 The Month's Traffic
The Month's Traffic
 The Month's Traffic
 The Month's Traffic



Spies and whispers

WHEN THE SPOOKS of the Defence Intelligence Organisation gave new recruit Jean-Phillipe Wispelaere access to top-secret material, they were either engaged in a deep and obscure exercise in cloak-and-daggery or they were acting with culpable incompetence. Either way, it is Wispelaere who is paying the price for their actions. For the past five months, the 28-year-old Australian has been incarcerated at the Alexandria Detention Centre near Washington D.C., awaiting trial on espionage charges that could see him spending the rest of his life in prison.

Wispelaere's trial is scheduled to commence on 9 November. But whatever the American legal system decides to do with him, he has already been pronounced guilty by the Australian media and its ubiquitous 'sources' in the secret intelligence apparatus. Once again we are reminded that the medical profession is not the only one that buries its mistakes.

The case first came to public attention on 15 May when Wispelaere was arrested by the FBI at Dulles International Airport as he arrived from London. According to an affidavit filed at his arraignment, he had come to the US with the intention of selling hundreds of highly sensitive American defence documents and photographs which he had filched from his former employers in Canberra. At his brief detention hearing, Wispelaere pleaded not guilty and his court-appointed lawyer submitted that he may have been coerced into confessing and that the prosecution case was extremely weak.

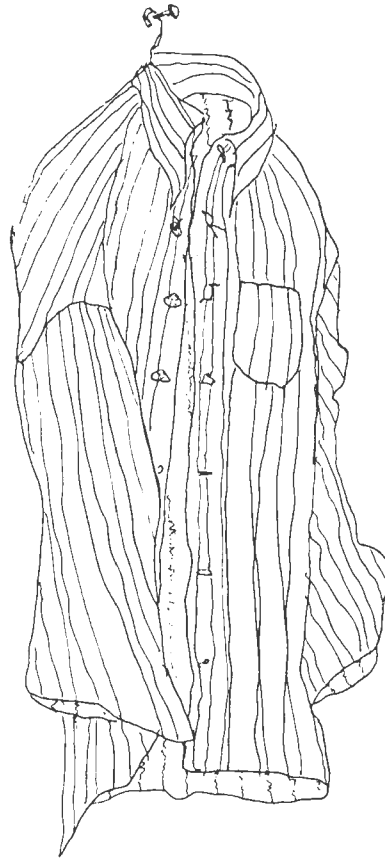
But spies make good headlines and the fact that Wispelaere hasn't yet been given the opportunity to defend himself has not been allowed to stand in the way of the story.

As it appears so far, the story combines a classic espionage plot with a comic overlay. After completing a masters in Strategic Defence Studies at the Australian National University (a kind of TAFE course for would-be secret agents), Wispelaere was employed last July by the DIO (as distinct from the ONA, ASIS, ASIO, DSD or any other of the acronymic covert outfits in

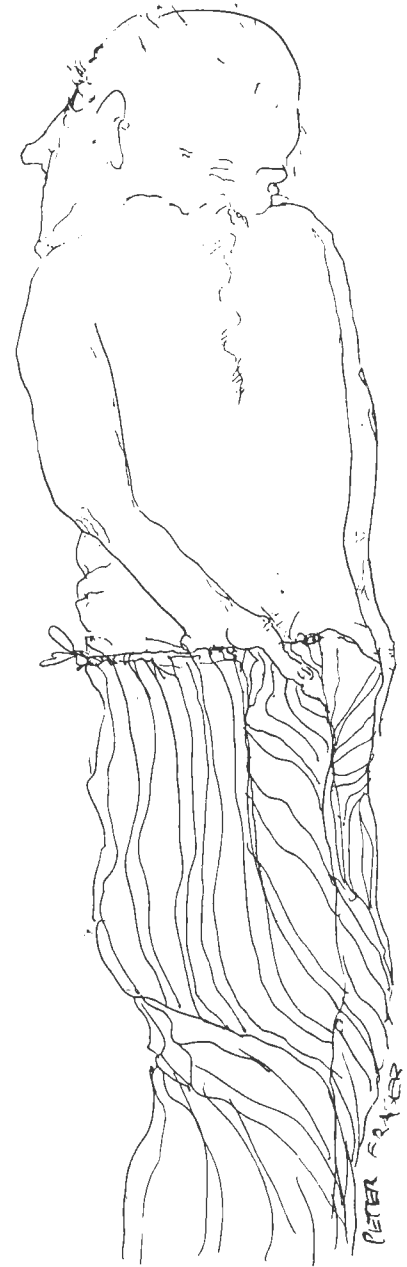
Canberra). After less than six months with the firm, he quit his job.

Six days later, on 18 January, he walked into the Bangkok embassy of 'Country A' with a brown-paper envelope containing a typed list of various classified documents which he was offering for sale. 'Country A' immediately informed the Americans and a sting went into operation. Over the following weeks, an exchange of lengthy emails took place in which various 'products' were offered at a range of prices. A meeting was arranged at which Wispelaere identified himself by standing beside the piano in the lobby of the Le Meridien President Hotel with a copy of *Newsweek* in his left hand. He produced certain goodies and was given down-payments of US\$70,000. Eventually he was lured to Washington and nabbed.

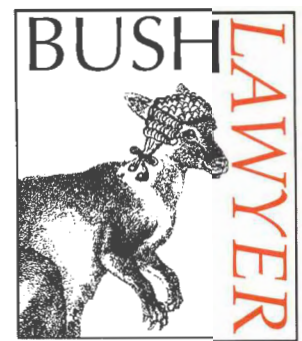
Apart from the spycraft, the secret assignments and so forth, the other media-exciting element in the saga is Wispelaere



pyjamas man
 in pyjamas dharma 1



himself. Within days of his arrest, stories began to emerge that portrayed him as a classic flake—a body-building steroid-user with a rich fantasy life. A former teacher cited his suspicions about the adolescent Wispelaere, a boy who did headstands in class. Wispelaere's father, ambushed by a



Justice is only the ending

media scrum, let slip the remark that Jean-Phillippe was probably motivated by greed.

The Sydney *Sun-Herald* ran a breathless exclusive, the anonymous confessions of a 'vivacious, attractive' woman who met the 'handsome' former intelligence officer on a flight to 'steamy' Bangkok. They were 'thrown together' when the in-flight movie failed and the 'very flirtatious' Wispelaere asked to borrow her copy of *Newsweek*. When he suggested they share a hotel room, she readily agreed. Despite his 'amazing libido', she did not sleep with him. Instead, they talked literature. On a three-day elephant trek, he 'confessed a passion for the works of the Marquis de Sade and Anaïs Nin'. He also told her that he was disaffected with his former employers in Australian intelligence and was planning 'something entrepreneurial'.

All of which begs the question of how he got a security clearance in the first place. Pretty easily, it seems, despite the fact that he held three passports—Australian, French and Canadian. According to a recent Australian National Audit Office report to Federal Parliament, our spy organisations are 'not adequately protecting the confidentiality of sensitive information in accordance with the Commonwealth's security classification system ... and recognised best practice'.

All this is grist to the mill of Wispelaere's lawyer, who is considering arguing that US authorities either were, or should have been, aware of these deficiencies in Australian vetting procedures.

Whether Wispelaere will try to defeat the prosecution case or decide to cut a plea-bargain deal remains to be seen. American justice tends to come down hard in espionage cases and there is currently a degree of spy hysteria in the air arising from accusations that the Chinese have been getting advanced nuclear secrets out of Los Alamos.

Despite the fact that US Attorney-General, Janet Reno, has decided not to pursue the death penalty, Wispelaere's estranged parents naturally remain deeply concerned about their son's future. Although advised by his lawyer that Jean-Phillippe has had consular visits and money has been put in his canteen account, they have received no information from Australian authorities. It is probably reasonable to conclude that the powers in Canberra are more worried about hiding their mistakes than about the rights of an Australian citizen imprisoned abroad.

—Shane Maloney

IT IS A WELL-KNOWN and often-repeated fact that Aborigines are arrested and imprisoned at far higher rates than non-Aboriginal people. To recap: Aborigines make up approximately 15 per cent of all male prisoners, 20 per cent of women prisoners and 30 per cent of juvenile detainees across Australia (with some variations between states).

I have to confess to adding a small number of Aboriginal people to the prison population. OK, I'm a wet, but it is never a pleasure to lock anyone up. And behind the Aboriginal man or woman sitting quietly behind the solicitor at the bar table, you can't but see a long line of black people who occupied this district for 40,000 years before there were soldiers, police, magistrates, courts or prisons dividing them from their country and consigning them to the fringes of economic development.

All this weighs upon you as you sit on a hot summer's afternoon listening to a police prosecutor and an Aboriginal Legal Service lawyer droning on about some incident which is important to the individuals involved, but is otherwise minor.

You think of the Myall Creek massacres, the small and large crimes perpetrated in the name of colonisation and settlement, and of the misconceived public policies. You compare your life chances with those of the defendant, including, of course, the opportunity to exercise power (always for the good) over poor men and women. And you think, 'Will this man hang himself if I lock him up?'

It may sound like special pleading to say that sometimes there is no choice but to lock someone up. It is true nonetheless.

There are now a number of community-based alternatives to full-time jail (supervised bonds, community service, weekend detention and home detention), so those who go to jail have either committed very serious offences (e.g. murder, rape, large-scale fraud, kidnapping, child abuse, major drug trafficking) or they are repeat perpetrators of less serious crimes (e.g. theft, minor assaults, drunk driving), or both. But sometimes you run out of runway because all the alternatives to jail have been tried, unsuccessfully.

Why is a young Aborigine 10 to 20 times more likely to be locked up than a non-Aborigine?

In western NSW, a well-orchestrated 'law and order' lobby is often heard complaining about Aboriginal kids. The public utterances are coded, but the private ones are as subtle as a brick in the face. As they would have it, virtually all crime is committed by uncontrollable black kids who are the offspring of 'irresponsible' parents. From here it is a very short step to a stereotype: black = bad.

On the other hand, some idealistic non-Aborigines have their villains too. One person wrote to the *Sydney Morning Herald* recently claiming that it was 'well known' that country magistrates are excessively punitive of Aboriginal defendants and ought to be 're-educated'. Well, maybe.

The magistracy as a whole is now better-educated, more judicial and less prejudiced than in the '70s, when a notorious 'beak' called Aborigines in Wilcannia a 'pest race'. The Australian Institute of Criminology research shows that Aboriginal prisoners serve shorter terms of imprisonment than equivalent non-Aboriginal offenders, possibly because courts are conscious of accusations of racial prejudice.

Crime rates within Aboriginal communities are undeniably high (as they are among other disadvantaged ethnic groups). A study by the Australian Institute of Criminology suggests that 'serious problems of violence and petty crime are often associated with serious social problems' and that 'the principal causal factor of Indigenous over-representation in prison is the generally low status of the Indigenous community in Australia, both in socio-economic terms and in terms of patterns of discrimination.'

Blame whom you like, but if high imprisonment rates flow from high offending rates, and they in turn reflect social distress, there is no solution but to do the work, shed the blood, put in the tears and sweat needed to eradicate poverty and discrimination against Aboriginal Australians. It is in the interests of us all to do so. ■

Séamus O'Shaughnessy is a NSW country magistrate.

Haunting places

A Tasmanian lad lost and found in Oxford, London and the web of memory.

WHEN I WAS IN OXFORD in January 1979, only a few years after finishing my degree, the place seemed closed to me. It was unusually beautiful. All noise was stilled by one of the few lasting heavy snowfalls that I had seen there. The sun never appeared



fully to rise. College buildings hovered in and out of the mist. Often I could not find my way, but this was a matter more of emotional than physical disorientation. Had I left the place too early? Or come back too soon? When—this northern summer—I returned to Oxford again, I came straight from the airport by bus, travelling swiftly up the Thames Valley. Two hours after landing, I was back where I used to stay, at Holywell Manor, the graduate annexe of Balliol College, next to the St Cross Church and its spooky graveyard.

It was at the Manor that Bill Clinton dossed on a friend's floor for a term. He had failed to gain admission to Balliol (and had to settle for University College) and must have thought of this as the next best step.

For me the years at Oxford were like a blessed, and often irresponsible, second childhood. Now here I was once more, as an almost venerable old member. Eerily, I was altogether free of jet lag. In 1979 I had felt lost; now I knew where I was without thinking. By sight and touch I recognised the cobblestones near the steps up to the Balliol library; knew the rake of the stairs down into the White Horse, the tiny pub in Broad Street that is enfolded by Blackwell's main bookshop; knew that this latest of many turnings had indeed taken me to Rhodes House before I read the feet-high stone inscription in praise of the founder.

In this euphoria, the changes to the city—which are not all for the worse—were undistracting, if not immaterial. Some first impressions were of lost things. The bus driver from Heathrow, himself once a publican for 28 years in this region, talked of how many villages had lost all or most of their pubs. Morrells brewery has closed. The Shotover Arms, in Headington, has been shamefully turned into a McDonalds. In Jericho, the inner city district whose name first cheekily denominated a pagan place far from Oxford, the Walton Ale Stores has long gone. Once it had a shove-ha'penny table and few other amenities. One of the regulars was a giant blind black man with a collapsible white stick and the deepest voice that I have ever heard. Back along Walton Street, towards town, the Jericho Tavern has been dandified as The Philanderer and Firkin. And did Oxford really need a pub—a few doors away—named for Christminster's most famous failure, Jude the Obscure?

Across the road is the back of the Radcliffe Infirmary. I spent part of my last night in Oxford as a student there, after Kim Beazley accidentally split my eyebrow open with the edge of a door, during the farewell party that he was hosting. A week later the stitches were removed by a communist doctor in Poitiers who let me jump the queue at his Sunday surgery and did the job for nothing in protest against French nuclear testing in the Pacific.

These escapades apart, I had come to Oxford to learn. Most was extra-curricular: about paintings, opera, the customs of another country. After a couple of days I was indulgently allowed to write a thesis on Rider Haggard, under the supervision of the great textual scholar J.C. Maxwell, who probably undertook the task because he liked cricket and Australians. Once a term I met my moral tutor, Roger Lonsdale, who read Maxwell's one-line encomium and turned to the sherry, a drink which I have not been able to abide since. A particular source of instruction in politics was the Master of Balliol, Christopher Hill. The Warden of Rhodes House, Sir E.T. 'Bill' Williams, gave gamier advice. When—before a trip to North America which was partly to do with study—I asked him what Canada was like, he told me that it had the social values of a

sergeant's mess (he had been Montgomery's Head of Intelligence in the desert). In his 1976 Christmas newsletter, Bill observed that the beautiful hot summer had brought so many tourists to Oxford that it seemed the only place one could hear English spoken was in the gutter.

Oxford is now the second most popular tourist destination in Britain, having surpassed York. Ease of transport to and from London is a key to this: buses run every 20 minutes and are cheap. (The alternative route by rail, which in my memory always involved maddening, inexplicable late night stops at Didcot, just when you thought you were home, is now worse—privatised, owned by Richard Branson and delivering the poorest service in the country.) Tourists also enjoy how readily the 'Oxford Experience' is packaged. For \$12.50 they can have it in three floors of a building in Broad Street, a few metres away from the spot where the Protestant churchmen, Cranmer, Latimer and Ridley, were burned for their faith. For \$17.50, they can take an open-topped double-decker bus around the sights, though not at sufficient elevation to see over college walls. From ground level the prospects were not much better. Most colleges are closed to visitors in late summer so maintenance can be done. Still, any tourist with a map and some imagination can lose herself for stretches of time inside the walls and along the lanes of what are the buildings of a medieval city.

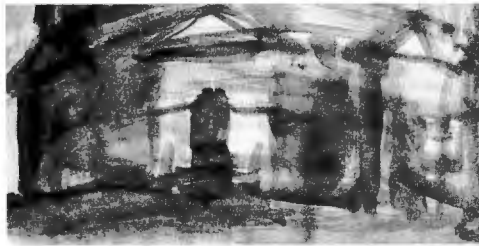
No matter how earnestly they are harried by their guides; marshalled by burberry-patterned umbrellas held aloft, the tourists move slowly in Oxford. Everyone does, save the lawless bustlers on bicycles. Ringed by rivers, rained on for 200 days of the year, Oxford's climate is soporific. Here people seem to grow to great ages gently (although,



not my supervisor, who was killed by a motorbike on Headington Hill).

One of the pleasures occasioned by Oxford's relative smallness is that one can soon be out of it, on foot, and into the countryside. On a warm Saturday morning, the first day of a Bank Holiday long weekend which stayed miraculously fine, with 12 hours of sunshine daily and temperatures

in the mid 20s, I walked to the island of Osney, south of the city, and then to the village of Binsey. Here, Gerard Manley Hopkins wrote a poem lamenting the loss of the poplars along the riverbank (they've since been replanted) and in 1977 locals and visitors witnessed the near-destruction by fire of the village pub, The Perch.



Happily it has been restored, and has decent food, a meadow out the back with tables and Budweiser umbrellas, over-priced wine by the glass (French or Australian) and a range of splendid local ales. Yes, you can have a Fosters if you want one. You can also drink in town at the Bar Oz. Formerly The White Hart, serving customers and vendors at the covered market, this is now part of a chain that stains the length of Britain. If you are made secure in your Australian identity by having anti-'Pom' jokes stuck on the wall, Bar Oz is for you. Back to the beer: the Real Ale Movement of the mid 1970s was perhaps the most successful middle-class pressure group in Britain since the Anti-Corn Law League of the 1840s. Appalled by the takeover of pubs and breweries by mass producers of nondescript beers (the awful Watneys Red Barrel was typical), the RAM sponsored appreciation, consumption and ultimately the survival of small breweries around the country.

Further along the river from Binsey comes The Trout at Wolvercote, which was too popular for its own good even before Inspector Morse started to drop by. My favourite was north of here—in the village of Steeple Aston where I often stayed with friends. It could be noisy. The American F-111 base was situated nearby at Upper Heyford. But the Americans have long gone. Others—commuting to Oxford—have moved into this hilly place of stone cottages. The fabled Cotswold stone may start off golden, but soon takes on a duller, grey brown and soothing hue. To get here I took the X59 bus which went out the Banbury Road to North Oxford, then through unlovely Summertown (as optimistic a misnomer as Melbourne's Sunshine) and into the country, plunging into narrow lanes with trees growing closely on either side. After Tackley comes Steeple Aston.



The hot stuff of life

HUMAN BEINGS CAN BE MYOPIC WHEN VIEWING LIFE. Say the word 'animal' and generally we think only of other large mammals. Talk about plants, and we imagine trees and flowers. We are anthropocentric about scale. Yet most of life goes on beneath our normal level of scrutiny, and we know remarkably little about it—because it involves micro-organisms. As one scientist recently put it, 'Most people don't recognise that there are more bacteria in our stomachs than cells in our entire body.'

Recent studies have pulled this micro-world into sharper focus. Take, for example, the work of Professor Karl Stetter from Germany. Stetter has travelled deep into ocean trenches in the submersible *Alvin*, has poked around recently active volcanoes, and has sampled boiling hot oil from four kilometres under the Alaskan permafrost. In each case, he found what he was looking for—the extraordinary bacteria he calls hyperthermophiles. These organisms can survive and thrive at temperatures higher than 100°C, under enormous pressures, and in environments where there is no oxygen or light.

Hyperthermophile bacteria are probably close living relatives to the first terrestrial lifeforms that existed billions of years ago. The Earth at that time was still being moulded by asteroid collisions and meteor showers, by massive amounts of volcanic activity, by huge doses of cosmic radiation, and surrounded by an atmosphere with only traces of oxygen. In that sense, they are our biological ancestors.

The fact that hyperthermophile bacteria can survive such extreme conditions makes the possibility of extraterrestrial life much easier to envisage. Their existence makes it harder to believe that environmental or nuclear catastrophe could destroy Earth as a platform for life. What we could destroy is not life, but ourselves.

Stetter's work also has a practical outcome. One of the barriers to widespread application of biotechnology is that biological systems work at lower temperatures than industrial systems. If you do not keep the temperature of a biological process rigidly under control, you stand to kill all the bugs doing the work for you. Read the label on one of the latest detergents which include (biological) 'enzymes'. You will almost certainly be warned not to use the product in hot water.

But hyperthermophiles love hot conditions. Their proteins are specially engineered to cope. They could provide just the answer that industry needs—especially as it is now easy to engineer their characteristics into whatever bacterium we want.

One thing which people do readily associate with micro-organisms is disease, but even that reflex association is being modified by our increasingly sophisticated understanding of the body's interaction with micro-organisms. It is little more than a decade since the work of a couple of researchers in Western Australia caused a sensation in microbiology by showing that the vast majority of stomach ulcers and nearly three out of four cases of stomach cancer were actually caused by a bacterium, *Helicobacter pylori*. Not only is it now possible to cure the ulcers and minimise the cancer risk by eradicating the bacterium that causes the problem, but a protective vaccine is also being developed. It also looks as though various *Helicobacter* species may also be intimately associated with hepatitis, liver cancer and irritable bowel disorder.

US researcher, Dr Robert Garry, has even claimed that there is a link between a virus and breast cancer. The viruses that we already know are associated with disease tend to be the failures. As parasites, they have not yet perfected the technique of reproducing without killing their host, and thereby risking their own survival. Some scientists argue that what we will find in the 21st century are much more subtle viruses buried away in our cells—even in the genetic material—cleverly subverting our cellular systems to their own ends. These viruses could be at the heart of many chronic diseases, such as diabetes.

When Archimedes was at primary school, micro-organisms were called germs—nasty, essentially simple things that you killed by washing your hands. Now the scales are dropping from our eyes, and the complexity and power of life at the smallest scale is beginning to be revealed. ■

Tim Thwaites is a freelance science writer.

It has two pubs: The White Lion and The Red Lion. We drank at the latter, which was more congenial by far. Nearby is the 12th-century church of St Peter and St Paul. In its graveyard grows a giant sycamore tree that is taller than the tower. Across the road is Cedar Lodge—a substantial house and barn. There Iris Murdoch and John Bayley lived while I was at Oxford. His memoirs of her last years as a victim of Alzheimer's disease now fill whole windows of Blackwell's. On the morning of my viva, long ago, I was staying in the village before going in to Oxford and was alarmed to see the unathletic Bayley on the roof of his barn. My concern was that, after he had kindly agreed at the last minute to be my substitute examiner (Norman Sherry had taken my thesis on holidays to the Bahamas), a slip might undo him, and me.

The locals, as one heard at the Red Lion, reckoned that the Bayleys ruined what had been the best garden in Oxfordshire. Murdoch liked to bathe naked in the lily pond, but finding it cold at times wondered whether it might not be heated by submerging an electric wire in the water. A far-from-scientific friend told her not to do it, although he wasn't sure why.

Heading to the Red Lion for lunch, I was not yet persuaded that the Colin Mead whose name was in brackets after the pub's in the phone book was the same landlord from my time. Of course he was. And into that snug world, with its old armchairs and books, good food, civility and reminiscences, I settled back for an hour. Britain, so over-crowded in so much of one's experience, can also at times seem the quietest and most serene of places. Or at least Oxford can. London seldom is.

One of the things I learned after I'd



taken my degree and was working in the English Department at Melbourne University when it was still dominated by Leavisites (whose day of humiliation was fast approaching) was the difference between Oxford and Cambridge. The Leavisites' intellectual insularity was due in large part to many of them having taken second first degrees (an Australian BA not being up to the real thing) at Cambridge. Cambridge

looks inward, to itself; Oxford outward, to London. This orientation of the mind and temperament is more decided perhaps now than ever, because of the facility of movement from Oxford to the capital. I went down to Victoria in 80 minutes for \$19 return; was back in less time. In between I walked down Vauxhall Bridge Road and into the Tate (free), then along the river till I crossed at Westminster Bridge. I was keen to see how the south bank was being developed and was headed for the reconstruction called Shakespeare's Globe, when I came upon something more exotic. This was the plan for London Eye.

Imagine a giant ferris wheel, 133 metres high, rearing above the Thames, with large gondolas in which you can safely walk about (if you dare) attached to the outside rim of the wheel. From here you will (I quote loosely from the billboard) be able to see the fabled sights of London, including the royal seat of Windsor Castle, 40 kilometres away. Not on too many days of the year you wouldn't, although on such a one as this it seemed possible. Somewhere near Vinopolis, city of wine (it comes with the translation), is the Globe, a fetching small space, an impressive recreation, but hemmed in with raucous hard-sellers of the works of the Sweet Swan of Avon and sundry tourist wares of dubious connection to him. The tour of the exhibition costs \$15—more than the very well-priced standing-room tickets that are available at \$12.50 for each performance.

Worse was to follow. The Clink prison has been turned into an attraction that resembles a ghost-train ride at the show (\$10). Southwark Cathedral asks for \$6 at the door. But as always in London there are swift compensations. Nearby are the ruins of Winchester Palace, its foundations together with a wall with a rose window. I was more familiar with the other side of the river, beginning with the Monument to the Great Fire and the Wren churches built after it. Further east was once a wondrous, forgotten, or rather nearly abandoned, part of London, with spice warehouses and narrow streets leading down to the water



and pubs as inviting as The Town of Ramsgate, The Prospect of Whitby and The Grapes (The Six Jolly Fellowship Porters in Dickens' *Our Mutual Friend*). Now the city end has been given over to

marinas, townhouses, health clubs and extravagantly priced pizza restaurants (the dough and topping start at \$20). The way to the Isle of Dogs is blocked by an elevated light-rail line. The tower of Canary Walk looms over the riverside flatlands. The area of Wapping and

Limehouse was ripe for development and this was what it got. At least there is little pretence at the 'authentic', which means only an exploitative misremembering.

Oxford has only suffered in patches from the attempt to replace the old with what pretends to be old. In the bus and tourist hub of Gloucester Green, some clownish turrets announce not the return of the crenellated past, but an assertion of the lumpen modern mean, the architecture of a placeless realm where tourists are at home. Courtesy of the college, I could retreat to a room that looked over the Balliol cricket ground (where I once came in at 3 for 0 and left at the same score), to the new college buildings on its far side, to the Sheldonian and Radcliffe Camera behind them. It is a view into a privileged world that cannily makes its students indebted forever, and welcomes them back to try again to understand what was made of them here.

—Peter Pierce

This month's contributors: **Shane Maloney** is the author of *Stiff*, *The Brush-Off* and *Nice Try*; **Peter Pierce** is Professor of Australian Literature at James Cook University.

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Dom Helder Camara 1909–1999

Ave atque vale

ARCHBISHOP-DESIGNATE, you arrived in Recife just days after the military coup of 31 March 1964. Thirty years of your life as a priest had been spent in Rio de Janeiro where you were a leading educator, the organiser of a great Eucharistic Congress, a preacher and spiritual writer of growing fame. You had been appointed the Secretary-General of the world's first national conference of bishops, which you designed, in 1952, and then Auxiliary Bishop of Rio.

A mover and shaker of church and state, already a national figure, you were glad to return to the periphery, to that other Brazil, the far-off north-east of your birth. But were you not a sort of exile, pressured out of the centre of things by powerful brother bishops? They had made no secret of their alarm at the grassroots education movement you fostered, at your draft plans for a renewed Church and the encouragement you had given to the Catholic youth movements struggling for land reform and social justice.

I have to leave the question hanging, because you were always too loyal to your Church and too hopeful in the Spirit moving in it to endorse such a suggestion.

But loyalty must have been sorely tried in more recent years. Archbishop-emeritus, you died in your diocese, but once again, an ecclesiastical exile. For the 14 years of your retirement you accepted banishment from the renewing Church in which you had been priest and prophet, architect and visionary and pastor for so long. You had hoped to continue as a priest of the poor and to maintain an open door to the laity and clergy in the various pastoral teams you had established. But your successor made it clear that he was commissioned to 'clear up the mess that Dom Helder had left' and that your services were not required. Already banished, you maintained public silence as the pastoral teams were dismantled, and the symbols of an open church of the poor replaced by the panoply of a restored line of clerical command.

I knew from an interview with you in 1982, when you were already known around the world as an architect of the Church of the poor in Latin America, that you had no triumphalist illusion that the renewed



Church of your dreams had been established in Recife-Olinda. You noted some of the criticisms you had received from your nuns and priests and wondered about a hardening of the arteries in some of the pastoral projects. You shocked me a little by advising me to go north to the archdiocese of João Pessoa to see a diocese where the base communities and lay pastoral movements were, in your view, more vigorous than they were in Recife. So I imagine that it was not criticism that hurt, but the exile from pastoral life and the dispersion of clergy and laity, especially the young, whom you had encouraged in their 'new way of being Church'.

YOU WERE SO LOYAL to those who lived by the old Church, and you had been, in your Rio days at least, such a star in the firmament of the old order, that your banishments from the public centres of the institutional Church require explanation beyond the personal, political and prudential considerations that always figure in such things. I think you suffered exile because yours was the spirituality of the continuing convert, and because you performed and communicated that spirituality so publicly and eloquently that it seemed subversive to the guardians of the formulae of faith and rules of ecclesial hierarchy. Your orthodoxy, so far as I know, was unchallenged, and indeed in your Marian devotion, your dedication to the priestly sacramental life, you remained a very traditional Latin

Catholic. But, as you noted in long taped interviews with José de Brouker (Collins, 1979), you were aware of the centrality of conversion in your spiritual journey, and you regarded a succession of conversions as the only way of being faithful.

Your own stories show that your spirituality of conversion, inspiring to many, was a threat to your brothers in the fortress Church. The particular turnings were alarming enough: from being chaplain to the fascists in the 1930s to radical democrat in the 1960s, from triumphalist apologist to critical prophet, from evangeliser of the elites to pastor of the excluded poor, from proclaimer of Christ the King of Christendom in the palace of the Catholic Church, to seeker of 'Abrahamic minorities' wherever they might be found. But it was the spirituality informing the turnings, that habitual listening and responding to the Spirit you saw calling us in love out of ourselves, our institutional roles, and into the world of unfolding creation, that was the threat that provoked exile to the margins. Your spirituality of conversion was seen for what it was: subversive of the old Church's settled strategy of influence and its legitimations of authority.

Through the pain of exile you never lost hope in the signs of the Kingdom, even in the Church: that was your message to us at your 80th birthday party in Recife in 1988. I am trying to say farewell as though you could reply and set me right in conversation, because you believed that your beloved Church lives through the conversational exchange of stories across the faultlines of time, culture, class, political persuasion, and status in the hierarchies of church and state. In 20 years of my brief encounters with you, you were always telling stories across the faultlines. These were the stories of hope that the taxi drivers would hear in the early morning over Radio Olinda and discuss during the day, the stories you told around the world. In ever so small a way, may this brief account of your exiles and your hope keep the stories coming. ■

Rowan Ireland is a Reader in Sociology at La Trobe University.

Israel's Ehud Barak has come to power in a blaze of positive publicity, but on the ground in the Middle East, the locals remain sceptical about the longterm prospects for peace.

Anthony Ham reports.

The long road to peace

In the bustling markets of the old city of Damascus in May last year, I found myself talking to a restless, thoughtful young Syrian named Ahmed. With typical Syrian hospitality, he took me to a tea shop and we spent the afternoon in conversation. He was a charming host, like most Syrians I encountered, but he became agitated when I asked him what prospects he thought there were for peace in his region.

IT WAS ONLY a couple of days before the 50th anniversary of the founding of the state of Israel. Negotiations between Syria and Israel had long been suspended, and Israeli Prime Minister Benjamin Netanyahu was infuriating moderate Arab public opinion with his intransigence. Ahmed flicked impatiently at his prayer beads as he looked off into the distance. 'Unless something changes,' he said, 'there will be war in two years. Of that I am certain. But it won't be like wars in the past. It will be much worse, because people will no longer have hope.'

Peace may be on its way just in time, if the accolades which have greeted the recent election of Ehud Barak as Prime Minister of Israel are any indication.

Prime Minister Barak has set himself an ambitious timetable for the finalisation of peace negotiations. By September next year, he aims to have concluded final status negotiations with the Palestinians, to be close to securing a lasting peace with Syria, to have completed a full withdrawal of Israeli forces from southern Lebanon, and to have launched a new economic plan for the Middle East.

Little wonder, then, that a belief in the possibility of peace has been rekindled, and that expectations throughout the region are now being fuelled by the world's media.

As the most decorated soldier in Israel's history, Mr Barak has been a formidable adversary of the Palestinians, leading daring commando raids on Palestinian positions in Beirut and elsewhere, earning a reputation as a tough and uncompromising leader. The Palestinian leadership is under no illusions as to the difficult road ahead, even as they dare hope for a new Israeli approach led by the man who once famously commented that if he had been born a Palestinian, he would probably have joined the PLO. Palestinian negotiator, Saeb Erekat, described Mr Barak as a 'tough negotiator', infinitely preferable to dealing with his predecessor Mr Netanyahu, a 'non-negotiator'.

Most remarkable of all was the recent exchange between Prime Minister Barak and Syrian President Hafez al-Assad, one of the region's strongest and most wily leaders. Not known for his conciliatory attitude towards Israel, President Assad lauded Mr Barak as a strong and honest man who wanted peace. Mr Barak's

rejoinder was swift and equally uncharacteristic of Israeli leaders: '[Assad's] legacy is a strong, independent, self-confident Syria which, I believe, is very important for the stability of the Middle East.'

Scarcely six months ago, the government-controlled press in Syria was describing those who negotiated with Israel as 'Zionist lackeys'. All the more surprising, therefore, was President Assad's August edict to the Palestinian rejectionist groups (extreme pro-Palestine factions which have for many years operated from Damascus under the sponsorship of the Syrian Government) that they should end their decades-long armed struggle with Israel to participate in negotiations and concentrate on social issues. The first fruits of this new approach were seen in the August meeting between veteran Palestinian rebel leader Nayef Hawatmeh and Yasser Arafat.

And then there was another unprecedented meeting, between Algerian President Bouteflika and Mr Barak at the funeral of King Hassan II of Morocco. It did indeed seem as though peace may finally be a possibility.

In a mood of such euphoric expectation, one does not want to express reservations. But there are compelling reasons to restrain expectations.

BARAK, GROOMED by the media advisors and spin doctors responsible for the election of President Clinton, has skilfully cultivated his image as the harbinger of peace for the region. But he has managed to do so without spelling out in positive terms what his vision of peace entails, what concessions he is willing to make. He has been far more ready to point out those policy platforms which are not negotiable, the compromises he will not make. He has ruled out an Israeli withdrawal to the borders which existed in 1967. He has ruled out the prospect of an Arab armed force operating west of the Jordan River (namely in the West Bank). He has ruled out the return of hundreds of thousands of Palestinian refugees who have fled from their homes since 1948 and who are living in semi-permanent refugee camps throughout the region. And he has decreed that Jerusalem will remain the eternal and undivided capital of Israel.



In the shadow of these apparently non-negotiable policies, the rampaging optimism that has greeted Barak is clearly premature, if not misplaced. Israel's position does not augur well for a swift—or indeed any—movement towards a just and comprehensive peace in the region, denying as it does some of the basic conditions for peace demanded by Israel's neighbours.

Syria's precondition is an Israeli withdrawal from the Golan Heights, in other words, a return to the borders in place before the 1967 Arab–Israeli war. Withdrawal to those borders is enshrined

*It will take more than
motherhood statements about
wanting peace. Everybody
wants peace.*

in UN Security Council Resolution 242—a resolution which US Secretary of State James Baker promised President Assad, in 1991, would be the basis for all peace negotiations. Mr Barak's refusal to negotiate on this point may simply be a bargaining weapon in a tough negotiating stance, but if not, there will, quite simply, be no peace.

When I visited Quneitra in the Golan Heights last year, it became apparent how central this issue is to Syrian engagement in peace. Scarcely a building stands; all structures were shelled or bulldozed by departing Israeli soldiers after the ceasefire was signed in 1973. The bullet-ridden walls of the hospital, the mosque, the church, and the concrete rubble of flattened houses as uninhabitable now as they were when destroyed, remain as enduring and raw monuments to a conflict which has spanned much of this century. Above the ruined town sits an Israeli observation post, occupying the high ground within full view of the rubble. From this vantage point, on a good day, the minarets of Damascus are visible. Quite apart from the ongoing displacement of former inhabitants and the continued occupation of land populated by unwilling and restive communities, it is not difficult to see why Syria names the return of the Golan Heights as its primary condition for peace.

Nonetheless, Israel is not alone in having alienated its neighbours, or in

maintaining historical grievances. In the Damascus Army Museum, there is a room devoted to the 1973 war and the battle for the Golan. A smiling portrait of a youthful President Assad stands in disturbing juxtaposition to the photos of Israeli parents grieving for their sons, images displayed as one of the macabre spoils of war. Further, the brochure issued by the Syrian Ministry of Tourism for Quneitra reads:

Quneitra remained an Arab symbol along the time until 1967 when the Zionist aggression took place and occupied part of its land, and forced most of its people to their homes and land in wild ways and inhuman practices which were condemned by the whole peoples of the world up till the October War of Liberation under the leadership of President Hafez al-Assad when the martyr city of Quneitra was liberated after being totally destroyed and devastated showing the brutality of the Zionists. [sic]

Hardly the language of peace.

In these angry words, and in the bulldozed houses of Quneitra, lie the considerable hurdles which must be cleared if peace is ever to come. The conflict, frozen in hostility and name-calling for decades, frozen in the language of animosity and of the past, is still too deeply entrenched to allow meaningful talk of peace, of real peace, of a just and comprehensive peace. Elsewhere in the Golan Heights, relatives separated by the ceasefire line call to each other across what is known locally as the Shouting Valley. It is a powerful metaphor for two enemies whose only contact has been to shout at each other across the barbed wire. At the frontline of this historical conflict, there is much real work to be done.

What the Golan Heights are to the Syrians, the symbols and stones of Palestine are to the Palestinians. The return of land on the West Bank, the return and/or compensation of Palestinian refugees, Jerusalem as the capital of an independent Palestinian state—these are the Palestinian dreams about which Barak will not negotiate.

And yet, Mr Barak's media campaign—portraying him as the peacemaker for whom the region has been waiting—has been so successful that it may prove

difficult to resist peace on his terms. In the environment of optimism which Mr Barak's election has generated, no-one wants to be blamed if the peace process fails. Arab leaders such as Yasser Arafat and President Assad know that, for decades, they and their people have been blamed for the region's ongoing conflict. They also know that in the current climate, anyone daring to oppose Mr Barak will be in danger of earning a reputation as the wrecker of peace, a pariah status which no leader can afford.

Further, Ehud Barak's key opponents in the peace game have strong personal reasons for seeking a speedy solution. Yasser Arafat, the most recognisable symbol of Palestine, is in poor health and desperately wants to preside over a Palestinian state before he dies. President Assad is suffering from a long-standing heart condition, and similarly longs to regain the Golan Heights which were lost in 1967, under his watch as Defence Minister.

SUCH ARE THE DANGERS which lie ahead. It will take more than motherhood statements about wanting peace. Everybody wants peace, but if the Israeli Government will not negotiate on key issues as Mr Barak has warned, the competing visions of that peace will remain implacably opposed on the battleground of mutual hostility.

At the tough table of Middle East peace negotiations, the difficult compromises necessary on both sides are still to be made. The unprecedented goodwill which Mr Barak's election has triggered is welcome and encouraging. But it is only the first step of a very long journey and, as my Syrian friend Ahmed suggested, this time around there is everything to lose. ■

Anthony Ham is a Melbourne-based writer who specialises in the culture and politics of the Middle East.

Photos—Page 19, top to bottom: Israeli Prime Minister, Ehud Barak; Palestinian leader, Yasser Arafat; former Israeli Prime Minister, Benjamin Netanyahu; Syrian President, Hafez al-Assad. Page 18: a bullet-ridden wall of the Golan Hospital, Golan Heights. Photos of Barak, Arafat and Netanyahu courtesy the Australia/Israel & Jewish Affairs Council. Photos of Assad and hospital by Anthony Ham.

The People's Republic of China and Taiwan

50 years after the Revolution

*The moral power of the gentleman is wind,
the moral power of the common man is
grass. Under the wind, the grass must bend.*
—Confucius, translated by Pierre Ryckmans

*The People's Republic of China is a socialist
state under the people's democratic dictatorship
led by the working class and based on an
alliance of workers and peasants.*
—Constitution of the People's Republic of China

AUSTRALIANS WHO prefer to preserve an image of China as inscrutable would have been well pleased with the visit of President Jiang Zemin last month. He was kept out of sight of those with the most palpable interest in his country—Tibetan activists, Falun Gong believers—and his words were artfully opaque.

He spoke bafflingly of John Howard, whom he has met half a dozen times, as 'my old friend ... President Clinton is also my old friend'. Can this be the same President Clinton as the one who was only six months ago compared to Adolf Hitler by the media owned and operated by the party of which Jiang is general secretary? In any case, what might such an attack mean, coming from a source that has never publicly dissociated itself from Pol Pot's Khmer Rouge which it bankrolled and nurtured, and which has not ceased to praise Slobodan Milosevic as a great patriot?

My job, for the last three years, has been to attempt to do some scrutiny of China. Most recently, my attention has been focused on the Australian visit of Jiang, followed by the 50th anniversary on 1 October of the founding of the People's Republic, when Mao Zedong, having ascended the Tiananmen Gate, the Gate of Heavenly Peace, announced in his strange, high-pitched voice, 'China has stood up.'

Perhaps no-one in the high-spirited crowd of millions realised what was

really happening. They saw a common man in the place where formerly only emperors were allowed to stand. But from another perspective, Mao was declaring the foundation of his new dynasty, in which he was succeeded by Deng Xiaoping and now by Jiang. Today Mao can be viewed, and tacky souvenirs bought, at the squat, Stalinist mausoleum that destroyed both the aesthetics and the feng shui lines of the world's largest square. The third emperor, still a little puzzling to Australians, may indeed be unknowable—because there is little to know beyond ambition, and beyond a philosophy that prizes, above everything, 'stability' and party hegemony.

Although Jiang commands almost absolute power over a state that executes more people than the rest of the world put together, such is the pattern of checks and balances in China, so strong are the ambitions and interests of his fellow cadres (there remain 56 million party members in a population approaching 1.3 billion) that his capacity to effect substantial reforms is less than that of John Howard. Howard can at least do deals with the Democrats. Jiang has jailed all his. For all its new—largely empty—office towers, toll bridges and tollways, the travails of a nation with no accountability or rule of law underline how important these institutions are, for a society's peaceful evolution.

This was not how I imagined China back in 1975. That year I tucked my little red book in the back pocket of my jeans and hitchhiked to a weekend conference organised by an Anglican youth organisation, which set out to investigate how come an atheist organisation had succeeded in creating, through the inspiring cultural revolution, a society with a truly altruistic, para-Christian ethos. Such was the successful hold Mao had exerted over access to his empire, that cunningly corralled visitors were routinely duped.

HERE IN HONG KONG, I struggle to learn some Mandarin with an elegant, genteel Shanghainese teacher, who spoke with unusual directness about a cultural revolution era print I had bought in Beijing and hung on the wall. She preferred to sit with her back to it, if I didn't mind.

Gradually, over the ensuing weeks, the story emerged of her horrific experiences during the 26 years when Mao presided over more deaths than did any of the 20th century's other monsters. She described how police entered the family home of her brother's best friend on a routine search. They discovered that the young man had wrapped a pair of shoes in an old newspaper—on which was printed a photo of the Great Helmsman. He was taken away and sent to a labour camp for three years, where he was taught respect.

But there was much worse. My teacher's son, aged six, had been staying with her elderly in-laws, university teachers, when Red Guards stormed into their flat. The couple were beaten for two days until finally they died, with their grandchild forced to watch. He now lives in the US, and will never return while the communist party rules. Every Chinese family has similar stories to tell. It is no wonder that the Chinese novels published internationally remain pre-occupied with such casually inflicted outrages.

Howard Goldblatt, the translator of *Red Sorghum* and *Raise the Red Lantern*, calls this 'scar literature'. It reflects a deep problem, he says: China has not yet come to terms with the horrors of the Mao years. Its psychic development thus remains to a degree arrested. And no wonder. Some of the most brutal Red Guard leaders remain highly visible. My teacher remarked recently that she had just seen, close up, the man who had led the gangs in inner Beijing and who had broken into the school where a friend taught, ordering her savage beating. By now, it was no surprise to me that, when she spotted him, he was wearing an exquisite suit, stepping out of a chauffeur-driven limousine, and heading for the offices of an international investment bank. He is an executive with one of the Chinese government-owned, Hong Kong-listed 'red chips' that epitomise a process whereby cadres—*ganbu*—and their families are effectively privatising the profitable chunks of China: assuming control and, inch by inch, ownership.

The best known of the red chip barons in Hong Kong is Larry Yung—whose father, Rong Yiren, was a former Shanghai textile magnate and friend of Deng's, and was until recently Vice-President of China. Multimillionaire Yung, a leading member of national communist party committees, enjoys a lifestyle that resembles Kerry Packer's. He loves gambling and grand cars, and

owns a country estate in England where he hunts foxes—wearing, of course, the socialist colour, hunting pink. He is at the pinnacle, but other cadres are doing well too. Two thirds of the trillion dollars in Chinese bank accounts is held by just a tenth of the population, morally sustained by Deng's great slogan: 'To get rich is glorious.' While I had anticipated that post-Mao China would inevitably stray from its egalitarian goals as it sought the improved living standards that rapid growth has brought to many, I was astonished at the extent to which China has become a user-pays society—one, moreover, where few users can afford to pay.

China never built a welfare safety net. Everyone was assigned a work station, which was responsible for providing housing, schooling and health care, as well as a job. Now large numbers of state-owned enterprises (SOEs) are failing. No-one wants to buy their products, and the banks, still all state-owned as well, are also in increasing jeopardy because of the bad debts of SOEs. The banks are being told not to roll over the 'policy loans', in effect government grants, which are keeping many SOEs afloat. The result is millions of people not just without work, but without any other means of support beyond already-stretched relatives—and there are fewer of them today, thanks to the one-child policy. And even those in work cannot easily afford the services they need. A friend in nearby Guangdong province told me of a doctor acquaintance of the family. He had cancer, and launched his own public appeal for funds, via talkback radio, because he could not afford to be treated at the state-run hospital where he worked.

Another friend in Shanghai told of a family who had paid for an operation for an elderly relative, which meant not merely meeting the formal hospital bill but also paying each staff member involved, an individual 'sweetener'.

Tragically, they had forgotten to remunerate the people who pushed the trolley into the operating theatre. So back she went to the ward, until the family coughed up. This led to a round of calls, typical in today's China, to relatives all over the country, and overseas. There is no doubt that personal freedoms have edged forward with living standards over the 20 years since Deng's *kai fang*—'opening the doors'. But great inner contradictions remain, born of China's irreconcilable programs such as the 'democratic dictatorship' heralded by the constitution, and the 'market socialism' introduced by Deng.

I spent a day, last year, at the 'party school' in north-west Beijing, where cadres receive courses. The staff are urbane and well-read, and expect their students to read Adam Smith as well as Karl Marx. The party's ethos may no longer be especially communist in the traditional sense—it could be renamed the Chinese Party—but it continues to insist that all organisations owe it ultimate loyalty. Thus China has no scouts or guides, no Rotarians, no Roman Catholics except those who go underground. And the party's legitimacy depends crucially—since the cultural revolution destroyed any residual ideology—on its continuing to provide economic growth.

It was inevitable, then, that as China's economy hit the Great Wall, as urban unemployment and rural underemployment soared, the leadership would seek a diversion by invoking a second source of legitimacy, patriotism, through identifying an external enemy. This Great Satan is the popularly elected leader of a country with interesting parallels with Australia.

THIS IS A PLACE that excites me, as that imagined and illusory China of 1975 did—but this time, after I have spent some time there.

It has a slightly larger population, 23 million people, than Australia. It and Australia were the only countries in the region—barring China, whose statistics remain under challenge—to grow while the rest fell into recession in the recent Asian turmoil. It buys more Australian exports than China. It has a thriving democracy, where two centrist parties contest every election fiercely; the

Two thirds of the trillion dollars in Chinese bank accounts is held by just a tenth of the population, morally sustained by Deng's great slogan: To get rich is glorious.

semi-circular parliament chamber is a theatre of heated, sometimes physical exchanges. It has an Aboriginal population of similar proportion to Australia's, whose best-known daughter, A-Mei, is the most popular singer in the Chinese world, recently attracting huge crowds to open-air concerts in Beijing—where the only boos came when she thanked the authorities for their help. It has the third-biggest hi-tech industry in the world after the US and Japan. It has flourishing and plural media, beyond state control although loyal to parties.

Investors sometimes complain that its state welfare system is too costly, and that development, such as a proposed Bayer petrochemical plant near Taichung, is too readily halted on environmental grounds. It is a bright, friendly, even funky place. This country is, of course, Taiwan. At Taipei airport, a massive poster shows a group of bright-eyed children thrusting their hands in the air. 'A vote for the future', the slogan reads. 'The promise Taiwan's democracy holds for regional stability.'

Its President, Lee Teng-hui, who stands down next March, when three bitter opponents will vie to succeed, caused Beijing apoplexy on 6 July when he told a German radio interviewer that it would be most appropriate for future talks with China to take place 'guo-yu-guo'—state-to-state. Beijing, which has not ruled Taiwan since 1895, insists that it is a 'rebel province' which it has the right to use force to recapture. But the two are drifting further apart.

A couple of decades ago, it was Taiwan which was insisting that they could still represent Chinese constituencies. Ruled by ageing mainlanders who fled in 1949 with the defeated Kuomintang (KMT) army of Chiang Kai-shek, Taiwan was caught in a time warp. Then martial law was lifted, the KMT reinvented itself as a democratic party, albeit the richest in the world, with some \$22 billion assets, and Taiwan refocused itself internationally. Although Taiwan is the biggest investor in China, with \$60 billion, young Taiwanese feel little affinity with the mainland, identifying themselves as Taiwanese rather than Chinese, and backing President Lee's controversial formulation by 70–80 per cent.

Only arcane diplomatic niceties have it that Taiwan is not a nation. It has its

own constitution, prints its own bank notes, holds its own elections, raises its own army, collects its own taxes. China's writ in no way runs. Yet Beijing continues to claim that it somehow controls Taiwan, even as its media keep publishing photos of the People's Liberation Army preparing to invade: a task that most informed military analysts regard as Mission Impossible, given the relative strengths of the two forces—even without taking a likely US intervention into consideration. The Taiwanese say they may consider reunification—when China is a plural and open democracy. The issue raises questions about the nature of sovereignty similar to those being asked all over the world today—and about the nature of culture. Can people share a culture and a language, but not a country? The Arab world may be such a case.

One way to demonstrate the strength of Taiwan's position is to cite Malcolm Fraser: 'At some point ... it will be China's determination that Taiwan will formally once more be part of China', he wrote in *The Australian* on 27 July. The US 'should cease providing sophisticated arms to Taiwan'. If the Americans 'ignore recent history and give succour ... to those who now quite obviously want an independent Taiwan, they will be heading for a disaster of incomparable proportions.'

But history tells us that authoritarian communist regimes have a limited shelf life, and that empires which attempt to overwhelm minority cultures tend to be prised apart in time. Fraser offers a further history lesson: 'What did Abraham Lincoln say when the American South wished to break away from the Union?' Jiang may not be too bad an old cove, for a ruler of an authoritarian one-party state, but Abe Lincoln he ain't.

Fraser has it, again, the wrong way about. Whose rights are closer to those of the slaves? Those who live on the mainland, or in Taiwan?

He has at least been consistent in his cheer-leading for the PRC. In excoriating Chris Patten as last governor of Hong Kong for upsetting China by enlarging the franchise, Fraser forecast that after the handover 'the democratic institutions will be pushed aside ... What Britain attempted may be good democratic theory, but it is bad for the peace and well-being of Hong Kong's citizens'—who have continued to vote overwhelmingly, when given half a chance, for the democratic parties. Of course Fraser, like Bob Hawke and Paul Keating, who travel frequently to China as business lobbyists, receives red carpet treatment in Beijing. Back home he couldn't even skip the queue at a Bourke Street cinema. After witnessing Deng return from the political grave three times, and Premier Zhu Rongji twice, the Chinese authorities don't wish to take any chances. So any former leader is treated as if he or she might still receive the call ...

Australia is fortunate to have, as well as political groupies, a number of clear-visioned observers of the Chinese scene, among them business people, academics, diplomats and artists who can help guide public opinion through this complex period. They include Pierre Ryckmans who lives in Canberra and whose *The Chairman's New Clothes* (English translation 1977) blew the whistle on the cultural revolution, and who is a gentleman of considerable moral power.

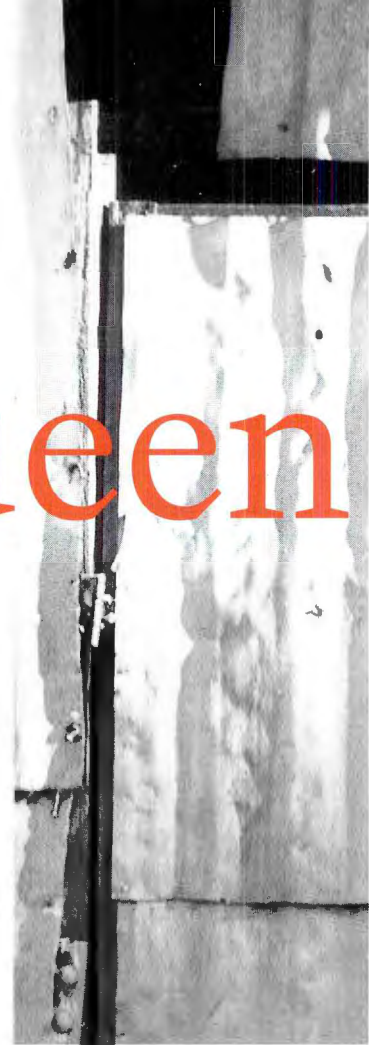
The period after the election of a new Taiwanese president next March is fraught with danger. But it might also be a time when the world starts to wake up to the fact that Taiwan is presenting a model for a new, modern Chinese society that retains significant links with the old. ■

Rowan Callick lives in Hong Kong and is the Greater China Correspondent of *The Australian Financial Review*.

Only arcane diplomatic niceties have it that Taiwan is not a nation. It has its own constitution, prints its own bank notes, holds its own elections, raises its own army, collects its own taxes.

Shed the Queen

Early next year, Australians will experience a visitation. The person in whose name every function of state and federal government in Australia is administered will be passing by. Australia's head of state, 'Elizabeth the Second, by the Grace of God, Queen of Australia and Her other Realms and Territories and Head of the Commonwealth' will visit Australia accompanied by her consort, His Royal Highness Prince Philip, the Duke of Edinburgh.



IT WILL BE THE Queen's 12th visit to Australia since her coronation in 1954, and her first since 1992. In 1954, over six million Australians—more than two thirds of the nation's population—lined the streets of 'city, town and country' to 'catch a glimpse' of the freshly minted majesty that was Elizabeth Regina. The then prime minister Robert Menzies remarked that the Queen's visit expressed the 'living unity of Crown and people'.

As we lurch towards the republic referendum on November 6, protagonists on all sides of the debate would openly acknowledge that Menzies' words are now of historical relevance only. The Australian people and the British Crown are no longer in 'living unity'. In 1999, the Crown is no longer an appropriate or meaningful symbol for Australian democracy. It may have been with us for a long time, but then so have rabbits.

The symbolism which lies at the heart of our political and civic culture is 'broke'. Even our 'monarchist' prime minister John Howard partially acknowledges this truth. Mr Howard is well aware that if we followed the existing conventions of the Olympic Charter, the

Queen, as Australia's head of state, would be opening the Sydney Olympics. Apparently, Mr Howard has decided that he will cut a better ribbon than either Her Majesty or the Governor-General. But if our head of state is not an appropriate symbol for Australia come the Olympics, the question must be asked—why should we continue under false pretences?

Between now and November 6, in the space of little more than four weeks, the fate of the Australian republic is likely to be decided—at least for the medium term. For the next month the republic will dominate the nation's media. A government-funded education campaign, intent on fair and accurate presentation of the constitutional issues involved in the referendum, has already begun. On its heels will come the campaign of misrepresentation—the advertising propaganda of the Yes and No teams, both with \$7 million of government funds to spend.

This referendum is like no other in our history. It connects emotive issues of allegiance and identity with the necessary but often dry arguments associated with constitutional change.

The republican case is supported by almost two thirds of the members of federal parliament, and cuts across the traditional party divide. Every state premier and territory chief minister, except Western Australia's Richard Court, will advocate a Yes vote. Every state opposition leader, except Queensland's Rob Borbidge, will advocate a Yes vote.

Republicans remain confident of a national majority, but uncertain about their ability to secure the necessary majority of states. NSW and Victoria are the republicans' strongest states, Queensland and South Australia their weakest. Recent polls show strong in-principle support for a republic in Western Australia. Kim Beazley's role in the campaign will be critical to the chances of getting Western Australia over the line. Attorney-General Daryl Williams' calm voice of support will also prove invaluable. Tasmanians may be persuaded by Bob Brown, Brian Harradine, Christine Milne, Premier Jim Bacon and opposition Leader Sue Napier to vote Yes. If the referendum is to pass, then the most likely combination of assenting States



will be NSW, Victoria, Western Australia and Tasmania.

The referendum will turn on three issues: the ability of republicans to place the monarchy and nationality of the head of state at the centre of the debate; the effectiveness of the No side's scare campaign, which will focus specifically on the appointment and dismissal mechanisms at the heart of the bipartisan appointment model; and the ability of minimalist republicans to win over direct election republicans. In short, the head of state, the model and the spectre of popular election will be the focal points of the coming debate.

The Monarchy and the Head of State

Hereditary succession is a burlesque upon monarchy. It puts it in the most ridiculous light, by presenting it as an office which any child or idiot may fill. It requires some talents to be a common mechanic; but, to be a King requires only the animal figure of man—a sort of breathing automaton. This sort of superstition may last a few years more, but it cannot long resist the awakened reason and interest of man.

—Thomas Paine, *Rights of Man*, 1791

Writing at a time when monarchs not only reigned but governed, Thomas Paine allowed his blind faith in reason to persuade him that monarchy would not survive the onslaught of the Enlightenment. Paine did not foresee the emergence of modern constitutional monarchy, a system of government which would accommodate the progress of democracy by gradually ceding sovereignty to parliament.

Australian political institutions developed in tandem with the emergence of the crowned republic in Britain. When Europeans first arrived in Australia in the late 18th century, King George III was still asserting the monarch's right to veto legislation. By the time the colony of NSW was granted a House of Assembly in 1833, the British monarch would never again veto legislation except on the advice of the prime minister. In Australia, state and federal governments evolved slowly into 'crowned republics'. After the Australia Act of 1986, there was no longer any monarchical or colonial impediment to Australian independence, save one important and largely symbolic office—Australia's head of state.

The benign features of monarchy in the Australian context have always made the task of republicans that much harder. There is no tyrannical ogre to fight, no foreign army on our shores; even the cultural cringe is a quaint piece of nostalgia. We are no longer dependent on Great Britain or her now somewhat tarnished Crown. While Australian republicans have occasionally evoked Paine by pointing out the nonsense of hereditary rule and the discriminatory practices which form the basis of the laws of succession to the British throne, it has been the arguments associated with the monarch's nationality that have carried most weight. Hence the slogans which flag the campaign of the Australian Republican Movement—'resident for president' and 'one of us for head of state'.

Since the reactivation of the republic debate in 1991, there has been ongoing disagreement over the identity of Australia's head of state. Monarchists claim that the Governor-General is our head of state; republicans claim that the Queen is head of state. Reading the Australian Constitution, one could be forgiven for perceiving the Governor-

General as the lackey of the monarch—a local stand-in for the real thing. Section 2 of the Constitution states that the 'Governor-General appointed by the Queen shall be Her Majesty's representative in the Commonwealth'.

There is no doubt that the Queen is formally Australia's head of state. But it is also true that, while the office of Governor-General in Australia may have begun as the embodiment of our colonial dependence, it has since evolved: the Governor-General, for most practical purposes, serves Australia as head of state. But to understand the republican case for change, we need only look at what happens when the Queen ceases to be a merely nominal head of state and steps on to Australian soil.

Since the Queen's first visit in 1954, Australian officials have gone to great lengths to ensure that correct protocol procedures are in place for royal occasions. Asher Joel's *Australian Protocol and Procedures*, published in 1982, offers important advice for those who might bump into the Royal Party next year and are uncertain as to how they should greet Her Majesty:

It is now no longer expected of a person to wait for the Sovereign or a member of the Royal Family to begin a conversation. Once introductions have been effected, it is normal for a conversation to flow naturally and not just remain on a question and monosyllable answer basis. The discontinuance of a conversation, however, still remains with Royalty. It remains the practice for ladies to curtsy before Royalty. However, those untrained in this form of respect may bob or bow ... Men should bow their heads. When a member of the Royal Family extends a hand in greeting, this handshake is returned. It is incorrect to squeeze or gain a tight control in accepting a handshake or to kiss the hand. The initiative for a handshake is always with Royalty.

IF WE LAUGH AT the absurd formalities associated with our current head of state, it is because we are an egalitarian people. The pomp and circumstance which trails monarchy is not our way. Come the Australian republic, we can only hope that the hand of our head of state will be squeezed in a way which mirrors the full diversity of Australia's population—it

won't matter if you're inclined to the limp hand, the rock-hard crunch or the exuberant kiss—the president will cope with all comers.

For the moment, however, we are left with an anachronism. When the Queen arrives in Australia, she is empowered, by the Royal Powers Act of 1953, to exercise the statutory powers that are normally exercised by the Governor-General. Although the Governor-General retains the powers conferred on him by the Constitution, there are times—when

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the Queen exercises her role as Australia's head of state, for example—when it is simply not appropriate for the Governor-General to be present. On such occasions, the Governor-General politely disappears and the Queen takes precedence. Typical examples would be the opening of parliament or an Executive Council meeting over which the Queen had been invited to preside. Nor does the Governor-General 'attend Her Majesty in the states'; these occasions allow state Governors their opportunity to squeeze the royal hand.

In 1994, Sir Zelman Cowen remarked that during his time as Governor-General (1977–1982) there was a 'strange and altogether anomalous notion that the Governor-General is not present in a public place when the Queen is performing a public function in Australia'. Shortly before the opening of the new High Court building in Canberra in 1980, it was made clear to Cowen that he was 'not to be present'. Said Cowen, 'I have always felt very deeply about this exclusion; it is in my view wanting in principle and demeaning to the office of Governor-General.' This situation would probably not arise in 1999. Nonetheless,

it is clear that the Governor-General is put in his place when the Queen is on Australian soil. Australia has only one head of state—Queen Elizabeth II.

It is only since the early 1970s, from the time of Sir Paul Hasluck's tenure, that the Australian Governor-General has represented Australia internationally. When the Governor-General travels overseas, he should now be granted full head of state status. Except of course when he travels to Britain. When the Queen travels outside of Britain, she

travels as Britain's head of state. When the Queen is in Australia, she is also 'Queen of Australia', Australia's head of state. If the Governor-General were to be overseas during the Queen's visit, he would be treated as Australia's head of state. If he were in Australia, there would be occasions when he would be 'missing, presumed in hiding'.

This is a bizarre arrangement which cannot possibly be said to be in keeping with Australia's status as an independent nation. Its logic is fuzzy and it smacks of colonialism. Australians should be in no doubt as to who their head of state is. We all remember the overwhelmingly positive reaction to Sir William Deane's support for those Australians who died in the recent Swiss trekking disaster. The Queen could not have represented Australia in the same way. If we no longer see the Queen as our head of state in practice, then it is time we severed the last formal ties with the monarchy.

The Model

Republicans think the president should be able to mislead the people, misuse the power and put cigars anywhere he likes without fear of impeachment ... [the

republic campaign is similar to Germany's plunge into fascism in the 1930s] when power-hungry individuals manipulated the Constitution until one man could attain dictatorial powers.

—David Elliot, Campaign Director of Australians for Constitutional Monarchy

There is more than one question which the November referendum will answer. In broad historical terms, the referendum will either witness the continuation of the tradition of gradual evolution towards independence which has characterised Australian constitutional history since first settlement, or signal a new willingness to embrace American notions of popular democracy. Rejection of the republican proposal could hardly be read as a vote for the monarchy, although this could easily be the unintended result if the scaremongers have their way.

The basic features of the so-called bipartisan appointment model being proposed in November are as follows:

- A 32-member presidential nomination committee comprising eight federal MPs, eight state and territory MPs and 16 community representatives (who cannot be serving politicians) receives public nominations for the presidency and produces a shortlist of candidates. Nominations can be made public with the consent of the nominee, but the shortlist will not be made public.
- Any Australian citizen or group of citizens can nominate another citizen for president.
- The prime minister, after consultation with the leader of the opposition and other parties in the parliament, decides on one name to go before a joint sitting of federal parliament.
- A two-thirds majority of federal parliamentary members is required for the appointment of a president.
- The powers of the president will be the same as the Governor-General. The exercise of both reserve and non-reserve powers will continue according to existing conventions. The government is proposing an additional paragraph in Section 59 of the Constitution which insists that the president acts only on ministerial advice, while continuing to exercise the reserve powers according to existing conventions. The most important reserve powers are those that

concern the appointment and dismissal of a prime minister and the power to force or refuse the dissolution of parliament.

- Just as the prime minister currently has the power to dismiss the Governor-General, the prime minister will have the power to dismiss a president. The dismissal must be approved by the House of Representatives within 30 days. After dismissing a president, the prime minister cannot appoint a president of his own choosing. A dismissed president is still eligible for reappointment.

- The states remain free to decide their own constitutional arrangements in the advent of a federal republic.

While we all have our individual preference for particular models, we should also remember that any model can be presented by the scaremongers as a dance with Armageddon. Monarchist and federal minister, Tony Abbott, has added the phrase 'ethnic cleansing' to the debate's lexicon (referring to proposals that would preclude the referendum



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votes of British migrants who have not taken out citizenship). More temperate monarchists, like the National Convenor of Australians for Constitutional Monarchy, Professor David Flint, characterise the bipartisan appointment model as an old-fashioned power grab by Canberra.

The scaremongering strategy is simple: you persuade the Australian electorate that under the republic a prime minister will wake up one morning, decide he doesn't like the president, then sack him. You convince voters that so long as the Crown hovers over Australia, we are safe—the system 'works well'—but as soon as the republic is declared, the system will fall apart. All of

Australia's political traditions and culture will be destroyed and every member of the executive will suddenly behave like a teetotaling Boris Yeltsin.

The truth is that the model is an improvement on the system we have now. Any faults in the model are the same as the faults in the current system. The model sets out to make Australia a republic while preserving our current system of government.

Under the bipartisan appointment model, the prime minister will have less power than he does now. He will be forced to consider public nominations for the presidency. He will have to consult with the leader of the opposition and the Senate. He will not be able to dismiss a president 'at whim', because he will be constrained by the same conventions that currently stop the prime minister from sacking the Governor-General 'at whim'. The political circumstances which give rise to constitutional crises are rare. When they do arise, the prime minister

must take into account the political ramifications of dismissing a president.

In 1999, the bipartisan appointment model is the safest and most appropriate way for Australia to make the transition to a republic.

'With Hope in God'

Mr Howard will also ask voters on November 6 to approve his new constitutional preamble. In proposing it, he is admitting that the current preamble is no longer adequate. The current preamble states that Australia is 'one indissoluble Commonwealth under the Crown of Great Britain and Ireland'. Mr Howard intends to replace the preamble's

monarchical symbolism with more contemporary aspirations—a tacit admission that the symbolism of monarchy is dead. Yet for reasons best known to himself, he insists that the best interests of the Commonwealth will be served by Australia's remaining 'under the Crown of Great Britain and Ireland'.

It is worth remembering that the Prime Minister largely ignored the recommendations of the Constitutional Convention on the content of the preamble and made no effort to consult the Australian people. The preamble is the unfortunate product of partisan politics when it clearly had the potential to be so much more. If the preamble is approved in November, it will carry some amusing anomalies in its wake.

By inserting a new preamble in our Constitution and leaving the current preamble untouched, the government will create a Constitution with two preambles. The old preamble (part of the covering clauses and not formally part of the Constitution proper, but still very much part of the printed document) and

the new Howard preamble, which, if approved, will appear after the covering clauses. Mr Howard's preamble also contains no provision for a republican amendment to the new preamble in the advent of a Yes vote on November 6. This could result in Australia's being the only republic in the world which carries one preamble in its Constitution which states it is a Commonwealth 'under the Crown of Great Britain and Ireland' and another which makes no mention of the fact that it is a republic. An Australian innovation.

In addition, the government will insert a new section (125a) in the Constitution, apparently designed to ensure that the truths we hold to be self-evident are legally impotent. This is another 'world first' and should cause considerable mirth among constitutional lawyers. 'We the people of Australia do not want the courts to take our beliefs seriously. We sincerely regret any misleading statements in our new preamble.'

By far the most important question before voters on November 6 is the question on the republic.

The Spectre of Popular Election

The choice being put to us is not about democracy ... It is about control. It provides yet another sinecure for non-indigenous establishment men who are of like mind to those already in power.

—Dr Jocelynn Scutt, barrister

Someone recently asked me who I thought was winning the republic debate. I replied that if the debate continued along current lines, the republicans would easily defeat the republicans.

It will be difficult to win the referendum if republicans continue to bicker among themselves. The opinion polls indicate strong in-principle support for a republic. If republicans can bury their differences, victory on November 6 will be overwhelming. There are already signs that a broad coalition of republicans is gathering behind the Yes team. Andrew Robb's 'Conservatives for an Australian head of state' and Tim Costello and Moira Rayner's 'Yes and More' group come from opposite ends of the political spectrum and advocate a Yes vote for different reasons.

SUCCESS IN NOVEMBER would be an enormous boost for further constitutional change. It would demonstrate to those who keep harping on the history of failed referenda, that the declaration of an Australian republic is the first step in framing a new Constitution. If republicans are to achieve even a measure of unity, they must first remind themselves of what they hold in common.

Regardless of which model they support, all republicans agree on these fundamental principles:

- They reject the principle of hereditary rule and discrimination on the grounds of sex and religion.
- They reject the sovereignty of the Crown and demand the explicit sovereignty of the people.
- They call for an Australian president to replace the Queen and Governor-General as head of state.
- They assert that the primary allegiance of Australian citizens is to the laws, institutions and symbols of Australia, not to Queen Elizabeth II.
- They believe that the declaration of a republic is a powerful symbol of the independence and unique national identity of the Australian people.



There is one other common factor: republicans, of whatever kind, are *not* members of Australians for Constitutional Monarchy. One should remember this when assessing the diversionary antics of independent MP Ted Mack, and minister Peter Reith, who line up with the monarchists to campaign for a No vote. Mr Reith, for example, claims he supports a popularly elected president. Yet he sounds very much like a monarchist when he wraps himself in the flag and declares his unflinching love for the Union Jack.

One thing is clear. The points which unite republicans are stronger than those that divide them. There should be room for compromise over questions of strategy, models and future outcomes. Republicans are not fighting over their fundamental beliefs; they simply disagree on how they might best be realised. It is contradictory, for example, to believe that more radical change to the Constitution will come from reaffirming the status quo. The impetus for further change can only come from fostering a political environment receptive to constitutional change. There is only one way to do this. Vote Yes in November.

The polls tell us that there is strong support for a popularly elected head of state. The most significant rise in support for popular election occurred after the election of the Howard government in 1996. At the same time, a more pernicious form of populism was on the rise—in the figure of Pauline Hanson and One Nation. The fact that the rise of populism in Australia in the late 1990s coincided with increased sympathy for a popularly elected head of state stems from the same root cause: disillusion with politics and a desire for a more participatory democracy.

Australians who want to have a greater say in government decision-making are in danger of being hoodwinked into believing that a national popular vote for an individual with largely ceremonial powers will achieve that aim. It won't. All it will do is guarantee the marketing and packaging of personalities who will compete every five years on national television for the presidency. They will be backed by political parties or large corporations. They will be the captives of their sponsors. When they finally manage to amass the millions of dollars necessary

to run a presidential campaign, they will then hire their advisers, spin doctors and publicists to sell their product. This gaudy carnival will give no Australian citizen a greater say in government.

If you want a greater say in government, join a political party, start a new party, join an interest group or community organisation which has the ear of government. Consider other constitutional reforms which will enhance participatory democracy. But don't be fooled by those individuals, and they are mostly opportunistic individuals, who keep arguing that a vote for the most media-friendly and successful money magnet every five years will somehow give you more power. Your vote in the local council elections is more important.

Sir Zelman Cowen, one republican of note who will be voting Yes in November, recently remarked on one of the lessons he learned while travelling Australia and meeting the people during his time as Governor-General. Through his work he came to understand that the most important role of a head of state was to 'represent the nation to itself'.

Imagine that the Australian president is about to attend a function in your local community. Forty-five per cent of the audience voted against the president at the recent presidential election. The remainder voted for the president with various levels of enthusiasm. As the president enters the room, some people stiffen, some faint, others yawn. This president, elected by a majority, but equally spurned by millions of Australians, cannot possibly represent all of us. Only an appointed president, chosen by a two-thirds majority of parliament after nominations from the people, can achieve this. Then we will have a head of state who is 'one of us' and who is 'for all of us'.

Protocol may still dictate that 'the discontinuance of a conversation remains with royalty'. But it is time that we developed a protocol more suited to the land and culture in which we live. The first step is to take the initiative and end our 211-year 'conversation' with the British monarchy. ■

Mark McKenna is a post-doctoral fellow in the Political Science Program at the Research School of the Social Sciences, Australian National University.



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Say Ches

*For eleven years, **Ches Antony Baragwanath** was Auditor-General for the State of Victoria. He served a succession of governments, giving critical assessments without fear or favour and, in consequence, drew fire from both political parties. In August, he received the Voltaire Award from Free Speech Victoria for his contributions to Australian public debate. His acceptance speech, below, is a citizen's guide to government accountability.*

IN WORKING ON THIS ADDRESS ON accountability, or the right to know, I thought a good starting point would be to go back to basics and spell out where our right to know is codified. I had hoped to find something like Article 14 of the 1791 French Declaration of the Rights of Man:

All citizens have the right to ascertain, either in person or through their representatives, the necessity for public taxation, to consent freely thereto, to observe its expenditure and to determine its apportionment, its assessment, its collection and its duration.

This provision is mirrored in the constitution of numerous administrations. Many American states have constitutionalised the right to know. Florida's Constitution, for example, provides that 'it is the policy of this state that all state, county and municipal records shall be open for personal inspection by any person.'

Unfortunately, my search locally was fairly fruitless. There is no Bill of Rights in Australia as there is in South Africa, Canada, New Zealand and elsewhere, nor is the right to know specifically enshrined in our Constitution. This left me in a bit of a quandary. Does an Australian citizen actually have a right to know or is it merely another motherhood statement bandied around at election time or used pontifically by people such as auditors-general and ombudsmen? In this context, I note that at the Melbourne Writers' Festival recently, the human rights lawyer, Geoffrey Robertson, expressed the view that the adoption of a Bill of Rights was more important than changing the symbolic position of head of state. In the absence of a Bill of Rights, it is no wonder that politicians like Paul Keating can describe, as he did, the right to know not as a right, but actually a privilege.

Of course, we have Freedom of Information legislation which refers to a 'general right of access to

information', but in Victoria this Act is 'limited only by exception and exemptions necessary for the protection of essential public interests'. Unfortunately, the Victorian Government's interests appear to take overwhelming precedence over the public interest to such an extent that the Act, I believe, should be retitled the Restriction of Information Act. Its 100 pages are mainly devoted to exceptions and exemptions rather than rights of access to information.

As Sir Humphrey Appleby cynically commented:

Open government, Minister. Freedom of Information. We must always tell the press freely and frankly whatever they would find out some other way. It is only totalitarian governments that suppress facts. In this country we simply take a democratic decision not to publish them.

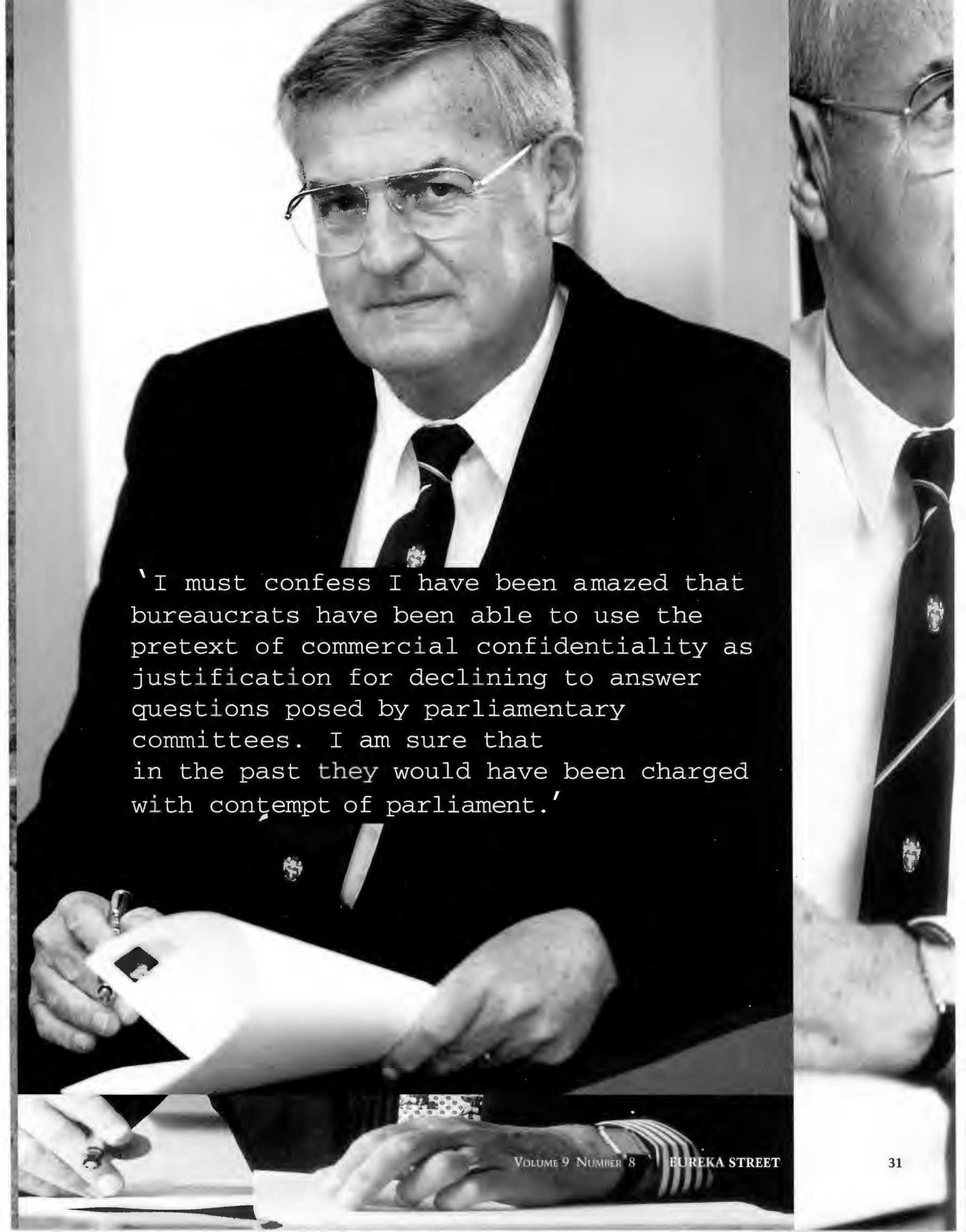
The Courts and various Royal Commissions have, however, been relatively outspoken on a citizen's right to know.

Justice Mason, in *Commonwealth v John Fairfax and Sons* (1980), stated:

It is unacceptable, in our democratic society that there should be a restraint on the publication of information relating to government when the only vice of that information is that it enables the public to discuss, review and criticise government action.

Commissioner Fitzgerald, in the Queensland Royal Commission Report in the mid 1980s (and there are similarities between Queensland in the '80s and Victoria in the '90s) states:

Without information there can be no accountability. In an atmosphere of secrecy or inadequate information, corruption flourishes. Wherever secrecy exists there will be people prepared to manipulate it. It is essential that government is not able to claim that secrecy is necessary when the only thing at risk is the exposure of a blunder or a crime. Secrecy and



'I must confess I have been amazed that bureaucrats have been able to use the pretext of commercial confidentiality as justification for declining to answer questions posed by parliamentary committees. I am sure that in the past they would have been charged with contempt of parliament.'

propaganda are major impediments to accountability, which is a prerequisite for the proper functioning of the political process. Worse, they are the hallmarks of a diversion of power from the parliament.

Public opinion can be an important check on the powerful. It is a fundamental trust of a democratic system that public opinion is given effect in regular free and fair election. But public opinion must be informed to be effective.

Information is the linchpin of the political process. Knowledge is quite literally power. If the public is not informed, it cannot take part in the political process with any real effect.

Westminster system is difficult and sometimes impossible. This difficulty is exemplified in the way that official witnesses from the bureaucracy may be prevented from providing information to parliamentary committees. I must confess I have been amazed that bureaucrats have been able to use the pretext of commercial confidentiality as justification for declining to answer questions posed by parliamentary committees. I am sure that in the past they would have been charged with contempt of parliament. The Victorian Parliament, however, has meekly acquiesced to this diversion of power.

A number of state governments have claimed 'commercial confidentiality' to avoid public scrutiny of government business relations and the operations of government business enterprises. The WA Inc. Royal Commission was critical of this process as it had operated in Western Australia during the Burke administration.

In circumstances where the financial position of the state can be affected by government contractual relationships with the private sector, one has to ask whether the current arrangements

adequately ensure accountability of government to the parliament and ultimately to the electorate.


Responsible government is a fundamental principle of the Australian constitutional structure, and responsible government in this context means that the ministers of the Crown are responsible to the parliament for the activities of government.

Parliament is not in a position to be responsible where parliament itself is 'in the dark' regarding the activities of the Crown.

And the fact that parliament is unable to obtain or unwilling to demand information translates into a broader concern. That is, where the activities of government regarding matters of public importance are not known, it is not possible for voters to make an informed electoral judgment on the basis of a government's record. Secrecy prevents that record from being known and scrutinised by parliament and the community.

The difficulties faced by parliaments in monitoring the activities of the executive were vividly illustrated by one of our longest-serving parliamentarians, Barry Jones, who, in an address as far back as 1980, stated:

The Australian Parliament is no longer a legislature within the Westminster tradition. It has become a mere electoral college charged with the responsibility of certifying the election results, authorising the installation of the executive and then, provided that



' Barry Jones posed the question: "How can we cast informed votes in the parliament or in the polling booth when we do not understand what is going on?" Nineteen years later, I believe that question still remains unanswered.'

That governments are accountable electorally is indisputable. This, however, does not answer the question about what 'accountable' in a government context entails. In a general sense, to be 'accountable' means that the party having the responsibility to account is both 'trusted' and 'subject to independent judgment' regarding its stewardship. To be trusted and to be subject to the independent judgment of others regarding the discharge of that trust are matters that do not sit easily with the structure and practice of government in Australia today.

ACCOUNTABILITY IS A COMPLEX and multi-dimensional concept when it is applied to a government. One of the fundamental tenets of full government accountability is that information regarding government activities should be available.

Openness is not an absolute value. Nonetheless, the public does require reassurance about those matters where secrecy can legitimately be claimed by an executive government.

Accountability has been the subject of comment and concern in some major government contractual arrangements. These contracts have been undertaken pursuant to the prerogative powers of the Crown and the parliament has not been provided with adequate information regarding the nature of those commitments.

It has been claimed that most Westminster-system governments are excessively secretive. Public scrutiny of executive government under the

the executive has a majority in both houses, sitting back to watch the operations of government: to ask some questions, to make some noise but essentially to take a passive role in shaping and achieving national goals.

Barry Jones posed the question: 'How can we cast informed votes in the parliament or in the polling booth when we do not understand what is going on?'

Nineteen years later, I believe that question still remains unanswered.

I AM OFTEN ASKED why there should be a higher standard of accountability in the government sector than the private sector.

In a report to the Victorian Parliament ten years ago, I pointed out that in the private sector, one of the main mechanisms for achieving accountability is the provision by management of audited financial statements. Such statements allow shareholders and other interested parties, such as creditors, to make decisions about whether or not to maintain their investments or to continue to provide credit. Many of these decisions are based on an entity's performance as reflected by its profits. It could therefore be said that private sector entities are primarily held accountable through their 'bottom line'.

The public sector, however, by its very nature differs from the private sector and this has consequential implications for the nature of, and mechanisms used, to achieve accountability. Two such important differences come immediately to mind.

First, the objectives of the public sector are not entirely related to profit maximisation as is generally the case with the private sector. Rather, the public sector aims to achieve a range of often competing social, political and economic goals on behalf of the public at large. These goals are set in broad terms through the political process and further refined through administrative processes within the government. This diversity of objectives means that 'bottom line' accountability is often inadequate in the public sector since it is rarely an accurate reflection of performance.

Second, those who participate in business ventures—be it as sole traders, partners or shareholders in companies—do so voluntarily. It is their capital which is at risk. In contrast, governments have the power to acquire financial resources compulsorily and use this power to tax members of the community. Taxpayers accept this compulsory power in the expectation that there will be a full accounting for the use of such resources in terms of probity, legality, economy, efficiency and effectiveness.

In view of such differences, the concept of accountability in the public sector takes on additional significance. In the public sector, those who have been entrusted with the community's resources, and with

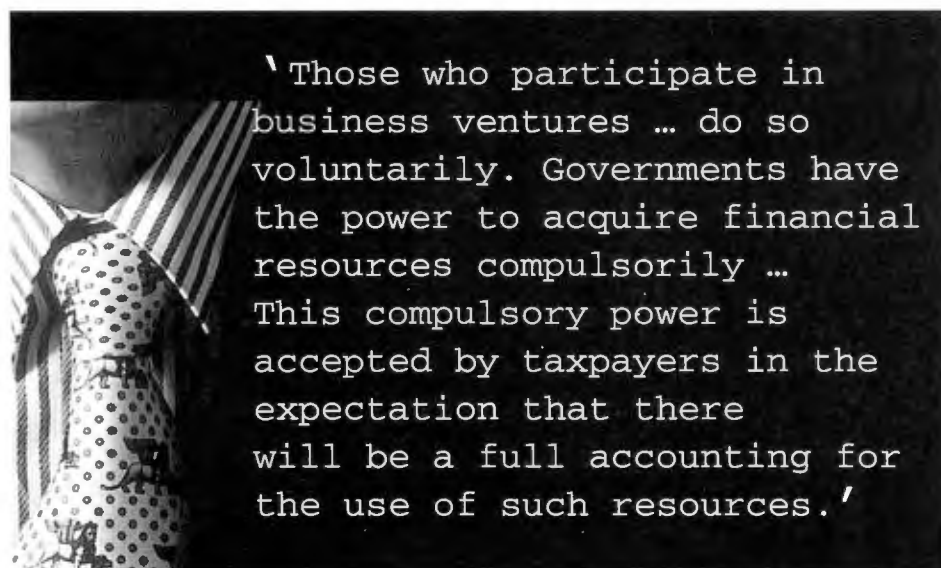
the power to regulate many aspects of people's lives, must recognise and respond to the consequential responsibility to account to the public for all resources used and for all aspects of their performance.

Over the last decade, government has changed profoundly:

- Public utilities are being privatised;
- Hospital and prison management are being contracted out;
- The public service is being downsized;
- Senior public servants no longer have tenure but are now on performance contracts and in some jurisdictions can be dismissed with a month's notice.

Current philosophy ordains that while a government may be obliged to provide services, it does not necessarily have an obligation to produce such services.

Under this philosophy, the use of private contractors to provide services previously provided by the public sector has been developed to a fine art. I have already referred to jails and hospitals. In the United Kingdom, even the nuclear early warning system is now operated by a private contractor. In Papua New Guinea we have seen in the Sandline saga the attempt to contract out defence services.



Professor Arie Freiberg of the University of Melbourne, in an address in 1997, pointed out that government-by-contract has many implications. What accountability mechanisms are required under the new system of contractualised government? How effective are they in the face of the burgeoning claims of commercial confidentiality?

In various Australian jurisdictions, a number of committees have examined, or are presently examining, the implications of the contracting out of government services. These include the Senate Finance and Public Administration References Committee, looking at public accountability for government services provided by private contractors;

the Administrative Review Council, looking at the administrative law implications of contracting out; and the Public Accounts and Estimates Committee of the Victorian Parliament, which has launched an inquiry into commercial confidentiality and the public interest. The NSW Independent Commission Against Corruption has a watching brief on the relationship between contracting out and corruption.

IT IS POSSIBLE BRIEFLY to sketch some of the implications of contracting out. They include:

- The growth in the use of commercial confidentiality to restrict access to government information;
- The diminution of public law accountability—that is, the exclusion of the jurisdiction of the Ombudsman and public law remedies such as administrative review legislation;
- Changes in the concepts of accountability, which becomes determined less by the public interest than by consideration of financial efficiency and cost-related numerical targets;
- Changing notions of ‘public interest’, in that contracts limit the number of interested parties, whereas ‘public interest’ recognises a wider range of constituencies;
- Increased, or changed, opportunities for corruption in the contracting process; and
- A diminution in the challengeability of contracts, brought about by the doctrine of privity of contract.

In my 1996 Annual Report as Auditor-General, I expressed concerns that claims of commercial confidentiality had hampered my ability to report freely, openly and comprehensively on outsourced activities.

In Victoria, both in relation to state-owned enterprises and in the budget papers relating to core government activities, less and less information is becoming available. The *State-Owned Enterprises Act 1993* restricts access to the financial and operating records of state-owned authorities and therefore diminishes the opportunity for independent scrutiny. The budget papers are becoming more opaque as more government spending is channelled through contracts with the private sector. Kenneth Davidson, economics commentator for *The Age*, argues that expenditures incurred by the process of ‘steering’ rather than ‘rowing’ are now:

Hidden behind the notion of ‘commercial-in-confidence’. This is simply a fig leaf to hide lack of accountability. Lack of accountability leads to bad government and ultimately to corruption. ... I believe that if you take the Queen’s shilling, the fact of the taking and the precise reasons why it was taken should be made public in a manner that is easily accessible by members of the public who have not spent a lifetime trying to find their way through a labyrinth of state public accounts.

Linda Hancock, in *The Kennett Revolution* (UNSW Press, 1999), noted that:

Accountability has changed structurally and directionally, with the traditional bureaucratic approach giving way to a narrow emphasis on budgetary control through corporatised structures and regulatory bodies. Parliamentary scrutiny has been diminished, and the changes have taken place in the context of politicised and silenced public and community sectors. Despite the rhetoric that the public service revolution has made government ‘more accountable’, this shift raises important questions of citizenship and accountable government.

According to Ms Hancock, the combined effect of the shift has been changes to institutional structures, loss of social capital, loss of trust, and a shift from bureaucratic and civic accountability to output and budget accountability under market policies.

Our capacity to know has in recent years been diminished by measures such as:

- Abolition of the Victorian Law Reform Commission;
- Abolition of the Accident Compensation Tribunal and changes to crimes compensation;
- The sacking of 11 Accident Compensation Tribunal judges;
- The removal of the Equal Opportunity Commissioner, Moira Rayner, by abolishing her position;
- Amendments to Freedom of Information legislation, increasing fees, introducing charges for members of parliament and expanding the definition of exempt and ‘commercial-in-confidence’ documents;
- The introduction of daily court fees for civil court action and escalated fees for the issuing of writs and other legal procedures; and
- Legislative changes restricting the role of the Office of the Victorian Auditor-General.

Perth lawyer, John Gordon, writing in the *Law Institute Journal* last year on accountability, concluded his article with the following call to arms:

- Every time any government in Australia reduces or abolishes the rights of access to courts to challenge or review the actions of government or private organisations which are the recipients of government patronage;
- every time the right of review of an executive or administrative decision to an independent tribunal is restricted or abolished;
- every time common law rights which have served us well for hundreds of years are constrained or removed;
- every time judicial or audit independence and discretion is threatened; and
- every time rights are unilaterally, or worse, retrospectively removed by government decree or regulation; we should be massing in the streets to campaign against such erosion of liberty and to prevent them ever again being subject to such threat. ■

Ches Baragwanath was Victorian Auditor-General from 1988 to 1999. This is an edited version of a speech he gave for Free Speech Victoria on 25 August 1999.



Seeing justice done

The International Commission of Jurists is currently gathering vital testimony from the East Timorese refugees in Darwin.

Any future war crimes tribunal would need such contemporary evidence to charge and convict those responsible for the devastation of a country and its people.

But the passage of time blunts the will, blurs the truth and discredits the evidence required to bring people to justice.

Suzanne Edgar investigates Australia's record in the case of Konrads Kalejs.

THE AUSTRALIAN OF 12 JULY 1999 revealed that 'Australia's most notorious alleged war criminal, Konrads Kalejs', 86, had left the country.

This sparked a worldwide search for him by the Nazi-hunting organisation, the Simon Wiesenthal Centre. Apparently Kalejs left Australia on 8 June last year, only a month after the Australian Government informed him that he would be free to live out his life peacefully in Australia. Prime Minister Howard had claimed that there was 'insufficient evidence' to prosecute Kalejs. He is expected to attempt a return to North America. In any country outside Australia, however, Kalejs is likely to find himself extradited to face trial in Latvia for war crimes committed there during World War II.

Australian chairman of the World Jewish Congress, Isi Leibler, found Howard's decision 'highly regrettable'; Jeremy Jones, vice-president of the Executive Council of Australian Jewry, deplored the effect the government's stand would have on the international reputation of Australia's system of justice. In her ABC Radio National 'column of the air' for 8 May 1998, Marion Frith spoke out strongly against the decision.

The 1997 discussion of the Kalejs case, following the earlier controversy about Helen Darville's novel, *The Hand that Signed the Paper* (published 1994,

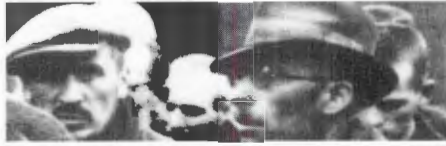
initially under the name Demidenko), revived the issue of whether Australia should try World War II Nazi collaborators, now old men, or leave them alone at this late stage. Australia has never successfully prosecuted anyone accused of war crimes in another country, although our law permits it.

Holocaust survivors in Melbourne are not the only ones to have been filled with disquiet by the leniency shown to Kalejs. Courts in North America have twice established that he has a case to answer.

The story is riddled with moral complexity. In August 1997 the Latvian-born Kalejs was deported to Australia from North America, for the second time. The Australian Federal Police then began seeking evidence about him in Latvia, Canada and the USA, in an effort to decide whether he should be tried here. The question of a trial arose because in 1957 Kalejs became, and has remained, a naturalised Australian citizen. Despite this, he has lived for most of the intervening years in America. Following his 1997 deportation to Australia, he lived at the Latvian retirement village in Wantirna, Melbourne.

Awareness of Australia's responsibility concerning resident war criminals first developed during the

1980s when a dispute was waged in the media, in parliament and among concerned individuals. Later, two fictional works, the memorable film *Father* (1990) and Darville's novel, reflected that debate and foreshadowed discussion about Kalejs.



In the Australian judicial system, lapse of time is not a justification for withholding prosecution for serious crimes like murder; neither is the fact that a person may have led a blameless life since committing a crime, although this could be considered as grounds for the mitigation of a sentence.

In 1986 the ABC Radio National program *Background Briefing* ran a series made by Mark Aarons called 'Nazis in Australia'. It argued that alleged war criminals have found a haven here alongside bona fide refugees. The ABC broadcasts were followed by an ABC *Four Corners* television documentary, 'Don't Mention the War'.

The two programs provoked questions in both state and federal parliaments. Bob Hawke's government appointed A.C. Menzies (former senior public servant in the Attorney-General's Department) to conduct an inquiry. His report was published as the *Review of Material Relating to the Entry of Suspected War Criminals into Australia* (Canberra, 1986).

Menzies emphasised that, in the Australian judicial system, lapse of time is *not* a justification for withholding prosecution for serious crimes like murder; neither is the fact that a person may have led a blameless life since committing a crime, although this could be considered as grounds for the mitigation of a sentence. He believed that 'the chapter should not be closed in regard to serious war

crimes'. Significantly, Menzies investigated material about Kalejs, noting that if he were to be deported from America (as would prove to be the case), 'it would be the first instance of a person in Australia in respect of whom there is a judicial decision in effect, determining his guilt of a war crime'.

Widespread comment, some of it anti-Semitic, greeted the Menzies review. In 1988 the Federal Government passed a War Crimes Amendment Act, to allow prosecution in our courts for atrocities committed during World War II, outside Australia, by naturalised citizens. A Special Investigations Unit (SIU), headed by Bob Greenwood QC, began assembling evidence. Mark Aarons expanded his research and published *Sanctuary* (1989). That year saw the first prosecution under the Act in Adelaide.

The trial caused an outcry about poor, harmless pensioners: why persecute them so late in the day when they have become law-abiding citizens and grandfathers? This position clearly influenced Helen Darville. It was a view which ignored the fact that Holocaust victims were deprived of a chance to grow old and become grandparents.

The first three prosecutions stimulated by the SIU's investigations failed to obtain a conviction: there was a problem with obtaining evidence; witnesses had often disappeared or died; the memories of the aged were unreliable. To Greenwood's immense frustration, and just as the unit was getting into its stride, it was disbanded in 1992, mainly for political reasons. Many had perceived its operations to be vengeful.

The SIU had known that Kalejs had assisted in the shooting of civilians and the destruction of villages; also that he'd been a company commander of the notorious Latvian Auxiliary Security Police, or Arajs Kommando (raised and supervised by Hitler's SS), in at least four concentration camps. In West Germany in 1980 the kommando's leader, Viktors Arajs, had been tried and received a life sentence for wartime atrocities.

The SIU did not recommend that Kalejs be tried. Since then, however, incriminating new material about him has surfaced from eyewitnesses and wartime colleagues and this evidence caused his second deportation, to Australia from Canada in August 1997.

WHO is this man?

Sponsored by the International Refugee Organization (IRO), he was accepted by the Australian Government for emigration in 1950. At the time, Australia was fighting communism in Korea and was more alert to a red menace than possible criminals from a war won and past. Federal Treasurer Arthur Fadden proudly announced, 'Immigrants are pouring in from overseas, eager to try their fortunes and build new lives in this country'. Harold Holt was Minister for Immigration (1949-56). In 1950 he approved a policy for security checks of European migrants, including the criterion that members of the Nazi Party not cleared by a denazification tribunal were ineligible for admission.

Yet Kalejs was not turned back. This was because his entry documents concealed his role in the Arajs Kommando. On his alien's registration certificate, issued in October 1950, he stated he was a 'labourer' (within weeks, in the same set of papers, he gentrified this to 'farmer') who had been born in Riga on 26 June 1913. Before emigrating he had lived at Delmenhorst, West Germany, and as a 'displaced person' travelled from Bremerhafen to Melbourne in the ship *General Muir*; he said he was single.

In Victoria Kalejs lived at the migrant camp, Bonegilla Training Centre, where although without a passport himself ('lost by fire in 1947') he held an influential position processing the entry documents of others. From 1953 he worked in Melbourne for Dunlop Rubber and as a clerical assistant with the State Rivers and Water Supply Commission. His April 1956 application for naturalisation shows that in 1944 he had left Latvia for Germany; in 1945-47 he lived in Denmark but returned to Germany in 1947. His Latvian parents were Rudolf (deceased) and Marta

Kalejs. In June 1950, before leaving for Australia, he had divorced his Russian wife, Beatrice. Although he became a naturalised Australian citizen on 12 August 1957, two years later he moved to Florida, USA. There, he is reputed to have amassed a real-estate fortune.

It was Viktors Arajs' 1980 conviction that first brought Kalejs to the attention of the American Justice Department's Office of Special Investigations (OSI). Despite repeated requests by the OSI, the Australian Department of Immigration never supplied copies of Kalejs' selection documents to them. Nevertheless, deportation inquiries began in America. In March 1984 OSI officials interviewed Kalejs, who reportedly admitted to his wartime military activities and also that he'd lied to American immigration authorities. In 1985 he was arrested. Deportation proceedings against him began and dragged on for nine years.

In 1988 his case was heard in Chicago. The OSI and the Immigration and Naturalization Service charged that Kalejs had operated in World War II at Salaspils concentration camp in Latvia where about 20,000 executions occurred; and that in 1941 Kalejs had voluntarily become a first lieutenant in the Arajs Kommando which exterminated thousands of Jews, Gypsies and putative communists in forests outside Riga during 1941–42. Judge Petrone referred to 'unequivocal evidence' that in 1942 the defendant, as part of the kommando, had been supervised by the German SD on Latvia's eastern front and persecuted racial and other minority groups. Petrone confirmed that Kalejs was a commander at Porkhov, Salaspils and Sauriesi concentration camps. The court concluded that Kalejs had defrauded the US Government by making false claims about his occupation during the war in his 1959 entry visa application, and ordered his deportation to Australia.

Kalejs fought the verdict, but in 1994 the US Federal Court of Appeals ruled that he had been a 'key officer in a unit that killed tens of thousands of innocents'. He was deported and in April returned to Melbourne.

The next year he removed himself to Canada where he was immediately arrested. In August 1997, four hours after a Canadian immigration inquiry reached a conclusion similar to that of the Americans, but based on additional damaging evidence from seven witnesses, Kalejs was again deported to Australia. The Canadian adjudicator, Anthony Iozzo, had found that in Nazi-occupied Latvia Kalejs helped to run a slave-labour camp where prisoners were starved and tortured and about 30,000 people were killed; he had been an accomplice to murder, forcible confinement and torture; he violated the laws of war and committed crimes against humanity. There was no ambiguity in this judgment. As A.C. Menzies had foretold, these North American verdicts carry a grave message for Australia. The Howard Government chose to ignore that message.

The Canadian inquiry had also viewed a videotaped 1993 interview from the Public Record Office

in Britain, with Latvian Harejs Svikeris (now deceased) who had served with Kalejs under Arajs. On 13 October 1997 *Four Corners* aired these damning Svikeris tapes, with other archival material that showed people kneeling to be shot into mass graves outside Riga. Svikeris admitted that both he and Kalejs had been involved in this slaughter. At the time of the interview, Svikeris was unaware of international interest in Kalejs, but three times, in passing, Svikeris mentioned his ex-colleague's part in the mass executions.

NOWADAYS Kalejs claims that he was a university student throughout the war. That is not what he said when he arrived in Australia in 1950, or when he was naturalised. There is no mention in any of his papers of his having been a student. An intriguing official note on his 1956 naturalisation application form indicates that his case had been referred to the Australian Security Intelligence Organisation, the Victorian Police Department and the Commonwealth Investigation Service, Sydney. Their representatives interviewed Kalejs on 19 November 1956; yet five months later he was granted citizenship.

Neither ASIO, nor Bob Greenwood, nor I when I requested it from Australian Archives in 1998, had any success in recovering that 'missing' record of interview. In *Sanctuary* Mark Aarons asserted that some Australian intelligence officers in the post-war period helped to 'bleach' illegal immigrants. Aarons discovered that, before migrating, Kalejs had admitted to IRO officials that he had been a lieutenant in the Latvian Army in 1941. The A.C. Menzies review verified this. From July 1941 the Latvian Army collaborated with Hitler.

The Australian Federal Police said in 1998 that they were seeking from Canada the new evidence which caused Kalejs' 1997 deportation. Whether they were successful in this matter has not been made clear. Late in 1998 the Latvian Government authorised its prosecutor, Aivars Zakis, to begin investigating Kalejs. It is thought that the relevant documents may be in Germany.

A fictional discussion of war crimes and their distant consequences underlies the brilliant Australian film *Father* (1990), directed by John Power. Set in 1980s Melbourne, the film dramatises both sides of the argument about belated prosecution. The 'dear old fellow' who has led a blameless life since the war is represented by a German migrant, Joe Mueller, who



Countries like Chile, South Africa and France are currently confronting the problem of citizens with a past as torturers and murderers. The Howard Government's decision to grant Kalejs indemnity would be easier to accept if it were not for the American and Canadian Governments' conclusive findings concerning his activities in concentration camps.

has married a local and is now a beloved grandfather. We see him from the point of view of his loyal Australian daughter, Anne Winton.

The film has an Ibsenist plot: a stranger, the elderly woman Iya Zetnick who is a Holocaust survivor, appears and reveals Mueller's Nazi history to his daughter. In the 1940s the young Iya had witnessed her Jewish parents being shot into a mass grave by Mueller (this comprises the film's opening scene). Iya has devoted her life to tracking Mueller down. Refusing to believe Iya's story, Winton stands by her father. At his trial he denies everything, citing his honourable life since the war, and he is acquitted.

In despair, Iya shoots herself in front of Winton. Only then does Mueller admit the truth about his past to his daughter, with the stock defence, 'It was my duty'. She turns him out and refuses him access to his adored grandchildren. The film is finely balanced. It treats both her agony in reaching this decision, and also the pain the ostracism causes Mueller, with equal compassion.

There are clear parallels between *Father* and the Kalejs case. In his North American life Kalejs, too, formed a loyal second family; his *de facto* wife is Latvian. His two deportations have separated him from her and her daughter and the separation must constitute a sort of punishment. That the punishment bites, was shown by his December 1997 attempt to re-enter America illegally. His energy in trying to return to the women belies suggestions from some quarters that he is a frail man.

The Hand that Signed the Paper was written about the time of the Adelaide war-crimes trials and appears to have been influenced by the arguments against them. Unlike *Father*, this novel was slanted to elicit pity primarily for the accused ex-fascists. The situation of the novel's hero Uncle Vitaly, an ex-Treblinka guard, resembles that of Kalejs. Latvia, like the Ukraine, suffered under both the Soviets and the Nazis before, during and after World War II.

In public discussion of *The Hand That Signed The Paper* it was often overlooked that the novel was structured around an argument against war crimes trials in Australia. Early in the novel the narrator's friend states, 'I think it's wrong to try them.' Although Vitaly's crimes were vicious, he is presented as a decent family man in Poland and Australia. Darville quotes Stalin: 'To slake an implacable vengeance ... There is nothing sweeter' and preposterously asks her readers to believe that, by prosecuting Vitaly, the Australian Government resembles Stalin. Vitaly is presented as a victim of revenge and his lawyer, who supports this view, as someone who 'has principles'.

The book ends with a death-bed scene describing Vitaly 'caged' by tubes in an intensive care ward following a fatal stroke caused by the stress of his trial. Unlike his 1940s victims, Vitaly dies in old age, in a clean bed, surrounded by loving faces and attended by a priest. The novel concludes with more protest about the Adelaide trials.

Many Australians oppose war crimes trials. Victorian Premier Jeffrey Kennett expressed a commonly held view last year when he called for 'Christian forgiveness' for Kalejs. The Victorian Council of Churches promptly responded: 'We do not wish to encourage vindictiveness, but moral responsibility involves the admission of past wrongs and an attempt to right them.'

THE *FOUR CORNERS* program of October 1997 interviewed David Benedikt, one of 23 survivors of Salaspils camp in Latvia. He recognised Kalejs as the commander of a squad which executed Jews there and in the Riga ghetto where 30,000 were murdered in November 1941. Benedikt described an Arajs Kommando slaughter that resulted in four or five mass graves of children. Konrads Kalejs was not at Salaspils under duress; he had volunteered to train and serve in the Arajs Kommando. The *Four Corners* program concluded by showing several Latvian headstones which display swastikas in Fawkner cemetery, Melbourne.

Countries like Chile, South Africa and France are currently confronting the problem of citizens with a past as torturers and murderers. The Howard Government's decision to grant Kalejs indemnity would be easier to accept if it were not for the American and Canadian Governments' conclusive findings concerning his activities in concentration camps. In the light of these, the decision is disturbing. If Kalejs had been tried by an Australian court, the judge could have taken into account his age and his conduct since the war in order to make his sentence lenient. That would have been the appropriate time and place in which to show mercy while also keeping faith with historical truth and with the memory of his victims.

Those guilty of war crimes rely on time being on their side but the passage of time does not absolve a man from liability. A country which tried Martin Bryant for the Port Arthur massacre ought to try Konrads Kalejs. The feelings of genuine refugees and the children of survivors who live here deserve to be considered. As Holocaust survivor Primo Levi wrote in *The Mirror Maker* (1986): 'One must answer personally for sins and errors, otherwise all trace of civilisation will vanish from the face of the earth.'

It will be interesting to see how Konrads Kalejs fares in the wider world now that he has abandoned the safe haven that was afforded him by the Australian Government. ■

Suzanne Edgar is a Canberra writer.



Holocaust survivors in Melbourne are not the only ones to have been filled with disquiet by the leniency shown to Kalejs. Courts in North America have twice established that he has a case to answer.

THEATRE
GEOFFREY MILNE

Australian theatre in crisis (again)?

IT APPEARS THAT Australian theatre is in another of its states of crisis. Galvanised, no doubt, by the recent Nugent inquiry into our major performing arts organisations, playwrights, directors, arts editors and critics have opined variously that our theatre is threatened from without by crises of funding and policy and from within by crises of artistic intent, competence, fashion and style.

Actually, I can't remember a time when Australian theatre *wasn't* in crisis—apart from euphoric periods in the early 1970s (when the New Wave of Australian drama by Buzo, Hewett, Hibberd, Romeril, Williamson and others was at its height) and the first half of the 1980s (when a second wave—led by Davis, De Groen, Nowra, Rayson and Sewell, if you subscribe to the standard formulae of canon-formation—loomed up). At practically any other time since the 1970s, things seem to have been grim—depending, of course, upon who you listen to.

Here was NIDA's theatre history lecturer, Peter Carmody, in 1978: 'Theatre in Australia is still not in a healthy state.' And here, prominent new-wave playwright Jack Hibberd a year later, reviewing *The Doll* trilogy: 'Underneath the calm ... there is a weird strain of uncertainty. What are we doing? Where are we heading? Is there direction at all? Why the theatre? Why Australia?' Later still, second-wave playwright Stephen Sewell sighed gloomily that 'If every theatre was closed down tonight, most Australians wouldn't know ... If this is any index of social relevance, then theatre must be recognised as being

almost totally irrelevant to the country's present needs, and indeed hardly a contributor to Australian culture at all' (*Meanjin*, 3/1994).

Most recently, ABC TV's rarely compelling *Arts Show* of 7 August added fresh fuel to the fire when presenter Paul McGillick (a perennially gloomy Sydney theatre and art critic) and selected commentators posed the big questions about Australian theatre all over again. Star witnesses included Jack Hibberd (who gave the theatre away in the mid 1980s, only to succumb to its seductions again in the early 1990s, but from a new position on the fringe) and the younger, Melbourne-based academic and fringe director Julian Meyrick (whose production for the Melbourne Workers Theatre of *Who's Afraid of the Working Class?* has pushed his name into the ranks of the newer mainstream).

Invoking the halcyon days of the APG in Melbourne and the Nimrod in Sydney in the 1970s (with footage of Hibberd's plays at the Pram Factory), McGillick asked, among other questions, where are the innovation and passion in Australian alternative theatre *now*? The main contemporary response came from videotape of a then-current production of a recent Polish play by the influential Sydney fringe writer and director Bogdan Koca. In a throwaway postscript, McGillick briefly mentioned Melbourne-based playwrights Daniel Keene and Raimondo Cortese as being worthy successors to the alternative pioneers of the 1970s.

In the meantime, the show rightly noted the demise over the past decade of

innovative middle-sized companies like The Church, Australian Nouveau Theatre and Theatreworks in Melbourne, largely because of declining funding. It might also have mentioned the Hole in the Wall in Perth, the Red Shed and Magpie2 in Adelaide, Zootango in Hobart, the Hunter Valley Theatre Company in Newcastle, TN! in Brisbane and half a dozen of our more energetic young people's theatre companies. Meyrick also rightly observed that new Australian writing was now supported mainly by crumbs falling from the major organisations' funding table, but that the work justified rather more than just crumbs. Nonetheless, the mood of the show left the impression that there isn't much worthwhile work being done here at present, especially in the way of new Australian theatre writing.

THEN CAME HIBBERD'S radical call for a five-year moratorium on *all* funding for *all* forms of Australian theatre. This was also the main thrust of his submission to the Nugent inquiry, based on a claim that 'the great bulk of drama devised today by our subsidised companies is that of the 19th century, in its conception and styles [of] naturalism, realism and psychological melodrama', apart from 'a new minor mode, the postmodern maze play.' Hibberd doesn't specify *major* subsidised organisations, so his is clearly a blanket diagnosis. Proposing a return to the 'major figures ... and key works of [European] modernism' (theoreticians and directors ranging from Appia and Artaud to Grotowski and Meyerhold, and playwrights including Beckett, Brecht,

Ionesco and Wedekind), he further discerns a double amnesia afflicting Australian theatre. We have forgotten not only the 'recent modern international tradition' but also 'our own theatre tradition (in particular ... the intellectual and artistic innovations of the late '60s and '70s).' He finally bemoans the preference for entertainment over art among a 'deficient' cohort of ageing and still 'time-warped' artistic directors who are paradoxically obsessed with 'the new, the young, the novel ("neophilia") while the young are avoiding theatre in droves.'

His plan is that 80 per cent of all government theatre funding be placed in a trust fund for five years, whereupon a committee of enquiry composed largely of artists and intellectuals will review the situation. In the interim, in Hibberd's best-case scenario, unfunded groups and ensembles of actors will 'work together, liberated from their wooden and subscriber-stuffed cages ... conduct searches into themselves and the twentieth century, and attract different kinds of directors.' Only then would the trust-fund be released. But isn't this what we already did in the 1970s and early '80s at the Pram Factory, Nimrod, Troupe and elsewhere? And thus spawned a generation of 'new directors' like John Bell, Aubrey Mellor, Robyn Nevin, Neil Armfield, Andrew Ross, Chris Westwood and Rodney Fisher who still hold the reins of many major organisations—or did until the last year or so—and who have been as slow to pass the baton on to the next generation as their Anglo predecessors like John Sumner, Robert Quentin, Alan Edwards?

In these pages last month, my colleague Peter Craven saw the 'shot in the arm' that Australian theatre needs at the moment in more of the naturalism displayed in the Bell Shakespeare/qtc production of *Long Day's Journey Into Night* (anathema, no doubt, to Hibberd) and in 'chamber style productions ... of classic modern works' like the recent Pinter double-bill for the MTC (which seems to accord with Hibberd, although the latter might prefer other authors and models). But I think it is even more important to address questions about Australian writing.

I seek neither to belittle the achievements of the new wave in general nor to dismiss out of hand the concerns of Hibberd, McGillick and their ilk in particular. Without the pioneering and innovative work of the playwrights, directors, critics, publishers and funding bodies of the 1970s, our theatre would not have found the vastly increased room to move that it obviously enjoys today. The new wave undoubtedly 'Australianised'

our theatre to the extent that Australian work now routinely makes up two thirds or more of our national repertoire across the board; it increasingly broke down the previously prevalent 19th-century 'fourth wall' idea of staging (at least outside the major arts centres and mainstream venues) and loosened somewhat the stranglehold of naturalism and realism. It also breathed fresh life into our collective imagining of the classic and modern international repertoire. I further agree implicitly with Hibberd that the more extreme expressions of the postmodernist vogue of the past 15 years have produced some bizarre and amnesiac (or just plain ignorant) excesses. I also think our current funding policies are awry, with the Major Organisations Fund often propping up outmoded forms and ideas and bankrupt artistic currencies among *its* clients while the Theatre and Community Cultural Development Funds—and most state and territory agencies—insist on more rigorously defined criteria of excellence and access for *theirs*.

BUT I STILL CANNOT support Hibberd's moratorium—because I cannot agree with his premise. The last decade has simply produced too much outstanding creativity in Australian theatre for such a conclusion to be sustainable.

In the mainstream, Australian drama tends more to the conservative end of the spectrum, but the best of Nick Enright's plays are hardly lacking in passion and rarely naturalistic in form. Likewise, Michael Gurr, Joanna Murray-Smith and Katherine Thomson have at times extended the frontiers of what subscriber audiences are prepared to pay for. I would also argue forcibly that the best work staged during the 1990s by many of our smaller alternative companies (like La Boite, Deckchair, the Red Shed, Griffin and the Melbourne Workers Theatre, for example) and by countless fringe and project groups, is vigorously innovative in form and content and full of passion. I am thinking here of such writers as Andrew Bovell, Beatrix Christian, Patricia Cornelius, Timothy Daly, Daniel Keene, Jenny Kemp, Melissa Reeves and, indeed, some of Raimondo Cortese and Tobsha Learner. I would further suggest that most of these have been well served by directors of contemporary vision (and proficiency!) like Angela Chaplin, Peter Houghton, Tim Maddock, Julian Meyrick, Sue Rider, Ariette Taylor and others.

For still more passion (and formal innovation), we might look to recent

indigenous works like Leah Purcell's *Box the Pony*, Josie Ningali Lawford's *Ningali* or Wesley Enoch's *7 Stages of Grieving*; no straitjacketed 19th-century dramatic conceptions and styles there! We would also be hard-pressed to find them in the exciting and deeply engaged multicultural work of Doppio Teatro, Renato Cuocolo, Andreas Litras or Tes Lyssiotis, to name just a few.

But it isn't only in spoken-word drama that innovative work is occurring in our theatre of the '90s. Theatre has surely *evolved* since the 1970s in Australia, as it has internationally, if the Australian festival circuit is anything to go by. If anything, Australia has been a leading force over the past decade or more in new circus and physical theatre, puppetry and visual theatre and contemporary performance. The work in the '90s of companies like Rock 'n' Roll Circus, Club Swing or Legs on the Wall, Company Skylark, Terrapin or Handspan, Not Yet It's Difficult, Chapel of Change or desoxy theatre might be judged as so much adroit, postmodern game-playing by critics versed in new-wave dramaturgical and life values, but that's where the highest levels of real excitement are to be found today. And while the role of the orthodox playwright-as-author has faded in significance in the making of contemporary theatre forms, I would defy anyone to suggest that there isn't a powerful and genuine *authorship* function involved, one that is acutely aware and deeply informed of its international heritage.

Rather than impose a moratorium on theatre funding, I suggest we revisit the redistribution debates of the early 1980s and 1990s, but (for once) in a truly national and sector-wide concerted effort among *all* of the state and territory and Commonwealth funding agencies, so as to free up resources to reflect and support more equitably the real *diversity of excellences* that exists—and to revisit it at least every second triennium. As long as the different funds of the Australia Council itself, Playing Australia and the state and territory agencies (and their sectarian advisors) all continue to pursue different agendas and operate by conflicting criteria, and as long as we tie up triennial funding (presumably in perpetuity) to certain kinds of companies to the exclusion of others, we will get nowhere as a national theatre and continue to fight among ourselves. ■

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Reservoirs of history

The Sacred Willow: Four Generations in the Life of a Vietnamese Family.

Duong Van Mai Elliott, Oxford University Press, New York, 1999.

ISBN 0 19 512434 0, RRP \$45

THERE IS SOMETHING at once fascinating and misleading in our reading historical accounts of foreign cultures. We love the strangeness of institutions which we read about: it is the Other which is good for us, we feel. At the same time, a reader is plunged into the dangerous illusion that the exotic culture has been understood, imaginatively digested. We have met the Grand Vizier, dined with dragons, gone tiger-hunting with the Maharajah and his faithful entourage.

This is all the more strongly the case where the exotic country has been presented to us in one strong, even melodramatic light. Such is surely the case with Vietnam, where the war between North and South not only divided anglophone communities dramatically, but also called for the participation of our own troops, many of them conscripts. There was, in general, a yawning knowledge-gap between the Vietnam of that bloody war and those archaic realms in childhood stamp albums: Cochinchina, Annam, Tonkin.

With, perhaps, the odd stepping stone in between: I do remember Australians stirring the occasional Frenchman in some pub or other by softly singing a version of the Marseillaise including the words 'Dien Bien Phu'. It was with the fall of this valley fortress in 1954 that colonial French rule in Vietnam came to an end, and the country was divided into two at the 17th parallel.

Duong Van Mai Elliott, who grew up in South Vietnam but was university educated in America, has written a wonderfully clear and level-toned account of her family and its place in Vietnamese history. History is often written by those who have been on top of the pile, and this fine narrative is no exception, Elliott's family having been members of the mandarin class, and later of the colonial administration in Tonkin.

Tranquillity characterises the author's tone, whether learned as a girl in a strong, traditional family circle or inherited from her Confucian grandfather, or again from her father, treading the fine line he did between the French masters and the coming Viet Minh. Thus she can write about her brother, long imprisoned by the communist regime:

'I had expected to find a man broken by prison and years of living in limbo. To my surprise, I found him in good health and in good spirits.' Or, earlier in the book, 'The French would go even further than my father to win the hearts of the visiting Americans, and were known on occasion to introduce them to beautiful women.' 'O, fortunate Yankees!

Writing about her father's increasingly difficult role, Elliott mildly observes,

The Viet Minh tried to kill him three times. The first time, by pure chance, the French security police arrested a suspected Viet Minh agent and found a piece of paper on him containing an order in invisible ink instructing him to lie in wait for my father and shoot him when he emerged from our house. The second time, an armed Viet Minh agent managed to sneak into my father's office. But when the assassin saw him, he suddenly lost his nerve. Trembling, he handed over his pistol.

That last sentence is particularly delightful. The third time, let me add here, it was an old servant who tried to poison the father, and was in turn pardoned by him. Credit was earned in heaven, one trusts; or in the next life.

I am reminded here of a remark of Margaret Walters, 'Give me understatement every time.' The rhetorical modesty of storytelling in this book lends stature and definition to the stirring events it depicts. It is, indeed, part of a deep imaginative sympathy: although attached to the other side, and driven out of the north, Elliott enters the minds and strategies of Ho Chi Minh's people, giving the sense that she genuinely understands their tactics and their policies. Hatred is never her muse; rather, I would say, history's Clio is.

This is a wise and richly informative book, for me, certainly, and I am sure for a great many younger Australian Vietnamese who have little more than parental anecdotes to go on. It takes us back through at least four generations, tracing the delicate lineations and filiations between them, the ebb, flow and full reservoir of history in what was once Indo-China.

The Sacred Willow is no bitter withy, but a richly bearing tree indeed. ■

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Understanding Indonesia

Indonesia: Law and Society, Timothy Lindsey (ed),

The Federation Press, Sydney, 1999. ISBN 1 8628 7311 9, RRP \$45

THE QUALITY of a volume of collected essays depends not only on the contributors, but on the editor and the person who writes the foreword. Their combined reputations set the tenor of the whole collection.

On this basis, *Indonesia: Law and Society* promises wide-ranging and incisive writing, covering the ground of Indonesian society from various angles: legal, sociological, cultural and political. Editor Timothy Lindsey has selected contributions to form a coherent description of the evolution of what is now known as Indonesian society. And the fact that Arief Budiman, a well-known critic of authorities, has given his imprimatur in the foreword assures readers that the book does not shy

away from showing the faultlines in Indonesian society.

The book displays the complex fabric of life in Indonesia. The already-diverse indigenous cultures and traditions have to co-exist with 'foreign' elements, initially introduced either through commerce and other cultural avenues, or through colonising powers. And in addition to this busy traffic of power-plays and negotiations, there is the deliberate attempt to contain this quasi-inchoate polyglot situation, to fit it, by hook or by crook, into an ideological net of nationality.

The oldest law in operation in Indonesia is the Adat (traditional) law. Each region has its own set of Adat law because each

had been a discrete kingdom with separate sovereignty before Dutch colonisation unified them into the Dutch East Indies—what later became the present Indonesia.

The Dutch colonial administration placed an overlay of European law on the multicultural and multi-traditional society, to use wherever necessary and convenient. The Administration also arranged the Dutch East Indies population into three main classes: the Europeans (upper crust), the Foreign Orientals (middle layer) and the Natives (bottom). Whether by intention or not, this division was to sow animosity among the natives towards the ethnic Chinese, who belonged to the Foreign Orientals class.

After independence in 1945, the new government of Indonesia tried to unify the nation politically, legally and culturally, by instilling anti-imperialist nationalistic ideals. A constitution was drafted, based on and inspired by the romantic and idealistic concept of the nation as an integral family. This concept would have worked well if the idea of consensus had been allowed to develop fully and had been put into practice. Unfortunately, human nature contaminated the concept, and those in power have put self-interest above public interest.

ONE OF THE stumbling blocks to fair governance, it seems, is the extreme reluctance of the executive wing to share power with anyone else. There has been no effective power to monitor the performance of the president and his ministers. Judicial independence is continuously undermined, because the judges are officially civil servants and owe their positions and promotions to the Minister of Justice, who is himself appointed by the president. When Suharto's New Order Government came into power, it made a half-hearted attempt to replace Sukarno's Guided Democracy with *Negara Hukum* (the nearest equivalent to the concept of 'rule of law'). The result, however, was closer to 'law of the rulers'.

One example (see Daniel Fitzpatrick's chapter, 'Culture, Ideology and Human Rights') is in the use of police powers in criminal procedure. In 1981, a new code of criminal procedure, *Kitab Undang-Undang Hukum Acara Pidana*, known as KUHAP, replaced the outdated colonial law, *Herziene Indonesisch Reglement*, known as HIR. Theoretically, KUHAP establishes a number of fundamental rights for criminal defendants that were not provided for in the HIR, rights such as presumption of innocence,

legal assistance, freedom from duress during interrogation and trial, and compensation for illegal arrest, detention and/or seizure of property. However, since KUHAP gives police exclusive powers of investigation and interrogation, there is no supervision over the initial stages of police investigation and suspect detention. For instance, a warrant is required for the police to make an arrest, unless the offender is 'caught in the act'. However, to be 'caught in the act' is taken to mean that the person is caught while committing a criminal act, or 'some time after'. The latter phrase gives police considerable leeway in deciding whether or not to obtain a warrant.

KUHAP initially also raised some hope when it established a pre-trial procedure to determine whether the arrest and/or detention of a suspect was lawful. However, the court's jurisdiction is limited to the lawfulness of arrest or detention, and any complaints about mistreatment are to be filed with the police, the very subject of the complaints.

Successive Indonesian governments have tried to accommodate the various interests

of the widely diverse groups in the country. Over the years, the governments have made allowances to meet demands for fairer governance, some at least in good faith.

In family law, the government, while facing opposition from some Muslim factions, has tried to pacify the women's lobby. It has made polygamy, allowed in Islam (albeit under strict conditions), almost legally impossible for civil servants and government officials. Unfortunately, it has also disallowed inter-religious mixed marriages, which are allowed in Islam.

The complexities of Indonesian society are well-painted in this book, making it a must for students of Indonesian Studies, and valuable for those who have various interests in the country. It comes with a comprehensive glossary of terminology, acronyms and abbreviations used in all its 27 chapters, as well as a table of statutes and an extensive index. References and footnotes point readers who seek deeper knowledge into any specific field in the right direction. ■

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BOOKS: 3

JOHN WILCKEN

Epic weaving

Ngarrindjeri Wurruwarrin: A World That Is, Was, and Will Be,
Diane Bell, Spinifex Press, Melbourne, 1998.
ISBN 1 875 559 71 X, RRP \$29.95

THIS IS A LARGE BOOK, and there is something of an epic quality about it. It is an account of the original inhabitants of land around the mouth of the Murray River, and appeared only a few years after the publication of a monumental study of the 'Yaraldi' or 'Narrinyeri' people by R.M. and C.H. Berndt, with J.E. Stanton, entitled *A World That Was*.

The difference between the two books is striking. *A World That Was* is based essentially on field work done by the Berndts in three trips to the lower Murray over the years 1939–1943. As the title suggests, the authors considered that traditional culture was no longer of practical relevance to life in Australia; nevertheless they, and their Aboriginal collaborators, desired that its memory be preserved as far as possible. The

result was this large anthropological study, finally published in 1993.

Diane Bell's book, on the other hand, arises out of a dispute which has been very much in the public eye over the last five or six years, namely the plan to build a bridge across to Hindmarsh Island, at the mouth of the Murray River.

The author became involved in the dispute in December 1995, when she was engaged as an anthropological consultant to the Aboriginal women opposed to the bridge. Her field work had to be done under pressure, during visits to Australia from her present home in the USA. But she brought to the task not only her experience in Australian Aboriginal anthropology, but also her specialist interest in a feminist approach to the subject (see, for example,

her *Daughters of the Dreaming*, first published in 1983), as well as a keen sense of justice issues, and of the obligation of society to care for its most needy members. Moreover, as the subtitle of the book suggests, she looked not only to the past of the Ngarrindjeri people but also to their present and their future.

The epic quality of the book results from the fact that two totally different worldviews interact—or, perhaps, fail even to encounter each other. One worldview is enormously powerful, and seeks to control the whole situation. A telling illustration of this is given in these lines:

In the past few decades the Ngarrindjeri have begun to speak of their own lives and have found that text books, protectors' reports, missionaries, government inquiries and university-based researchers have already defined who they are and have considerable power to dictate who they might be. From the Royal Commission came the claim of a comprehensive and exhaustive record (pp419–420).

The author, on the other hand, with sensitivity and in a spirit of friendship, tried to get in touch with the essentials of that other worldview—which still persists, despite all the obstacles.

The first chapter of the book is 'Weaving the World of Ngarrindjeri', and it begins with the words:

'When we weave with the rushes, the memories of our loved ones are there, moulded into each stitch. And, when we're weaving, we tell stories. It's not just weaving, but the stories we tell when we've doing it,' Daisy Rankine explains (p43).

A little later the author quotes Ellen Trevorrow: 'There is a whole ritual in weaving ... and for me, it's a meditation' (p44). At the end of the final chapter, Diane Bell takes up the image again:

I have written of Ngarrindjeri culture as a thing made, like a finely woven mat ... Weaving was a most fortunate starting place. The weaving metaphor made intuitive sense to me but, as I began to tease the fibres of Ngarrindjeri lives, I learned it was not just me. Weaving techniques and woven objects are a window onto Ngarrindjeri social life and cosmology, a way of thinking about family and a way of conceptualising the universe (p593).

One advantage of this metaphor, she notes, is that new materials can be incorporated into the weaving, that is, the culture is not

simply static, but is able to develop when faced with new situations.

The author's style is pleasant and conversational, and the book is full of accounts of her personal experiences as she proceeds with her investigations. One seems to accompany her on her journey. And it is a very rich journey, with a great range of observations on Ngarrindjeri culture. She wishes to consider the question of the bridge against the background of the culture as a whole, not only as it is reflected in the



rather abundant written sources available, but also as it is expressed in the lives of the women and men with whom she spoke. (She regrets that the 'dissident' women—those Ngarrindjeri who question the existence of 'women's business' connected with Hindmarsh Island—were unwilling to speak with her, so that she had to rely only on written records of their views.)

The second part of the book is headed 'The Politics of Knowledge', and its first chapter is 'Respecting the Rules: Oral and Written Cultures'. In many ways, knowledge is power. In the culture of the dominant 'world' of Australian society, the written word is authoritative; and when that written word is published, the knowledge it contains is open to all. In the Aboriginal 'world', the spoken word is of primary importance, and a significant way that knowledge is passed on is through oral transmission. There are rules governing this transmission, and these rules have to be respected. All knowledge is not open to everyone. Ngarrindjeri people

today are faced with the problem of having to live simultaneously in these two worlds.

Moreover, an anthropologist of sensitivity and integrity, who respects the cultural traditions of Aboriginal people, but has to present in writing findings that will be open to all members of the dominant 'world', is faced with a difficult task. Some knowledge remains hidden from her, some knowledge that she has she cannot write about. Yet when a case is being argued in the forum of the dominant 'world', the rules of that 'world' take precedence. Nevertheless, in the writing of this book, the author determined to follow the wishes of the Ngarrindjeri people she consulted, when she was deciding what she could publish of the knowledge she received from them (see p36).

What, then, of the existence of secret 'women's business' in connection with Hindmarsh Island and the surrounding waterways? The author points out the difficulty of defining exactly the meaning of the term 'women's business', indicates that women's rituals did exist, and stresses that what was important was sacredness, rather than secrecy (see pp528–542). Moreover, the final chapter of the book presents the case for affirming the sacredness of Hindmarsh

Island not only for the women, but for the whole Ngarrindjeri people. What is sacred is seen to be of fundamental—indeed, of cosmic—significance.

The problem perhaps finally resolves itself into the difficulty of an essentially secular Australian society in coming to terms with the worldview of people for whom the sacred is at the very heart of things.

The Prologue and the Epilogue contain powerful questions that indicate the passionate commitment of the author with regard to some fundamental issues. Let me conclude with two of them: 'To whom can Indigenous peoples turn when the courts, parliament and the general public weary of their stories?' (p39). 'So, what does it mean for a secular state to provide legislative protection for the sacred places of Indigenous peoples?' (p599). ■

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FLASH IN THE PAN



Prophet of place

Limbo, dir. John Sayles. Texas, South America, West Virginia, Harlem, Cajun country, Ireland—these are the many and varied settings for movies written, directed and edited by the master of place, John Sayles. For his new picture, Sayles has moved again, this time to small-town Alaska. This is frontier territory, trembling with risk and isolation, but also full of promise.

As the film's title suggests, *Limbo* investigates the unease and apprehension of physical and emotional uncertainty. At its heart, *Limbo* is a tale of second chances. But Sayles is no fairy godmother: he makes his characters work for their redemption. He makes them dig great holes where other directors (and other actors) would be satisfied to scratch the emotional surface.

Donna De Angelo (Mary Elizabeth Mastrantonio, with David Strathairn in photograph above) is a nightclub singer on a year's tour of the 'frozen north'. She has had a string of disastrous love affairs. The film aptly opens with her singing *Better Off Without You* at a local wedding reception. Donna's daughter, Noelle (Vanessa Martinez), feels she may be better off without her mother. Joe Gastineau (David

Strathairn), once a fisherman, now does odd jobs. All three are far, far, from where they would like to be.

Limbo is the tale of these three very different souls who, bearing scars of neglect, together have to face the most devastating of circumstances. Sayles has made a complex film about the uncertainty and heart of these three characters.

Matching form and content with artistic courage, Sayles takes us from the edgy comfort of small-town politics and drops us into the serious isolation of the Alaskan wilderness, without so much as a by-your-leave. His pluck will take your breath away.

His stories grow directly from the ground his characters walk on, making Sayles the most honest of directors. Dusty Texan streets or Alaskan trout streams—what he conjures from their dust and splash always matters. *Limbo* is no exception.

—Siobhan Jackson

Courting justice

Punitive Damage, dir. Annie Goldson. This documentary is about the death of a woman's son and her legal pursuit of his murderers. The woman is a New Zealander; her son, Kamal Bamadhaj, was killed in the 1991 Dili Massacre in East Timor. It could seem like Western special pleading to focus

on the death of a single New Zealand-Malaysian at a time when thousands of East Timorese have been killed. But director Annie Goldson and central narrator Helen Todd resist the temptations of self-regard that might otherwise have marred this compelling indictment of injustice. When Helen Todd says that she pursued the story of her son's murder and made it into a public document because so many women in East Timor were not in a position to do the like for their sons, you believe her. There is a kind of privilege in being allowed to follow the stages of grief that such a death entails. One *can* stand for many.

The film also has the effect of stretching time, making this narrative of events in 1991 a current alert. Todd chased her son's killers through an American court. Hence the pun of the title: punitive damages were awarded against the Indonesian military officer finally held responsible for ordering Kamal's shooting. The money has never been paid of course. The officer returned to Indonesia and has since denied all responsibility. But the evidence stands, on the record, as does the footage of shootings in the Santa Cruz Cemetery, filmed by British cameraman Max Stahl, and pieced throughout the documentary.

I saw *Punitive Damage* a week before the announcement of the East Timor independence vote. Even then, it was as prophetic as it was elegiac.

—Morag Fraser

Sub-continental rift

Earth, dir. Deepa Mehta. I don't know if I was the only person to be reminded of *To Kill a Mockingbird* when watching this. The basic idea is similar: a child's eye-view of a society in upheaval, observing the destruction of the harmless or the innocent by fanatics. The year is 1947, when the partition of India took place. Lenny-baby (Maai Sethna) is a girl of eight, lamed by polio, cherished by her neutral Parsee parents and her Hindu ayah, Shanta (Nandita Das).

The virtuous and beautiful Shanta is wooed by men of all faiths, Sikh, Muslim, Hindu. She falls for one of the Muslim men, Hasan (Rahul Khanna); his rival Dil Nabaz (Aamir Khan), driven to madness by the massacre of relatives, commits monstrosities of his own. The film sets you wondering at the seemingly chemical inevitability of ethnic violence even as it focuses on individual betrayals.

The film is restrained in its scope: the period feel is captured without glossiness—a low budget is sometimes an advantage. Extraordinary things are observed, but somehow without enough emphasis: a wild Muslim holyman with a portable telephone to Allah; the marriage of a ten-year-old girl to a hideous old dwarf; a railway carriage full of slaughtered Muslims.

The only anachronism is an Indian pop song sung by Shanta at a wedding, but that's something Indian films do, and it's quite endearing. In the end I felt interested, moved, but not as involved as I might have been, given the material.

The press kit contained a production story that was quite chilling. The filming took place in Delhi, and since Aamir Khan is a very big star in India, 10,000 fans had gathered for an outside shoot of a scene of Hindu-Muslim mob violence. The real crowd's mood began to get ugly as the scene gave rise to the real tensions that still exist. Police had to be called. A documentary of that would have been something to contend with, telling how potent even a small reminder of evil can be.

Earth sends you away curiously unsatisfied while you admire its restraint, and with an overwhelming feeling that we never, ever, learn.

—Juliette Hughes

Guns and money

Wild, Wild West, dir. Barry Sonnenfeld. This is an Indiana Jones film with different costumes and without Harrison Ford.

James West (Will Smith) is a special government agent, but really a pistol-packin' cowboy. Artemus Gordon (Kevin Kline) is also a special agent, but really a scientist and inventor. The president of the United States of the period in which the film is partly set, U.S. Grant—the only president before Nick Some and Ray Gun whose name embodied his entire political philosophy—forces West and Gordon to team up against their inclinations. They take off on a specially outfitted train, *The Wanderer*, to track down, so to speak, the evil Arliss Loveless (Kenneth Branagh).

Loveless has no legs. This misfortune occasions the invention of a steam-powered wheelchair. It also prompts Loveless to have made a vast mechanical tarantula in which he can inflict evil on the world, aided by the technical wizardry of his bar-room girls. The film is full of gadgets. Spring-loaded bosoms, exploding eight-balls, belt-buckle

guns, deadly billiard tables, knives that fly from the toe of a boot and so on. Yet nothing is as absorbing as the unresolved issue of what has been done with Branagh's legs, which are never visible. One suspects they were under contract for a pantyhose commercial being made at the same time as the film.

The script is woeful, but most of the visual gags are good fun. *Wild, Wild West* is a pretty tame way to spend a couple of hours except for two things. The first is that it has a severe case of gun fetish. The other is that you could rebuild most of Dili for the money spent on this mildly diverting film.

—Michael McGirr SJ

Earth to Emma

Strange Planet, dir. Emma-Kate Croghan. Croghan's new film starts off at a disadvantage—with a tag like 'three girls, three guys, 365 days to get it together', it's just a little too obvious what's going to happen to the guys and girls by the end of the film.

Like Croghan's debut feature, *Love and Other Catastrophes*, the new film is a romantic comedy, so a touch of predictability isn't necessarily a problem. In this kind of film, you always know the romantic leads will get together by the end—it's finding out how they get there that makes it fun. With no fewer than six romantic leads (seven if you count the ubiquitous Hugo Weaving) making at least nine permutations of possible final couples, you'd think there'd be ample scope for some very messy romantic entanglements along the way.

Instead, however, the film's structure keeps the boys and girls apart until the very end of the film, choosing rather to focus on the trials and tribulations of their respective love-lives (or lack of them), as their various disasters prepare the way for that final, perfect, match. Unfortunately, with this many characters competing for screen time, they all end up being sketched in pretty broadly. As a result, they end up as 'types' rather than people—and it's pretty obvious which type goes with which. In fact, you can guess which boy goes with which girl even before the title sequence is over and the film proper has begun (I kept hoping against hope that I was wrong, that two of the boys would pair off, or two of the girls, or that no-one would pair off at all, but it wasn't to be). Even the disasters that befall them on the way seem predestined and inevitable, rather than surprising.

Still, the film really is rather sweet (as a romantic comedy should be), and the pace

is snappy, so you're never left twiddling your thumbs. It's just a pity that each new scene seems just as predictable as the last.

—Allan James Thomas

Bertolucci moderato

Besieged, dir. Bernardo Bertolucci. From a director capable of the truly great (*The Conformist*) and the truly dreadful (*Little Buddha*) comes *Besieged*, the truly not bad.

Shandurai (Thandie Newton), an African refugee in Rome, is financing her medical studies by working as a live-in cleaner for an English pianist, Kinsky (David Thewlis). It is not long before Kinsky displays signs of love for his employee, but Shandurai has had to leave her husband languishing in a military prison in Africa.

While most screen romances tease out the growth of feelings and the negotiation of obstacles, in *Besieged* we are plunged straight into the heart of it. At times this is refreshing. The sense of urgent fumbling when Kinsky declares his love is a case in point. Does he woo her with music or stumble through a spoken confession? But this comes at a cost. Over all, the establishment of Kinsky's feelings is dealt with so briefly that for the rest of the film his motives seem questionable.

The film fails to engage with the power imbalance inherent in the central relationship. Kinsky is wealthy and white, Shandurai is black and poor. Kinsky loves Shandurai, but she continues to perform menial tasks for him. She is transfixed by his piano-playing, but he never acknowledges her medical studies. All this rests uneasy.

The film turns on a gesture of love which is predictable from the start, and banal in its execution. Kinsky's gesture is presented as the central passion of the story, but we have seen the terrors faced by Shandurai and her husband at their moment of forced separation—there is no comparison.

Stylistic confusion abounds. The cinematography inexplicably combines sumptuous locations and lighting with hand-held camera movement. Are we in a dream or a documentary?

Despite all this, *Besieged* has a truly memorable opening, and ends with a romantic elegance worthy of Bertolucci's better films. And I can guarantee a glimpse of the best terrazzo floor you will see at the cinema this year, or any year.

—Tim Metherall

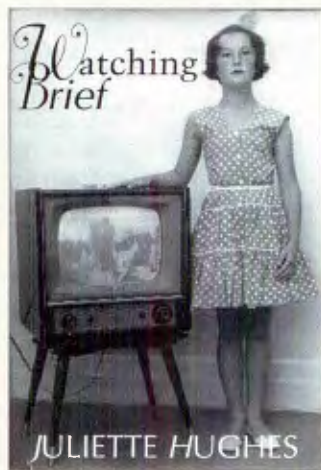


Image of that horror

WHEN I WAS seven years old, I came across the issue of *Life* magazine that covered the doomed rebellion of the Hungarians against Stalin. I looked at the grainy images of corpses, faces smudged, spoilt like a maltreated doll's, and wanted to know more.

I looked *into* the photographs, straining after mysteries even while I was seduced by the greyness of fact, the nothingness that comes over a dead face so soon after life has left it. The nightmares that followed proved I was most certainly too young to see these images, and my mother berated herself and me about it in later years, as we sought for reconciliation (but also victory) about that and other issues.

Perhaps the camera gave the dead some restitution, if only because their fate excited strangers to pity and remembrance, even though curiosity, that unfeeling, unregenerate thing, was the conduit. But nothing changed in Hungary through that extraordinary photographic essay—more than a generation had to pass before the Soviet empire loosened its grip as it died.

Then Vietnam. Although there were many television programs about the war, it is the still photographs that stick: the napalmed girl-child running down the road; the man with a gun to his head, waiting for the bullet, his face distorted with fear and grief, as his murderer stands there erect, brisk, angry, utterly determined to do this evil. I saw the film footage of this later, and wondered whether I was right to watch it, and wondered also at the detached assiduity that someone must have had to go through that film stock frame by frame to find the 'best' still.

But things changed, they say, because of images like that: information-rich democracies are inconvenient for generals.

How inconvenient, then, for General Wiranto to find that no matter how much he averred that martial law would solve the problems in East Timor, there was a democracy on his doorstep that just wouldn't take his word for it. As if, Australians said to each other, there hadn't been martial law for a generation in that country. They were puzzlingly unmollified by his assurances that now people could be shot summarily for having weapons or being out at the wrong time.

The media had got it about right and wouldn't shut up. The coverage of the East Timor ballot was mostly thorough, persistent and, if we ignore the preposterousness of Richard Carleton, sensible. Nightly news was full of it, and the ABC's coverage, on TV and radio, was outstanding. The flood of witnesses had their say, the commentary and analysis were spot-on. Soon it was apparent that any Prime Minister and any Foreign Minister who didn't actually get something done would be on a very sticky wicket. At this point, after two or three days of increasing horror, quite ordinary voters were joining the usual dreadlocked ones to protest. If Howard and Downer didn't actually call in some favours, they'd end up with a bloody moratorium or something.

In the midst of all this, *BackBerner* (ABC Thursday nights at 9pm) made a really valuable contribution. The ABC had actually asked Berner's production company for some serious hard-edge satire. *Good News Week* in its various manifestations was fine in its way, but needed to be in a party mood all the time. With Rod

Quantock as the head writer, there was a different feel. Quantock's brand of humour has always been an irritant to despots because he isn't afraid to inform his audience while he's making them laugh. The program on 9 September was devoted to the Timor issue, and there were some scarily funny mock interviews *à la Foreign Correspondent* and *Lateline*. Particularly hard-hitting was the one that had a fake Indonesian general: it showed up the deceit, the weasel words and the sheer bloody wickedness of the Indonesian military in about three minutes. A reasoned dissertation and analysis would have needed thousands of words and wouldn't have hit the spot so surely.

Shame therefore to the ABC programmers for putting it on at the same time as *Good News Week Lite*. If you're not inclined to conspiracy theories (much as I adore such things, I must acquit the Howard grey men at this point, because the ABC actually asked for *BackBerner* in all its spikiness) then you're left with the prospect that the slash-and-burn of the national broadcaster has left it with a Year Ten work-experience kid in charge of programming—when he's finished making everyone coffee. Yes, that must be it: no grownup with any understanding of programming would be so incompetent. Just tell the kid to move it to 8pm Friday, or get him to put the bleeding *Bill* on half an hour later.

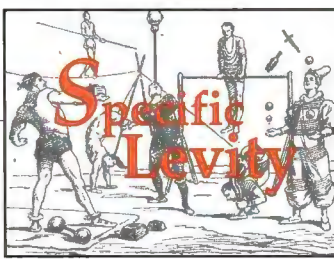
BACKBERNER HAD A SPOT OF controversy that night, too, in the grand old tradition of *That Was The Week That Was*. One of the 'interviews' was with a coffin; questions were answered by raps, and it was apparent to anyone with half a neurone that the East Timorese freedom fighter supposedly in the coffin was there because, like so many others, he'd been murdered. It was harsh and funny and memorable, but the ABC got about 300 phone calls objecting to its lack of taste. I dunno. Taste is a funny thing. When I think of tastelessness and lack of humour, I'm inclined to think of *Dog's Head Bay*, or *The Footy Show*, or *A Current Affair* ...

BackBerner is an extraordinary program, with extraordinary talent at work. I hope it's around for a long time.

Something that even *BackBerner* could not send up, because the thing was so repletely ironic already, was the snippet showing General Wiranto doing karaoke. It was on the commercial network news, so it's an image that many, many people will remember. The man with the mad eyes (just look at them, will you?) had donned a gold silk top and was warbling, of course, *Feelings*.

I staggered a little when I saw it (NB: watching TV standing up can be perilous) because I remembered another warbler throatily declaiming the same awful song. That other was none other than Imelda Marcos of the many shoes, her greedy little paws clutching the mike as she, too, crooned about feelings. Perhaps there's a regulation stating that all South-East Asian despots must perform this piece in order to get into the South-East Asian Despots Club. The undistinguished composer of that piece (the Despot Magnet, I call it) finds himself all unexpectedly in the company of Wagner, whose music has been given a bad name since the Nazis liked it. Unlike Wagner, however, who was a horrible little sod, the composer of *Feelings* must be something of a sweetie, a bit of a SNAG, perhaps. He's probably terribly embarrassed that his song has been marked forever as a narcissism opportunity for mass murderers. ■

Juliette Hughes is a freelance reviewer.



Eureka Street Cryptic Crossword no. 77, October 1999

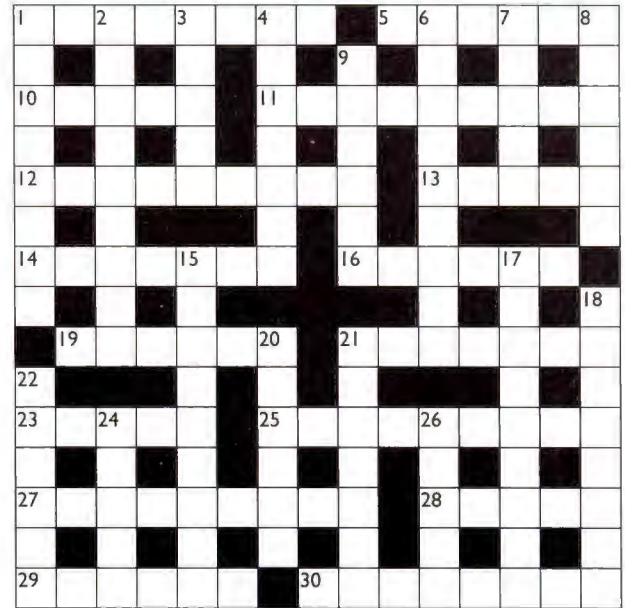
Devised by Joan Nowotny IBVM

ACROSS

1. It's cheap—possibly because it's only an imitation. (8)
5. Source of buoyancy? (6)
10. Nearly all of 8-down can be used to make them work smoothly. (5)
11. Fish caught by crack trooper? The news spread! (9)
12. Queen might honour, we hear, University faculty, not in town. Before retirement, it's assumed! (9)
13. Possibly those of a particular culture have such attitudes. (5)
14. Educational journal needs support after such a reversal. (5)
16. Extremely slippery about the main return; fast, nevertheless. (6)
19. Alternative in quote returns the question to one about passion. (6)
21. A holy person to travel on horseback, possibly. (7)
23. Successful competitor may show impatience—for a bit? (5)
25. Greet an Asian neighbour of ours as one who appreciates high ranges. (9)
27. Ex-student Conference on addiction, for example. (9)
28. Like a pike-staff on the prairie! (5)
29. Cat about to go back for the cream. (6)
30. Time-table mix-up? Lend a car to make the trip. (8)

DOWN

1. Girl admits making gains, professing no religion. (8)
2. The beginning of September brings sounds of happiness. A pity there is also destruction! (9)
3. Bird's unusual nest I put in the picture. (5)
4. Socrates took it at the brink, close to death. (7)
6. Agreement, in Latin, about people's situation. (9)
7. Terrier or wolfhound—they both like this stew! (5)
8. Musical rages everyone at first finds confusing. (6)
9. Planetary body operated university in the States. (6)
15. Being opposed to former love, I now enjoy these appetising tidbits. (9)
17. Some sort of help at the beginning and end of lines Mary started to sing as she churned the cream, perhaps. (9)
18. Rodin's famous figure would be one who uses logic, probably. (8)
20. He/she also stands to gain from the disposition of property. (6)
21. Gas used in rockets, for instance, over Niagara—partly. (7)
22. Parchment, namely, list of pupils, perhaps. (6)
24. Girl goes up to gain advantage. (5)
26. Overtakes on the course, we hear, by mistake. (5)



Solution to Crossword no. 76, September 1999



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