

# QUADRANT

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KEITH WINDSCHUTTLE

Civilisation: Does It Have a Future?—A Symposium

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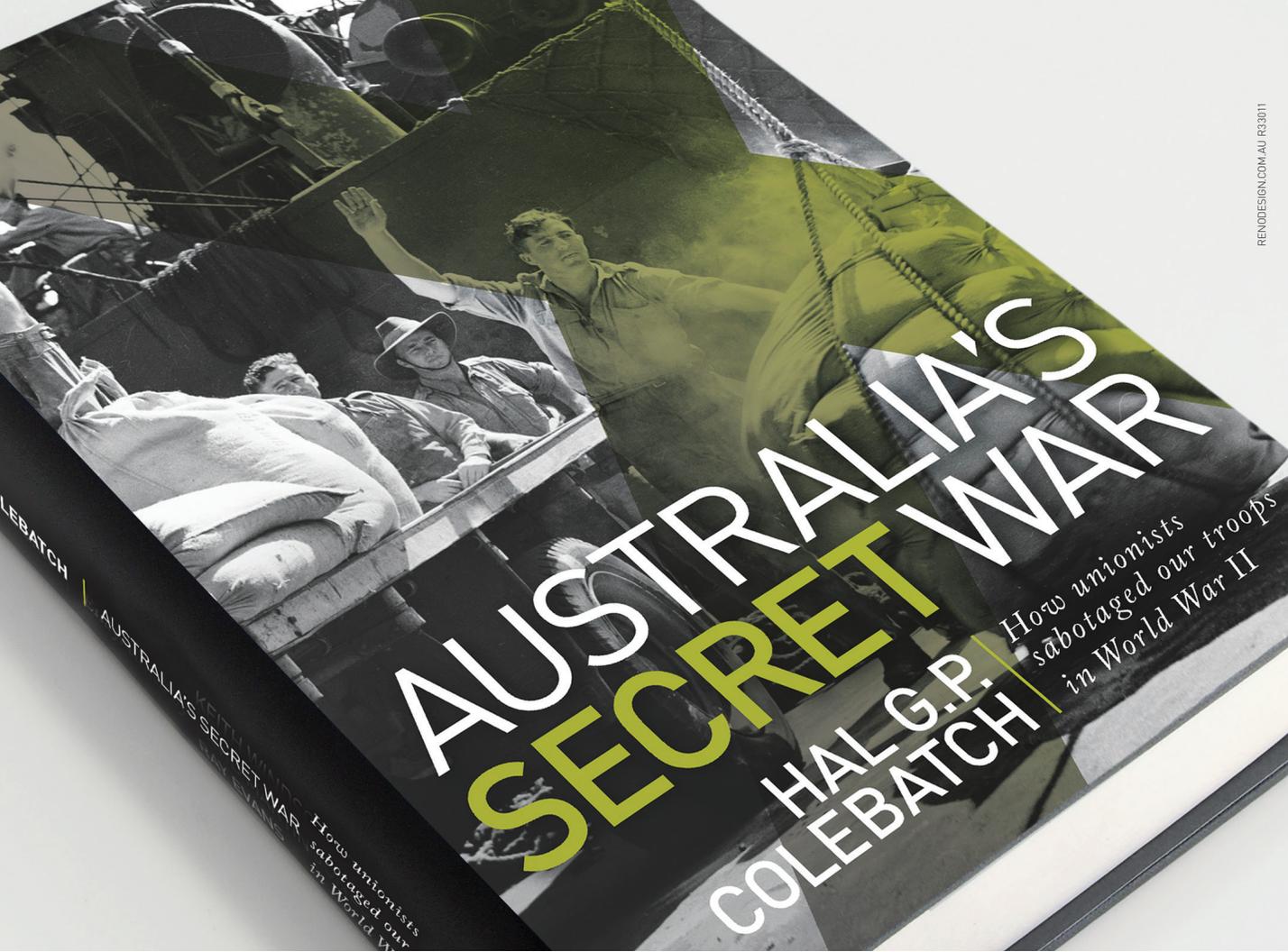
On the veranda PHILIP DREW

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# QUADRANT

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## LETTERS

### Letter to My Son

Dear Vincent,

I saw your Facebook posting of the complaint that a plebiscite would be a waste of money, and it concerns me that people of a generous nature are being misled by arguments which sound very reasonable, but when analysed, reveal a very cynical series of misrepresentations.

So I am taking some time to persuade you to look at the wider picture. I think the following "letter to the editor" sums it up.

\* \* \*

Dear Editor,

In the proposed vote on changing the established meaning of marriage it is essential to have confidence in the results, unlike the Irish method, in which only 37.5 per cent of the total electorate voted Yes, but the proposition was won by 62.1 per cent of the 60.5 per cent who turned out to vote.

However, a compulsory plebiscite without the fairness of equal funding for both sides to present their cases in an officially mailed-out information paper would be a travesty. Otherwise, one side, with undue influence in the media and a marked tendency to shout down and denigrate any opposition, will ensure a skewed result. In fact equal funding should be accompanied by a ban on private funding of pre-poll advertising since, as in the recent Irish referendum, well-heeled activists could pour millions into one side's coffers while the other side has to manage with letters to the editor. (A US foundation funded the Irish Yes case with about \$25 million, thirty times the amount available to the No case.)

If Parliament blocks the plebiscite, one alternative is a con-

science vote of MPs, but this is almost an oxymoron in the party system we have, and with the low public opinion of MPs' motives.

The present government only got back in because one of their undertakings was to give us, the great unwashed, the right to have our opinion recorded in a plebiscite. The homosexual lobby were saying how confident they were of winning, but now they are afraid to test this democratically. Or rather, they are afraid to allow both sides of the argument to be fairly put. Hence the desperate attempts to prevent funding of the No case by claiming it will denigrate them. They even employ blackmail by saying that they might suicide if they are "hurt". LGBTIs are already twice as likely to have a high level of psychological distress as heterosexuals and a higher risk of suicide. These may be endogenous effects, but it is convenient to burden the rest of us with responsibility for their condition. Strange that they have made all the running so far in the hate campaign against their opponents, including trashing an MP's office and threatening a hotel chain for booking a meeting by Christian groups wanting to present the No case, thereby forcing its cancellation. Yet, hypocritically, they demand tolerance from others.

They are aided and abetted by the human rights industry, as shown by a Tasmanian case where a "transgender" Green claimed to be offended by the Catholic bishops' teachings on marriage, a clear attempt to silence Christians (and like-minded people) on the marriage issue. The court accepted this absurd case, and it was dropped only when the Greens realised it might be electorally damaging before the July election. Meanwhile those courts take no interest in the Australian Christian Lobby leader Lyle Shelton being called a bigot, a creep and "a nauseating piece of filth". Another group, Family Voice, had its submission

to a parliamentary committee on communications censored. The part removed was pointing out that the “Safe Schools” scheme promoted a website to children that gave links to pornographic sites. Those concerned with plebiscite costs should consider the millions wasted on these courts, which are so short of work to keep them occupied that they actually tout for business. Even pipsqueak entities like the ACT have them!

Facebook, Google, Telstra and other big firms are on the same bandwagon. Facebook kept removing posts from the Family Voice page that they didn’t like, one referring to the 110–26 defeat of a “marriage” vote in the Austrian parliament, another quoting the US Chief Justice stating that the activist judges’ ruling on that topic “has no basis in the Constitution or this Court’s precedent”. The Centre for Public Christianity posted an article calling for respectful debate from both sides. Facebook deleted it and then restored it only when the former Human Rights Commissioner Tim Wilson intervened.

The clever use of terms such as “equality” and “human rights” is intended to play on people’s good nature and at the same time obscure the underlying social realities. This matter has been going on for years in a long-term campaign to gain acceptance as normal by some people with gender dysphoria, but others in that group are not interested in “marriage”, they are only intent on destroying social stability. They are the self-styled “progressives” who, until they jumped on the marriage bandwagon, regarded marriage as an oppressive institution of religion. This is just another tool in their kit for introducing extremist politics. Most of them have always despised marriage for representing bourgeois social structures that they did not want to fit in with, so one strand of this campaign is

to destroy the meaning of marriage and bring on a values-free social experiment, which is also in full swing in the brainwashing of primary school children, which is tantamount to grooming for a precocious interest in sex.

You can see that nothing has changed over the past thirty years or so from this letter, published in the *Bulletin* on January 17, 1989, which I came across recently (except that it would have been censored today):

### Check the Motives

Dennis Altman (Interview, *Bulletin*, December 20) presents the case for extended homosexual rights. He does it well but the case is nevertheless weak.

I have no hesitation in asserting that the great majority of Australians regard homosexuality as a perversion but one which does not particularly bother us as long as it is practised in private between consenting adults.

What does trouble us is the homosexual culture—by which I mean the insistent public display of homosexuality, its public description as an “optional lifestyle”, the implicit and sometimes explicit proselytising of youth, the appropriation of the language of human rights in its justification, its portrayal of itself as a legitimate persecuted minority and its incessant exhibitionism. Homosexuals need to be reminded that the decriminalisation of their perversion in no way was meant to imply that we approve of it. Rather, it was meant to imply that genuinely private matters should be private and that official snooping in private lives contains dangers to all of

us which outweigh any likely benefit.

Australians regret that such respect for privacy has been abused and has resulted in the arrogant assertion of legitimacy by the homosexual culture. But it is really only the homosexuals themselves, together with their parasitic “support groups”, who assert this legitimacy, and the majority of us is appalled at the consequences. Altman’s case really depends on keeping us intimidated with the usual epithets: bigot, fascist, reactionary or you name it. There is really a much stronger case for blocking all further homosexual rights and rolling back some of those already conceded.

William Wentworth  
Towanba NSW

Two interesting points are raised here, “legitimacy” and “consequences”. Today, the legitimacy is put in terms of “marriage” and the consequences are studiously ignored.

Take the use of the term “equality”. Basically they are saying that unnatural sex is equal to natural, in other words we are expected, and soon will be forced, to pretend there is no qualitative difference. When the child laughed at the naked emperor’s delusion of wearing fine clothes, the rest of the population dared to laugh too. Today that child would be dragged before a court for hurting the emperor’s feelings. But as C.S. Lewis, author of *The Lion, the Witch and the Wardrobe*, wrote, “certain things, if not seen as lovely or detestable, are not being correctly seen at all”. In his words, there is a natural law or reality we ignore at our peril. In Christian theology all people are equal in a spiritual sense, but it is their actions which determine whether

they are condemned. The church does not condemn homosexuals, only *acts* of perversion.

Do the homosexuals think that by calling themselves “married” they will change reality? With all other de-factos they already have equal legal rights; they are *not* discriminated against. Marriage, as a social contract, is not in fact a “human right”, as there are rules about who is eligible, some being too young, some too closely related, some barred for being undivorced, and some for not being male and female. To change these rules, which recognise social and biological reality, would make marriage meaningless. (There is however a recognised UN right for children to have a mother and father, which they ignore.) We are told that Australia should keep up with other “progressive” countries, but they are a very small minority of nations whom the rest of the world probably regards as decadent, and in some cases the “triumph” of the homosexual cause is of very dubious legitimacy, as in the Irish set-up, or the usurping of law-making functions by some activist judges of the US Supreme Court.

Many people who have lived long enough to see cause and effect operating have concluded that social disintegration, such as increased violence, drug-taking, bullying, pornography, contempt for authority, increased imprisonment of women and so on, are related to the decay of agreed values, trust and family stability, and the failure to accept responsibility for one’s actions. They are people of discrimination, a word the dictionary defines as “the ability to make sound judgments”. In the Orwellian re-working of the language, no one is allowed to exercise this ability. It is ironic

and telling that we have anti-discrimination courts.

The “marriage” campaign must be considered in the context of such wider social consequences, and the nasty attitudes it exposes. The social manipulators seem unable to discriminate in other matters of importance to the survival of our society either. They say nothing about imported cultures with openly hostile attitudes to women’s freedom, homosexuals and indeed to all infidels. To speak up would be to discriminate “against” them, to be a “Hansonite”. So to be ideologically consistent they must turn a blind eye to all cultural and biological differences, and abdicate the human responsibility of making moral judgments. This of course makes their position absurdly inconsistent in the real world, particularly when we do not assess them on their own terms (claiming to show tolerance), but observe their fanatic belief system in full operation against people *they* don’t like. The ones they particularly hate are those who point out their inconsistencies and their self-satisfied virtue-signalling.

How out of touch they are is shown by an article in our local Fairfax press. Two state MPs told a reporter, “We believe a relationship should be between a man and a woman. We’ve always stood our ground on this.” How would a rational person describe that statement: reasonable? conventional? honest? The Fairfax journalist described it as “utterly appalling”. If that response appears bizarre you are starting to get a picture of the mindset of the self-appointed arbiters of correct thinking. They are, in short, delusional—but also dangerous, because like jihadists they are driven to suppress and vilify other people’s thoughts. Free

speech is anathema to them.

Just two more examples of their misleading propaganda: One group argued that “laws protecting any part of the population from discrimination should not be contingent on a public vote” (*Canberra Times*, October 4). So they have already decided that “homomarrriage” is a right under anti-discrimination laws. Isn’t it the public’s right to decide that? What about the “rights” of siblings to marry? They also say “John Howard” (actually the federal parliament) changed the wording of the Marriage Act, so it doesn’t set a precedent for them to do so as well. There was in fact no “change” but a spelling out of the meaning of marriage, which for at least 2000 years didn’t need defining, but now needed to be spelled out due to attacks on it by the thought manipulators.

Regards,  
Peter Edwards

\*\*\*

I hope you will make your decisions based on this wider picture, because we live in a world where universities have been seized by a fad variously described as deconstructionism, relativism or post-modernism, in which everything is what you want it to mean, and there are no standards. This fad is rampant in history, philosophy, linguistics and other areas, and produces graduates who are illiterate and culturally ignorant. As the Romans used to say, “Whom the gods destroy they first send mad.”

Best wishes,  
Dad.

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*Peter Edwards is a freelance writer, translator, and retired science teacher.*

# CHRONICLE

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JOHN O'SULLIVAN

Five weeks ago I summed up the state of the US presidential race in the *Weekend Australian*. After a long stretch in the primaries that had produced one surprise after another, I wrote, the Trump–Clinton battle had settled down to a surprising if unedifying stability: “Maybe the best metaphor for the current state of the race is one Donald Trump himself has used: the ‘fixed’ fight. On this occasion, however, the Mob has blundered and ‘persuaded’ both candidates to take a fall ... Each is fighting to lose, moreover, in his and her distinctive ways.” That pattern has continued to the time of writing, which is just three weeks short of the election. Surprises still occur, of course, but they do so within the same pattern of gaffe versus insult, or as the race deteriorates, scandal versus scandal.

Hillary Clinton is clearly ahead. Most pundits predict her clear victory, made sweeter by Democratic gains in the Senate. Her scandals have thus far been less scandalous in the public mind than Trump’s scandals. But one less-noticed aspect of the campaign is the depth of consumer resistance to her. Trump’s repeated comebacks from seeming catastrophe—the latest poll shows him trailing only four points behind his opponent despite the “bimbo eruptions”—are testimony to her dogged unpopularity as much as to his energy and media skills. Behind the sleaze factor, something deeper lies behind the resistance to Clinton and the refusal of the Trump rebellion to go away even as its champion implodes.

David Blankenhorn, the president of a small conservative think-tank devoted largely to reversing the decline of the American family, discovered that he didn’t know a single person who intended to vote for Donald Trump. He felt that was wrong in someone whose title was President of the Institute for American Values. So he set off on a drive around America’s south-east—an electoral stronghold of Trumpism—to meet Trump voters and to find out what makes them tick. The results are collected in his article in the current *American Interest* magazine.

He found that the Trump voters were realistic, even cynical, about Trump. Those who supported him most strongly did so because they liked the

fact that he was not bound by political correctness in speaking about immigration and similar issues. Paradoxically, some of the same people disliked his insults and his inability to control his mouth—but liked what one might call his political profanities all the same. That lack of illusion about Trump helps explain why he has not been destroyed by the scandals plaguing him. They’ve been “factored in”.

Many of them were sceptical that Trump would do what he promised, or succeed even if he tried. But as one voter said: “What’s the worst thing that can happen? He doesn’t do what he says he going to do? I’ve seen that for the last thirty years.”

Most of Blankenhorn’s interviewees, incidentally, were not badly off, not alcoholics or on drugs, and not unemployed. Many more were middle-class than underclass. But they were united by a feeling that the America they have known and loved, with its habits of trust and voluntary co-operation, is being replaced by a more stratified and less democratic society. If they are dispossessed of anything, they are culturally dispossessed.

Almost all of them were coolly realistic in their assessments of people, including Trump, and their hopes for the future. What they asserted—and what pundits mistake for populism—is that there is a deep vein of arrogance and stupidity in the elites. Trump’s people do not glorify themselves but they are contemptuous of the elites, largely irrespective of party, that have governed America for decades.

They especially distrust Hillary Clinton. Blankenhorn could not find a single person who liked or trusted her. At the same time they didn’t see her as anyone very different from those governing them now. She was simply the most representative person of the kind of elitist progressive politicians they disliked and feared.

It is worth adding to what Blankenhorn reveals that there are many ways of defining these voters more accurately and tellingly than as Trump supporters. One is that they are invisible victims of the social interventionism and control driven by identity politics that the US government has progressively imposed in the post-Reagan era. Most clearly, they are not members of the “protected” groups that benefit from the affirmative action which has

spread from African-Americans to almost all ethnic minorities, including recent immigrants, plus women (in short a theoretical majority of the US population).

This identity regime has also spread from bureaucratic arrangements across much of employment, academic and public life to political rhetoric. As Professor John Marini of the Claremont Institute has pointed out, that kind of politics “requires the systematic mobilization of animosity to ensure participation by identifying and magnifying what it is that must be opposed”. And what must be opposed turns out to be the values, loyalties, interests and even self-regard of the non-protected Americans—even if it takes plain manipulation or reversal of the rules and conventions of “diversity” to do so.

In this campaign, for instance, it would be odd if these voters did not notice the reluctance of Mrs Clinton and other progressive politicians to state plainly that “All Lives Matter”, let alone that “White Lives Matter”, in response to the pressure of the “Black Lives Matter” campaign. For whatever reason BLM has gone quiet in the last few weeks, but its success in getting an implicitly racist argument adopted by half the country is testimony to both the power and bad faith of progressive identity politics.

Still more telling, if also more complicated, is how Trump’s gross personal sins have become a progressive ideological campaign against the male “objectifying of women”. That argument expands a justified attack on the crudely offensive behaviour confessed by Trump into a general indictment of male sexuality. It required a woman, namely Heather Mac Donald in New York’s *City Journal*, to ask why men might focus on a woman’s sexuality rather than, say, her political opinions:

Surely the ravenous purchase by females of stiletto heels, push-up bras, butt-hugging mini-skirts, plunging necklines, false eyelashes, hair extensions, breast implants, butt implants, lip implants, and mascara, rouge, and lipstick to the tune of billions a year has nothing to do with it. Females would never ever exploit their sexuality to seek attention from men.

In other words, sexual objectifying is an unavoidable part of the behaviour of both sexes which a decently organised society holds in check and balances against other aspects of marriage and sexual relationships. Earlier and better names for it ranged from sex appeal to romance.

Our society’s reliance on these rules, however, has been subverted by progressive policies over the years, by the tolerance extended to promiscu-

ity by Hollywood and popular culture, and by bad example—from Trump certainly, but also from Bill Clinton, who is plausibly accused of the same or worse sins. That helps explain why Mrs Clinton (accused, incidentally, of assisting those sins) has been less prominent in upbraiding Trump than almost any other woman in America.

These culture wars might have gone on indefinitely without seriously obstructing either America’s long-term progressive revolution or Clinton’s likely short-term election victory if not for a major ideological development at home and abroad. Identity politics has crossed the floor. The Trump campaign, Brexit in the UK, and the refugee row in Europe have signalled the rebirth of patriotism and popular democracy against progressive global governance everywhere.

Yoram Hazony in *Mosaic* has given us the most comprehensive account of this new clash between two visions of national and global order:

For 350 years, Western peoples have lived in a world in which national independence and self-determination were seen as foundational principles ... Since World War II, however, these intuitions have been gradually attenuated and finally even discredited, especially among academics and intellectuals, media opinion-makers, and business and political elites. Today, many in the West have come to regard an intense personal loyalty to the national state and its right to chart an independent course as something not only unnecessary but morally suspect. They no longer see national loyalties and traditions as necessarily providing a sound basis for determining the laws we live by, for regulating the economy or making decisions about defense and security, for establishing public norms concerning religion or education, or for deciding who gets to live in what part of the world.

Who will decide such questions in the US is the underlying issue in this election. Mrs Clinton is plainly a globalist like President Obama, Donald Trump an opponent—if not the best one. But this election will not decide the issue which of its nature pits most voters against the progressive elites. It’s your politics for the next century.

To get a firm grasp on what is at stake, please turn to our symposium “Civilisation—Does it Have a Future?” It brings together four important talks given at *Quadrant’s* sixtieth anniversary dinner. And the answer is that civilisation certainly has a future as long as you help *Quadrant* to defend it.

# ASTRINGENCIES

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ANTHONY DANIELS

The Crown Prince of Thailand reportedly made his poodle, Foo-Foo, Air Chief Marshal of the Thai Air Force. He thus outdid Caligula, who was assassinated before he could make Incitatus, his favourite horse, Consul. Much as I love dogs, I cannot but admit that the Prince's appointment of Foo-Foo to high military honours bespeaks a certain levity that bodes the crown ill. Only my own late dog, Ramses, was truly worthy of such an elevation.

I know, and like very much, all the local dogs: Oscar, Midge, Alfie. No really bad person could be the master of any of them. Alfie is the light of his owner's life, a man not in the best of health, to say the least, and I suspect that Alfie gives him a reason—and a good one—for living. The fact is that it is impossible to be unhappy, or bored, in the company of a dog who loves you.

Some time ago, for reasons which I now cannot remember, I looked up the orthodox Sunni and Jewish attitudes to dogs. They seemed to me to be equally miserable and grudging. What struck me most, however, was the similarity of their mode of reasoning. It was all what  $x$  said about what  $y$  said about what  $z$  said about the permissibility or otherwise of owning dogs, as if the truth of the matter were to be found by the endless sifting of texts. Of course, the  $x$ ,  $y$  and  $z$  were different in the two cases, but the argumentation was of the same sort.

Much has been written recently on the dark side of the Enlightenment, no doubt justifiably, but it is when you look into pre-Enlightenment thought that you realise not only how necessary was the Enlightenment, but how much it has entered your soul, so to speak, even if it cannot satisfy your soul completely. We are, most of us, children of the Royal Society, at least to an extent, whose motto is *Nullius in verba*, on nobody's word.

Of course, *Nullius in verba* cannot be a complete philosophy of life. In practice we have to take people's word for most things. We do not investigate too deeply the empirical or philosophical

basis of the control tower's clearance for take-off, for example, when we are in an airliner: we submit to the control tower's authority. We take it for granted that our water supply is more or less bacteria-free. But we do not expect the public health authorities to check on it by consulting texts and nothing else.

My brief encounter with certain religious orthodoxies convinced me more than ever that the proper study of mankind is dog.

But as I write this, a story has just broken in Britain of a baby killed, and a child seriously injured, by a dog. Even before it was revealed to the public, I knew what kind of dog it was, or at least would have been prepared to put quite a lot of money on it: a pit-bullish creature. I was right.

These dogs, ugly, squarish brutes that look menacing and unappealing even to dog-lovers such as I, have become almost as fashionable as tattoos in certain areas of our towns and cities. They are to most dogs what cudgels are to walking sticks: they intimidate and are meant to intimidate. I have not yet fully made up my mind whether the dogs come to resemble their masters or the masters their dogs, but there is no doubt that there is an elective affinity between them, for many of the masters are square-jawed, shaven-headed and piggy-eyed. At any rate, they exude a kind of paranoid malignity and hatred of the world as if at every moment they expect to be attacked and to have to defend themselves with maximum ferocity. The dogs have the kind of jaws that, once locked, can be released only by decapitation; as for their masters, they assume that all eye-contact is a challenge that must be met, or they will appear weak and vulnerable, easy prey for predators.

The popularity of these dogs, then, tells us something about the social (or anti-social) world in which they are numerous. It is probable that some of the masters of these dogs are not actually aggressive but only wish to appear so, as a protective measure. I had a patient who had himself tattooed not because he liked tattoos or

thought them aesthetically pleasing but so that he looked tough and likely to retaliate if attacked. He assured me that this was necessary for a quiet life where he lived and I believed him.

But there is more to the taste for those dogs than their supposed protective qualities. They are not *jolie laide* as, say, Jack Russells are. Their character is not (or at any rate, not intended to be) at variance with their physiognomy, but rather of a piece with it. Their physical ugliness is intended as a sign of deeper ugliness.

And this leads me to a curious phenomenon in our modern world. Although we are richer, healthier, safer and, I suspect, happier than ever before in human history, we are the first people in that history not to value elegance, except perhaps in personal gadgetry (the cheap computer on which I write this is beautifully designed). We live in an age when many of the super-rich do their best to look a mess: and as they are generally talented people, they generally succeed.

Perhaps they want to look a mess for reasons of political expediency (I exclude principle or genuine guilt, of course). They find it more comfortable not to display their wealth by outward show at a time when everyone else looks a mess as well. They feel that to dress formally, and therefore expensively, when everyone else is more or less in rags, could be counted as vulgar display or at any rate as a dangerous demonstration of financial prepotency.

Not long ago, I happened to watch a video on the internet made by a journalist from the *Guardian* newspaper about a social gathering of young members of the Sweden Democrat Party. I am not sufficiently informed about Swedish politics to know how genuinely extremist this party is: I have rather come to distrust the designation of “extremist” since polyglot supporters of Brexit who have lived much of their lives abroad have been called xenophobes. But I suppose it is possible that the Sweden Democrats are the real thing.

But what seemed most to upset the journalist about the young members of the party, who I must say all looked intimidatingly handsome and healthy, was that they were very well, indeed impeccably, dressed, and all in very good taste. Moreover, both the men and women appeared at ease with their own elegance.

“Why are you dressed like this?” asked the journalist, in a tone that was obviously accusatory. It was as if they were betraying some noble ideal by dressing thus. Did they not know that in Eritrea, in Bangladesh, and in many other countries, children were going to bed hungry? And here they were, dressed to the nines, when it was their plain duty to express their solidarity with *les damnés de la terre*, and with the refugees who were pouring into their country, by donning T-shirts and jeans.

My experience of *les damnés de la terre*, however, leaves me to suppose that they dress in rags despite themselves, and whenever they are able try to look elegant. There is nothing more moving, in fact, than to see the very poor people of, say, Haiti or India, strive to dress their children beautifully for school.

Having said all this, I must confess that I am not always well-dressed and indeed by nature I am a scruff. As with good manners, I have to *remember* to dress well, but often try to do so for the sake

of others. Scruffiness is really a form of egotism, of deep but unacknowledged indifference to others. Arnold Bennett has a beautiful little essay in praise of dandyism. It may be carried to an absurd extent, he says, but it is relatively harmless even so, and at least represents a striving towards an ideal, and a social one at that. As it is, we slither towards the lowest common denominator, combined with more than a hint of the miserable orthodox attitude to dogs. Social justice, so-called, is our sharia.

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*Although we are richer, healthier, safer and, I suspect, happier than ever before in human history, we are the first people in that history not to value elegance, except perhaps in personal gadgetry.*

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*Anthony Daniels's latest book is Migration, Multiculturalism and its Metaphors: Selected Essays (Connor Court), published under his nom de plume, Theodore Dalrymple.*

# The Break-Up of Australia

## Part I: The Hidden Agenda of Aboriginal Sovereignty

*The clans of east Arnhem Land join me in acknowledging no king, no queen, no church and no state. Our allegiance is to each other, to our land and to the ceremonies that define us. It is through the ceremonies that our lives are created. These ceremonies record and pass on the laws that give us ownership of the land and of the seas, and the rules by which we live.*

—Galarrwuy Yunupingu, 2009

The issue of constitutional recognition of indigenous people is not what it seems to be. On the one hand, our political leaders want Australians to believe they are engaged in a process of national reconciliation, of belatedly bringing indigenous people into the political fold and finally acknowledging their place as the first Australians. When Opposition Leader in 2013, Tony Abbott made this case in passionate terms. “We have never fully made peace with the first Australians,” he said in support of Julia Gillard’s bill for a referendum on the issue. “Until we have acknowledged that we will be an incomplete nation and a torn people.” As Prime Minister a year later, Abbott said his objective was not to change the Constitution but to complete it, so that we can make our country “whole”:

This is a very important national crusade, it’s very important to me, it’s very important to the indigenous people of our country and it should be very important to all of us who want to see our country whole. And for me, indigenous

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This is the first of two edited extracts from the new book by Keith Windschuttle, *The Break-up of Australia: The Real Agenda behind Aboriginal Recognition* (Quadrant Books), 470 pages, \$44.95. All quotations here are fully referenced in the book. Part II of these extracts, “The Academic Assault on the Constitution”, will be published in the December edition. The book can be bought online at [www.quadrant.org.au/shop](http://www.quadrant.org.au/shop).

recognition won’t be changing our constitution so much as completing it.

Malcolm Turnbull agrees. He wants a referendum to ensure that our Constitution reflects “all our history and does so in a way that unifies us and makes us an even stronger nation than we are today”.

But on the other hand, a quite different view is held by Aboriginal and Torres Strait Islander people themselves, especially those active in politics, law, education, media and the arts, who now firmly control the agendas for debate and policy on indigenous matters. Few members of this Aboriginal establishment see constitutional recognition in the same terms as Abbott and Turnbull.

Their aim is not to make the Constitution complete or the nation whole. Indeed, buoyed by their success in gaining native title over the past two decades, they now want to go one big step further and not only get their land back but their country back too. As the title of a recent book by Aboriginal academics Megan Davis and Marcia Langton says, “It’s *Our Country*”.

Aborigines and Torres Strait Islanders see themselves as “first peoples” whose ancestral status gives them ownership and jurisdiction over Aboriginal land. They do not regard the existing Australian nation as their true country. They describe the Australian nation as no more than a recently arrived “settler state” whose rule they grudgingly endure.

To these activists, the recognition of Aborigines in the Constitution would simply be one more step towards their real objectives: political autonomy, traditional law and values, and sovereignty over their own separate state or nation.

The concept of sovereignty has not been part of the current reporting of Aboriginal affairs in the news media; indeed it is a topic conspicuous by its absence from discussion about constitutional change. But it has long been the principal objective of the Aboriginal political class right across the spectrum—from gradual reformists to radical

agitators. They argue that because Aborigines never ceded sovereignty in the colonial era, because they signed no treaties and were never actually conquered, as the first land owners they remain the continent's sovereign people.

Their case is that, in restoring land rights, Australian courts recognised that traditional Aboriginal society was governed by its own laws. The existence of a legal system, Aboriginal activists argue, logically entails the existence of Aboriginal sovereignty which, they claim, was never extinguished by the British Crown's own declaration of sovereignty in 1770.

There is nothing new about the demand for sovereignty or the arguments that support it. In 1982, a submission by Central Australian Aboriginal organisations to a Senate inquiry into a Makarrata or treaty declared:

The Aboriginal people have never surrendered to the European invasion and assert that sovereignty over all of Australia lies with them. The settler state has been illegally set up on Aboriginal land ... We demand that the colonial settlers who have seized the land recognise this sovereignty and on that basis negotiate their right to be there.

In 2012, the Yolngu Nations Assembly of Arnhem Land was still making the same point. In their submission to the "expert panel" appointed by Julia Gillard to report on constitutional recognition, these "nations" said:

We believe we have never been conquered and we are not subject to the Australian or British law but maintain our sovereignty. We still have our language and practice our Madayin law and as one of the first peoples we assent to the Madayin Law not Australian law.

In the most substantial report so-far commissioned about constitutional recognition, Gillard's expert panel headed by Patrick Dodson and Mark Leibler said their indigenous community consultations and written submissions contained numerous calls for recognition of Aboriginal people's "sovereign status". However, the panel had decided early on that sovereignty was outside its frame of reference. Of the four principles the panel was required to apply to its proposals, the advocacy of sovereignty offended against two: to "contribute to a more unified and reconciled nation" and "be capable of being supported by an overwhelming majority of Australians from across the political and social spectrum".

The panel's position here was accurate: the

question of sovereignty would not contribute to a more unified nation. In fact, if the sovereignty of Aboriginal people was ever conceded, it would irreparably divide the Australian nation. Moreover, when casting their votes in a referendum, many Australians might see partition of the nation as a possible result. The panel's own research polling made it very well aware that if it suggested sovereignty be included in its recommendations for constitutional change, it would be the kiss of death for the recognition referendum. Nonetheless, the panel went on to devote eleven pages of its report to a sympathetic discussion of the concept.

The reason for this quite inconsistent approach is not hard to find. The inquiry's submissions and consultations had found the concept of sovereignty so deeply entrenched within so many Aboriginal organisations and communities that unless it treated the issue with appropriate sympathy and in adequate depth, its report would lose credibility with its core constituency. So it went on to offer a range of legal analysis, political opinion and historical narrative to endorse the notion that Aboriginal people should, indeed, be regarded as the true sovereigns of the land they occupied before the British arrived in 1788.

Moreover, several of those Gillard appointed to the panel were known to be sympathetic to the demand for sovereignty. In his 1999 Vincent Lingiari Memorial Lecture, the panel's co-chair Patrick Dodson said any hope for reconciliation had to address the issue:

The sovereign position that Aboriginal peoples assert has never been ceded. Recognition starts from the premise that *terra nullius* and its consequences were imposed upon the Aboriginal peoples, and certainly there was never any choice given to the Aboriginal peoples concerning the constitution or the rule of law ... Moreover, a significant number of the Aboriginal peoples in Australia continue to assert their unextinguished sovereignty.

Panel member Marcia Langton has expressed similar views. In a 2002 paper to the Indigenous Governance Conference in Canberra, she said:

Aboriginal people have continued to argue that not only customary property rights in land but also ancient jurisdictions survive, on the grounds that, just as British sovereignty did not wipe away Aboriginal title, neither did it wipe away Aboriginal jurisdiction. Aboriginal governance under the full body of Aboriginal customary laws, by the same logic as that that led to the recognition of native title at common law must,

even if in some qualified way, have survived the annexation of Australia by the Crown.

Langton says deep Aboriginal dissatisfaction with their position has created a demand for separate nationhood. In 2005 she endorsed a book titled *Treaty*, authored by legal academics Sean Brennan, Larissa Behrendt, Lisa Strelein and George Williams. In her foreword, Langton wrote:

The Australian state has consistently failed to understand and to accept the right of its Indigenous people to be allowed the fullest rights to self-determination. It is little wonder that calls for a separate nation find ready adherents in the Aboriginal community.

Not all members of the expert panel who have discussed sovereignty and self-government in earlier articles and speeches did so from a position of support for a completely separate Aboriginal nation. In 1993, soon after the High Court made its *Mabo* decision, Noel Pearson said a case could be made for Aboriginal self-determination within the existing Australian nation. He advanced the concept of “local indigenous sovereignty”:

A concept of sovereignty inhered in Aboriginal groups prior to European invasion insofar as people have concepts of having laws, land and institutions without interference from outside their society. This must be a necessary implication of the decision in *Mabo* against *terra nullius* ... Recognition of this “local indigenous sovereignty” could exist internally within a nation-state, provided that the fullest rights of self-determination are accorded.

Pearson was arguing for a distinction between internal and external sovereignty. External sovereignty is about the power of a nation to deal with other nation states like itself. Internal sovereignty is the power vested in either the people of a democratic state or the ruler of an autocracy by its constitutional law or internal public laws. Internal sovereignty need not be absolute but can be divided, as the Australian Constitution divides power between the Commonwealth and state governments. Hence Pearson’s “local indigenous sovereignty” could be created if Aboriginal people were given a state of their own within the Commonwealth.

This is a concept that dates back to the 1970s and to the advocacy of the Aboriginal Treaty Committee, a body of white Canberra activists. Led by economist and long-time government adviser Nugget Coombs, this committee looked forward to the day

when Aboriginal regional government, or governments, could stand alongside state and territory governments before the Commonwealth Grants Commission (now COAG) in their own right.

Coombs saw this prospect as the eventual conclusion of the political agenda pursued by most Aboriginal leaders since the 1970s. They accepted reforms such as land rights but withheld full commitment to mainstream Australian society and politics. Instead, they have taken whatever reforms were offered by Australian society without fully endorsing them. In his 1994 book *Aboriginal Autonomy*, Coombs argued:

Historically, it has been Aboriginal practice to seize any opportunity to influence legislative and other government action affecting their interests, but to abstain from identification with its terms; to take what benefit can be gained, but to avoid providing legitimacy to externally established decisions which continue to deny the ultimate reality and truth of Aboriginal identification with the land.

With the leading members of Gillard’s expert panel among the most prominent backers of the demand for sovereignty, it was imbued with the concept before it started. In fact, its report went on to provide evidence of just how deeply embedded the notion has now become among the wider Aboriginal population. A 2011 survey by the National Congress of Australia’s First Peoples found the three most important issues for its members were sovereignty, health and education. No fewer than 88 per cent of Congress members identified constitutional recognition and sovereignty as top priority. The report also quoted the National Indigenous Lawyers Corporation of Australia saying, “recognition of our sovereign status is an aspiration of Aboriginal people and Torres Strait Islanders and an issue that will need to be confronted at some stage in the not too distant future”.

Where would their sovereign state be located? The more optimistic members of the Aboriginal political class like Michael Mansell believe it might be possible to unite all the land now held under native title into one almost continuous state stretching from Gippsland all the way to the Pilbara and the Kimberley. Other activists, such as Noel Pearson, talk in terms of a number of Aboriginal states, based mostly on the territories now controlled by the existing land councils. Warren Mundine agrees. He advances a strategy to recognise all existing Aboriginal clan associations and language groups as “first nations”, with the Commonwealth making separate agreements with each one:

My proposal for recognition is very basic. The Australian government should offer to enter into agreements with each first nation of Australia, recognising them as the traditional owners and custodians of their land and sea and as a first nation of Australia. As part of that agreement, their native title claims should be fast-tracked, accepted and concluded.

## How much land would a black state have?

Even if the project for a black state compromises its ambitions in the way Pearson and Mundine suggest, there is still a lot of land at stake. Native title claimants have been successful in all states and territories, except Tasmania and the Australian Capital Territory. According to the National Native Title Tribunal, as at 31 March 2016 native title exists in an exclusive sense over a total of 851,654 square kilometres of Australia, an area greater than the state of New South Wales. Native title also exists in a non-exclusive sense over another 1,488,237 square kilometres. All up, native title is now held by indigenous people over 2,339,890 square kilometres of land. This amounts to 30.4 per cent of the 7,686,850 square kilometres of land in Australia—an area bigger than Western Europe.

Moreover, claims that have been accepted by the National Native Title Tribunal but not yet determined add another 31.7 per cent of the continent to the total claimed under native title. In the early years of the Native Title Tribunal, a few big claims were denied, amounting to 10 per cent of those made. However, today, the tribunal only accepts claims that are almost certain to be determined. So almost all the 31.7 per cent of Australia still under claim will eventually be determined in the claimants' favour. Added to the 30.4 per cent of land already held under native title, this means that native title will soon amount to more than 60 per cent of the Australian continent.

This outcome is bound to test the complacency of voters in some of the states affected. It would mean that more than 80 per cent of Western Australia will be under native title, plus more than 70 per cent of both Queensland and South Australia.

These are enormous amounts of land to give to such a small number of people. According to the 2011 census, people who identify as Aborigines now total 690,000 people, or about 3 per cent of the population. However, 79 per cent of them live in either the major capital cities (Sydney has the largest number) or major regional centres like Cairns, Townsville and Dubbo. In other words, most indigenous people inhabit the suburbs of the big cities and country centres, beyond the scope of native title, enjoying

lives not dissimilar to their white neighbours. Only 21 per cent live in remote communities as unassimilated people.

Moreover, this demographic distinction is clearly evolving in one direction only. At the 1996 census, 73 per cent of the total indigenous population of 386,000 lived in urban and regional Australia, with 27 per cent in the remote communities. In other words, as the total Aboriginal population increases, the proportion of them living in remote Australia shrinks. Yet even though the total population of the remote communities is no more than 140,000, the policy of land rights keeps on giving them ever more land under native title. This is an outcome completely at odds not only with the expectations of the original white supporters of Aboriginal land rights but with any notion of rational public policy.

## Aboriginal economics and the deficit blow-out

To most of the world's countries, the idea of giving title to 60 per cent of a continent to so small a population must appear a gross moral over-indulgence, a sign our country either has too much wealth to throw around, or has not taken proper stock of what it is doing.

Australia not only gives Aborigines all this land but also gives Aboriginal communities increasing amounts of welfare money that show no sign of ever decreasing, let alone solving the problems it is meant to address. Today, Aborigines and Torres Strait Islanders receive more than twice as much government money per head as any other Australians. In 2014, the Productivity Commission found total direct expenditure on services for Aboriginal and Torres Strait Islander Australians in 2012–13 was no less than \$30 billion, accounting for 6.1 per cent of total direct general government expenditure. This was despite the fact that Aboriginal and Torres Strait Islander Australians make up only 3 per cent of the population. Estimated government expenditure per person in 2012–13 was \$43,449 for Aboriginal and Torres Strait Islander Australians, compared with \$20,900 for other Australians. Most of this difference was because of the expense of funding the 21 per cent of Aborigines who live in the remote communities.

Moreover, spending on indigenous people compared to the rest of us keeps rising. Total indigenous expenditure increased in real terms by \$5 billion or 19.9 per cent from 2009 to 2013, while non-indigenous expenditure increased by only 9 per cent. Indigenous welfare expenditure is now a significant cause of government deficit blow-out.

In other words, despite Tony Abbott's claims

that we have never fully made peace with the first Australians, we have actually bent over backwards not only to make peace but to pay them ever-increasing amounts of compensation as the price of the lifestyles of those in the remote communities, which even their once ardent supporters now acknowledge generate the most appalling rates of alcoholism, drug taking, homicide, suicide, domestic violence, and sexual abuse of children.

Yet the economy envisaged by the Aboriginal establishment's proposals for an Aboriginal state will inevitably produce more of the same. If established, the economic base of this state would come from taxation, royalties and lease payments from mining companies, graziers and others who now make their living on Aboriginal land. As long ago as 1994, the Aboriginal Provisional Government calculated that these taxes and rents would provide it with revenues of at least \$6 billion a year. Apart from this, it developed no proposals for Aboriginal industry, employment or economic activity. Similarly, a paper produced in June 2001 for the Aboriginal and Torres Strait Islander Commission by the Australia Institute proposed a guaranteed share of national income for new Aboriginal governments, plus their right to raise revenue by taxes. But it did not put forward any credible proposals for new economic development.

In reality, this rent-seeking scenario does little more than reproduce all the devastating social problems of passive welfare. Noel Pearson was perfectly right when in 2000, in his booklet *Our Right to Take Responsibility*, he denounced the concept of a passive welfare economy and called welfare handouts "poison". He argued that an economy based on compensation or rent-seeking would be no better than welfare and would not provide a stepping-stone to the modern economy. He wrote:

There is a great danger that compensatory income will not be the beginning of an economy very different from our passive welfare dependence, since the destructive welfare paradigm is so firmly established and since our involvement in and knowledge about the market economy is currently so limited.

He can say that again. Amid all the recent controversy about Chinese investors trying to buy part of the old Sidney Kidman cattle empire in Western

Australia, no media commentator observed that Green activists and their Aboriginal allies were already carving up large chunks of the same estate to fulfil their own agendas. In 2012, the Yulumbu people leased out the former Kidman property, Mornington, a 3123-square-kilometre cattle station on the Kimberley's Fitzroy River bought for them by the government-funded Indigenous Land Corporation. The lessee was the government-funded Australian Wildlife Conservancy, which ceased all economic activity and turned the station

into a reserve to rejuvenate native flora and fauna. Together with the neighbouring property Marion Downs, Australian Wildlife Conservancy has now taken 6000 square kilometres of Kimberley land out of the Australian economy. In return, the Yulumbu people get a paltry \$50,000 a year royalty. Had the Chinese bought the property, it would have generated millions a year for the local economy, the West Australian and Australian governments and their people. As a flora and fauna sanctuary it is economically defunct for the foreseeable future, which is the outcome Green activists wanted, and which they are now trying hard to inflict on other Kimberley holders

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*Despite Tony Abbott's claims that we have never fully made peace with the first Australians, we have actually bent over backwards not only to make peace but to pay them ever-increasing amounts of compensation.*

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of native title.

It is no wonder that Aboriginal supporters today feel confident enough to press on with ever more extravagant demands like sovereignty. There is no leader within our political sphere today who is game to call a halt to this process. Yet we are now on the verge of gifting Aborigines another change to the Australian Constitution that will not bring closure to their list of claims but extend them even further.

## Legal and political roads to a black state

How would a black state or states come into being? In 2003, Mick Dodson laid out the options for gaining a separate political status for Australia's Aboriginal people to be recognised under international law as either a sovereign state or as "a sovereign entity possessing international personality". As Dodson wrote at the time: "the question of the legal international status of Indigenous Australians is seen by many Aboriginals and Torres Strait Islanders as part of the unfinished business requiring attention". Since he wrote this, the Rudd Labor government in April 2009 endorsed the United Nations Declaration on the Rights of

Indigenous Peoples. Mick Dodson himself was one of the principal authors of this document, which advocates the right of all indigenous people to political self-determination.

Dodson says the Commonwealth would need a broad enabling power to negotiate with representative indigenous bodies. It probably has enough authority to do this already under Section 51(xxvi) of the Constitution. But since Dodson and many indigenous legal academics claim Section 51(xxvi) is racially discriminatory and should be repealed, he wants a new constitutional amendment to approve a national treaty or agreement.

Voters would be asked to voice their approval without knowing the actual content of such an agreement. Dodson admits a proposal of this kind would have to be vaguely worded: “Any detailed text, even in the unlikely event that all Australians agreed on it, would be next to impossible to get into the Constitution, especially given the history of the failure of referenda in Australia.” A successful amendment would need to be expressed in broad, motherhood principles, such as “the protection of indigenous laws, language and culture” or “the recognition of Aboriginal prior inhabitance”. Abstract concepts like these would then be left to the courts to interpret and the government of the day to convert into political and legal reality.

Marcia Langton is another activist who supports this approach. She has long argued for a new constitutional amendment and a modified constitutional preamble. Although voters were assured the last time a similar idea was put to a referendum in 1999 that a preamble would be symbolic only and have no legal standing, Langton thinks otherwise. She says:

Such an amendment, particularly if it were supplemented by explicit mention of Indigenous rights and interests in a modified constitutional preamble, would provide an enabling power for the Commonwealth to make agreements or treaties with groups representative of Aboriginal and Torres Strait Islander peoples. The amendment could then be used to “entrench” a series of local and regional agreements and to give them constitutional force.

In this context, “constitutional force” means any agreement made could not be easily changed by an incoming government. In any imaginable Australian political future, the prospect of a referendum withdrawing already-given Aboriginal constitutional rights would be virtually impossible—no matter how disastrous the outcome. This is the great attraction of constitutional recognition for the Aboriginal establishment. Once conceded,

it would be indelibly imprinted into our governing document. No matter what political party wins office or who becomes prime minister in the future, the deal would remain locked in place.

Will the Australian voting public support changes of this kind? To date, opinion polls suggest they will. In May 2015, the government-funded organisation to “educate” the electorate about constitutional change, Recognise, reported the findings of a survey it commissioned from Polity Research: if a referendum were held at the time, 75 per cent of all Australians and 87 per cent of Aboriginal and Torres Strait Islander people would vote Yes. Moreover, a majority of people in a majority of states, the crucial threshold for a referendum to pass, intended to vote Yes. Even two-thirds of Coalition supporters would vote Yes. Of course, with no text of the amendment available at the time, these are only speculations, but they indicate which way the wind is blowing.

The voting public is likely see enough merit in proposals to call people with indigenous ancestry Australia’s first inhabitants—an apparent truism when talking about the continent, which most Australians would find hard to oppose. It says they have a continuing relationship with their lands and waters. Yes, some of them do in remote Australia and they already have native title to them—so, again, another truism likely to be supported. They are also said to have continuing cultures and heritage. While some voters, especially in rural Australia, might respond to this proposition with more cynicism than respect, most urban Australians would see this as something they would be morally obliged to support.

However, in the minds of the modern High Court these proposals would send quite different signals. The first role of the High Court is to interpret the Constitution and if the people voted to amend the Constitution it would immediately open up the opportunity for the judges to examine all the constitutional consequences of the change. In particular, it would sanction adventurism among judges of that inclination. The fact that the amendments were approved by a significant majority of the Australian people would tell them the national mood had changed in favour of amending laws and policies too.

An amendment’s emphasis on original occupation and continuing relationships with land, water, culture and heritage would not just entrench existing concepts of land and water rights. It would also tempt judges to accept the more radical propositions long argued by the Aboriginal political class that they remain the true proprietors of the soil and that those of us descended from the more recent settlers need to re-negotiate our right to be here.

A constitutional amendment recognising that Aboriginal people have retained their original languages could also have important political implications. This is something proposed by Gillard's expert panel in lieu of an amendment to recognise Aboriginal sovereignty. If this became a proposed amendment, it would probably puzzle many voters who are unaware there are some remote Aborigines who don't speak English, but this is an issue that doesn't affect them so is unlikely to generate many No votes.

However, rather than simply indicating respect for cultural traditions, an amendment of this kind would provide evidence that Australian people accept that Aborigines have retained their own tribal identity, of which language is the key marker. This could be an important indicator to a High Court, and more particularly to an international court if the issue ever got that far, that Aborigines have not assimilated into Australian society. It would define Aborigines as bearers of a culture that is distinct from English-speaking Australians and so further the segregationist agenda. It would also provide a legal basis for separate Aboriginal nations to be defined by wider language groups rather than the narrower ties of kinship and land occupation.

In other words, if constitutional amendments of this kind were passed, the political demands of the Aboriginal political class would very likely be met in substance. The High Court could decide that crucial sections of the Constitution should be reinterpreted anew. If there was a supportive government in Canberra, like the Keating Labor government in 1993 which legislated the High Court's *Mabo* judgment into effect, then the Australian people would have little say in the establishment of a sovereign Aboriginal state, in the internal operation of its government, in the compensation due to it, or in the precise status of its relationship with the Australian Commonwealth.

The implications of all this for the radical agenda of the Aboriginal political class are clear. Three of the four pillars required to support their claims are already in place. It is now bipartisan policy within the Australian government to support recognition of indigenous rights in the Constitution. In 2012, Julia Gillard proposed the referendum in the *Aboriginal and Torres Strait Islander Peoples Recognition Bill 2012*, and Tony Abbott supported

her. The successor of these two prime ministers, Malcolm Turnbull, thinks the same, as does the current Labor Opposition Leader, Bill Shorten.

Kevin Rudd's acceptance in 2009 of the UN's Declaration on the Rights of Indigenous Peoples is the second pillar. When viewed in light of the *Mabo* precedent of using international covenants to support the "discovery" of new rights for minority groups in the common law, this means that unless the High Court is somehow stacked with conservatives, an extremely unlikely situation in the foreseeable future, it is highly likely to use the opportunity of a successful constitutional referendum to formally recognise Aborigines and Torres Strait Islanders as "first peoples" and give the Aboriginal establishment the legal sovereignty it wants.

The third pillar, continuing support for these ideas within the High Court, is also highly probable. The current Chief Justice, Robert French, has publicly voiced sympathy with these sentiments, most notably for an Aboriginal treaty. If his successor in 2017 is of the same mind, as he or she most likely will be since the appointment will be made by Malcolm Turnbull, it would only take three of the other six judges to constitute a majority.

At this stage, the fourth of the required pillars, the will of the Australian people, cannot be taken for granted. A majority Yes vote

in the constitutional referendum obviously cannot be guaranteed until the proposed wording is known and the vote is held, but the general idea currently has popular opinion running 75 per cent in its favour. If this or even a much smaller majority holds up, Aboriginal sovereignty over most of Australia will be a done deal.

Most Australians today regard constitutional recognition as a courteous symbolic gesture with no real consequences. At most, the more concerned among them see it in terms of the original inhabitants being recognised as valued citizens of our tolerant and generous nation. However, a constitutional amendment of this kind would provide a bargaining position for a local black state to exert far more influence over our national government than anyone now imagines. It would also provide a political platform from which to play to a world audience and to make allies who would not necessarily share mainstream Australian interests. When Michael Mansell visited Libya in the late

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*Voters in the proposed referendum need to recognise that the ultimate objective of constitutional recognition is the establishment of a politically separate race of people, and the potential break-up of Australia.*

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1980s to seek aid for his Aboriginal Provisional Government from the Muslim dictator Colonel Gaddafi, the Australian media treated him as a joke. But if Mansell had been an officer of a sovereign Aboriginal state, and if he had gone there at any time in the past decade and a half, it would not have been so amusing.

In its own interests, mainstream Australia has no reason to provide even the slightest leverage for

such possibilities, or to leave future generations with their consequences. Aboriginal sovereignty poses long-term risks for Australian sovereignty which, however slender they might now seem, are not worth running. Voters in the proposed referendum need to recognise that the ultimate objective of constitutional recognition is the establishment of a politically separate race of people, and the potential break-up of Australia.

## The Mariner

*Mark Snyders 1925–2016*

He talked about his years at sea,  
the wheelhouse and the stars,  
the routes between the continents,  
the ports and harbour bars,

the midnight watch, the solitude,  
the camaraderie,  
the sea lanes newly swept of mines,  
the countries now set free.

The manifests were part of it,  
a quarter-master's roll.  
He'd seen the dolphins surge at dawn,  
the flying fish in shoals

the hurricanes which generate  
those mountains of the sea,  
the doldrums too from which the sun  
climbs reassuringly.

He left the sea—but never quite.  
His interests came ashore.  
He married, raised two children but  
the sea was at the core.

He built a cliff-top house to watch  
the shoulders of the tide.  
His import/exports dipped and rose  
until his first wife died.

I knew him in his later years,  
still gazing at the sea  
and grateful for a late and new  
connubiality.

With love, the end was easier.  
He bore its rigours well,  
staring from a captain's height  
across an ocean's swell.

He saw the wake his life had left,  
the limits that apply;  
then one night broke away and sailed  
towards a line of sky.

*Geoff Page*

# The Family Stories of the Behrendts

At the result of the Bolt trial the Left cheered the defeat of free speech. Fairfax did what Fairfax does with a dumb headline, “In black and white, Andrew Bolt trifled with the facts”. Below it, David Marr did what David Marr does:

Freedom of speech is not at stake here. Judge Mordecai Bromberg is not telling the media what we can say or where we can poke our noses. He’s attacking lousy journalism. He’s saying that if Andrew Bolt of the *Herald Sun* wants to accuse people of appalling motives, he should start by getting his facts right.

Or, as Boris Pasternak said, “Men who are not free always idealise their bondage.”

Bolt was attacked inside and outside the court for his journalistic adventures in unspinning White Aboriginal genealogies. When Professor Larissa Behrendt put aside her Prada handbag and entered the witness box she made some interesting statements. Her family story is appealing, highly publicised, and badly researched. In the early 1980s her father, Paul Behrendt, had uncovered the Aboriginal family history of his mother using both documentary and oral-history evidence.

With likely changes to the Constitution to recognise indigenous Australians, the family history of a leading indigenous academic, writer and activist is worth reconsidering. Andrew Bolt’s disputed references to what he supposed were the family’s German antecedents were one of the most interesting parts of the trial, so it may be useful to look at the family’s Aboriginal family story, and its German one.

To save confusion for the reader I will hereafter refer to Paul Behrendt and Professor Larissa Behrendt individually as Paul and Larissa.

Larissa’s witness statement, read in court, sets the scene:

My paternal grandmother, Lavinia Dawson, was part of the Stolen Generation. I have copies of

the record of her removal from her family by the Aborigines Protection Board. Lavinia was taken when she was about 12.

Although she talks of “copies”, the file, in the name of Lavinia Boney, is a simple, single-page document. It does not give her age; Larissa says twelve but Paul, basing his calculation on the consistent ages given in his mother’s wedding and death certificates, suggested she was fourteen: her birth year would have been 1903. She was of mixed descent.

Larissa talked of her grandmother as a member of the Stolen Generations and ignores the welfare implications of her story. The document gives two reasons for her removal from an Aboriginal camp in Walgett, and both suggest her involvement in the decision: “the girl’s own request & to get away from camp life”.

For most of his life Paul knew nothing of his mother’s antecedents. He was three years old when she died in 1942; his English-born father Henry died in 1979. At the beginning of the 1980s, when he was in his early forties, he set out to trace what he suspected and hoped was an Aboriginal genealogy. In the background was a profoundly politicised rewriting of Australian colonial history and a fluid middle-class restating of what Aboriginality was and who Aborigines were. At another time, having an interestingly diverse family tree with English, German and Aboriginal forebears may have caused some angst and selective pruning. Times have changed, but the blades of the pruning shears are still sharp.

He began with his parents’ marriage certificate and his mother’s death certificate. A search had not revealed a birth certificate. On the documents her name was spelt as *Lavinia* and *Lavena*, and the confusion would continue during her life. In the newspaper memorial notice placed by her husband her name is given as Lavena and, to be consistent, I will refer to her by that name even when the source documents are at variance.

Lavena was born in Coonamble, New South Wales. Her father was listed on both documents as Henry Dawson, hotel keeper. The marriage certificate gives her mother's name as Mary Brown, deceased. On the death certificate the name of her mother is "unknown". Paul's next step was to travel to north-western New South Wales, where he searched, unsuccessfully, for information about her and her family. The family names meant nothing to people he spoke with. Surprising really, as the name Dawson should be fairly well known in the area. In Lightning Ridge there was a Dawson's Store from 1960 to 1980, and Paul first travelled to the area in 1980.

The search became much clearer when an acquaintance sent him a copy of an Aborigines Protection Board file from 1917 for a girl who appeared to be his mother. Though her family name was Boney, she was the daughter of Alfred Dawson and Mary Lance. There was no explanation of why she was carrying a different family name from those of her parents. The child was an orphan. Her mother was dead and her father, a carrier and presumably European, had disappeared.

The most exciting discovery was to find that his mother had a younger brother called Sonny Boney, seven years old in 1917. In 1982, "after a lot of pieces had fallen into place", Paul again drove north to Coonamble, looking for a man he had met on his first visit. When he found him he reintroduced himself as a "first cousin". The man was the son of the late Elwood Boney, a child of Billy and Maria Boney. Paul believed Elwood was the boy called Sonny on his mother's file, and spoke of him as Elwood "Sonny" Boney. This may have been an error: the right family, the wrong man.

Sonny in 1917 was seven years old, Elwood would have been about twelve, much closer to the age of his sister. Sonny may have been another Boney child who was born, lived a little, and then died without anyone taking much notice. It wasn't easy being a child of Billy and Maria.

Paul's meeting with the family led to an incident which Larissa used in her prize-winning novel of the *Stolen Generations*, *Home*. At an academic conference in 2006 she spoke of the factual encounter which became one of the most poignant scenes in her book, the hostile reaction her father received from his new-found aunt:

And the reason why the woman at the door was so angry with him was because she had been married to Sonny Boney and he had died 3 months before my father had arrived and he had been looking for his sister his whole life.

Although once she got over that initial anger she became very supportive of my Dad and welcomed him in, I thought that was a real tragedy.

That wasn't *the* real tragedy.

The author then went on to read from her novel. This is how the moment is encountered by school children being taught the history of the Stolen Generations. Here the woman is speaking:

"He missed your mother every day, he did. You could see it in his eyes, the sadness." She was looking at the photographs as Bob [fictionalised Paul Behrendt] glanced sideways at her. She seemed softer now.

She turned to Bob and tilted her head. "You know, he told me once that he sometimes felt that she was within his reach, that sometimes he could swear she was standing behind him, and only by turning around to face the thin air could he prove himself wrong. He wasn't a superstitious man but he told me she used to visit him in his dreams."

Marilyn was quiet for a moment. Then she snapped, breaking her own thoughts, "That's why you should've knocked on our door three months ago."

In both the non-fiction and fiction versions the chronology has been distorted, and the most touching element is phoney. Elwood Boney died in a Redfern hospital in August 1978. Paul Behrendt contacted his family four years later in 1982.

Paul died in 2006, an acknowledged expert in Aboriginal genealogical research and oral histories. He was involved with Link-Up, a group which reunites Aborigines with lost family members. He was chairman of the Aboriginal Studies Association and, as an indigenous academic, began an Aboriginal studies program at the University of New South Wales.

That literary encounter with his aunt was at the beginning of the decade and by its end the family story seems to have been solidly established. Paul's work in finding his mother's lost past and reconnecting with her family was seen as an excellent example of how oral history can be used to enrich Aboriginal histories. Paul taught and praised his own methods: "The only way to get the full story is to talk to people who were involved. You can't rely on Protection Board documents."

Searching for memories of his mother, Paul interviewed a range of people including his aunt and his grandmother's nephew, and a cousin of his mother. At Dungalear Station, outside Walgett, the elderly

cousin, who had played there with Lavena, showed Paul the exact spot where her wurley had been when she was removed by the authorities. She pointed to the tree where they had built a cubby-house all those years before. “Surprisingly, some of the wood was still there.” Just as surprisingly, “She showed me the graveyard where my grandmother is buried.” In fact his grandmother is buried at Brewarrina, some 130 kilometres away.

An interview, published in 1989, brought together the principal elements of the story he had assembled:

I’ve heard a couple of conflicting things. What I have established is that her mother died not long after her brother was born. As happened in the old days, she went to live with her mother’s brother, Billy Lance. Who was according to the old laws, compelled to look after her. There were quite a few people living in the wurley at the time and the conditions were such that it gave the Aborigines Protection Board an excuse to take her into their charge.

Why did no one tell him the truth?

The people he spoke with may have told the friendly, olive-skinned stranger from the city stories they thought he wanted to hear, or given back embroidered renditions of the tales he told them. Larissa, a senior law academic, does not appear to have checked his work or continued researching her family. One of the major and most sympathetically drawn characters in *Home* is based on a person whose stories should have been more carefully examined. The oral history, which has built the family history, rests on documentary error. The oral history testimony Paul collected was the echo of a mistake he had picked up from the Aborigines Protection Board (APB) files.

The APB documents are simple, single-page sheets of paper consisting of two parts divided into sections with room for brief hand-written comments. Personal details are collected at the time the authorities first deal with the child or young person, and then future placements and further relevant details are noted. These pages are extraordinarily useful, but need checking—especially personal details which can be cross-checked with other APB files and ordinary documents like marriage and death certificates. Unchecked errors on Lavena’s

file have been built into the Behrendt family story, which is the basis of their identity and their involvement with Aboriginal Australia and the rest of us.

Primary details in the file are wrong. In 1917 Lavena was not an orphan. Her mother was not dead and she had a living stepfather. The dead Mary Lance in the APB file and oral history tale was the very much alive Mary, or more often Maria, Boney. She died in 1964 aged eighty-six. Though called Lance on the APB file she was known as Boney because she was “married” to William “Billy” Boney, and Lavena carried his surname. He died in 1952.

The Behrendts believed that Lavena had only a single sibling. In 1917 she had at least two: Elwood and Kathleen. In the years after she left the Aboriginal camp, Billy Boney and Maria Lance would go on to have other children, other candidates for saving by the APB.

Larissa has written of her grandmother’s removal as being undertaken “under the Aboriginal removal policy”. Lavena came from a “family” with serious problems and though its members accumulated seven files only Lavena’s and two others are available for study.

Lavena’s brother Elwood was seventeen years old in 1922 when he was helped because he was “In destitute circumstances and requiring assistance”. He was found work and the file follows his employment activities until the final note written almost three years later: “Left there [his then employer] 31.8.25 & took employment with Mr F. Marshall ‘Aloombah’ Croyon [near Walgett]. Receiving own wage and permanent job.” When the APB finished contact with him he was a young adult, working in his own part of the country—and this is a racist, genocidal “Aboriginal removal policy”? In *Home* Larissa has fictional Sonny sent out to work: “he was to be paid two shillings a week, with the money to be placed in the care of the manager. He would never see this income.”

It is unclear how Paul was able to locate his uncle’s family without seeing this document. His mother’s file said she had a brother named Sonny Boney. Elwood Boney’s file said he had a nineteen-year-old sister named Lavinia. There are a lot of people called Boney, so surely Paul needed to see his uncle’s file to connect? If he did use it, he never mentioned that his uncle had also received fruitful assistance from the Protection Board.

In 1927 Lavena’s younger sister Kathleen was

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taken into care. She was fifteen when “apprenticed out to service”, to an employer in Angledool. Kathleen was already pregnant, and some months later went to Sydney to have the child, which died. Later she returned to the same employer. In 1929 she lost another child, got married, and died in a sulky accident in Angledool Aboriginal Station, where she was presumably living with her Aboriginal husband. She was only seventeen years old.

The Protection Board intervened when Lavena wanted to leave the Aboriginal camp, when Elwood was destitute, and when Kathleen was pregnant. We know little enough of their lives, but the real missing people in these stories are Lavena’s stepfather, their father Billy Boney, and their mother Maria Lance.

Larissa, a Kamilaroi and Yualawuy woman, has written passionately of her links with the land and through them her grandmother:

If I think of my traditional land, the land of the Kamillaroi, the areas of Lightening [*sic*] Ridge, Brewarrina and Coonamble, I think of the part of Redbank Mission where my grandmother was born or Dungalear station, on the road between Walgett and the Ridge, where the Aborigines Protection Board removed her from her family.

But Larissa did not know of her grandmother’s mother, half-brothers and sisters who lived on that land. And Paul, collecting oral histories of his family, was not told that one of his mother’s half-sisters was still alive, reportedly until 2000.

Neither Paul nor Larissa recognised that Paul’s grandmother, Maria Boney, was a published storyteller whose tales are used today to keep Yuwaalaraay traditional culture alive. One of her tales had a beginning that should have excited the oral historian: “My old mother told me this story.”

Maria’s stories, transcribed by Roland Robinson, were published in *Aboriginal Myths and Legends* (1977) and *The Nearest the White Man Gets* (1989). The latter book came out the same year as Paul appeared in a book of interviews about the Stolen Generations; in bookshops the two volumes may have sat side by side. Maria was fully credited for her stories and is referenced in academic papers and cultural teaching aids. On AustLit, the internet literature database, she has her own author page.

We know what Maria looked like. In 1954 a young anthropologist, Ruth Fink (now Ruth Fink Latukefu), stayed at Brewarrina for four months. In a recent memoir of her visit she recalls “old Maria Boney” as a perpetual pipe smoker and accomplished speaker of Gamilaroi. A collection of pho-

tos she took at the time has been deposited with the Brewarrina Aboriginal Museum and the Australian Institute of Aboriginal and Torres Strait Islander Studies. Amongst the images are those of Maria and her dancing son Archie (born about 1921).

In the Bolt courtroom Larissa claimed that her grandmother Lavena “had an Aboriginal mother and was brought up by her Aboriginal father”. That claim should have been challenged in the court. The APB file names her father as a white man, “Alfred Dawson, Carrier, address not known”. Possibly, Lavena herself supplied her father’s name. Nine years later, on her marriage certificate, he became a hotel licensee called Henry Dawson—her mother comes off as Mary Brown, deceased. In the first instance a fourteen-year-old girl is communicating with a welfare officer and remembering what she has probably heard. On the wedding document a twenty-three-year-old is also searching her memories. Neither Paul nor Larissa seems to have seriously tried to find Paul’s grandfather, an errant white man. The missing individual, Alfred or Henry Dawson, carrier or hotel keeper, may have been Cobb & Co agent and hotelkeeper Arthur Dawson.

Lavena Boney lived in the Aboriginal camp on Dungalear Station; Arthur Dawson was the licensee of Gooraway Hotel, on Dungalear Station. It was a Cobb & Co staging post on Walgett Road, and Dawson ran the hotel from 1898 to 1911. He was, in a manner of speaking, a carrier and a hotel keeper, and he had gone away. The first name is different, the surname is consistent, and the descriptions fit. He had left Walgett when Lavena was about eight. He is probably the man in the documents.

Lavena claimed Coonamble as her birthplace, and it was also where her stepfather Billy Boney was born. Her brother Elwood was born in Pilliga and they would live in Walgett, Maria Lance’s birthplace. There is a certain logic in using the children’s birthplaces, Coonamble in 1903 for Lavena and Pilliga in 1905 for Elwood, to trace the journey of the Aboriginal couple at the beginning of last century from Coonamble to Pilliga then to Walgett. The two children were born at some distance from Mr Dawson and his pub. When the family arrived at Walgett, Arthur Dawson would have been one of the best-known identities in the district and would have been a familiar presence during Lavena’s early childhood.

Paul and Larissa present an idealised portrait of Lavena before she was removed from the Aboriginal camp. The printed part of the APB form asks where she was living in childhood and who was looking after her. The hand-written response is simply “Dungalear Camp Walgett”. Paul’s untrustworthy oral-based history says that after her mother’s death

she was looked after by her uncle, Billy Lance. When Lavena was born Billy would have been aged about fourteen. She may have been an abandoned kid, fending for herself, teased, brutalised, bullied and mistreated for being “white”. It is entirely possible that the child had been told, and believed, that the white man Dawson was her real father.

The file error which turned Lavena into an orphan may be a lie she told “to get away from camp life”—to escape misery and promiscuity, sexual abuse and violence. Larissa has written of the “psychological, physical, and sexual abuse suffered under state care”—she might well have been describing the life of her grandmother in the Aboriginal camp. Later, Lavena would not be mentioned as their child on Maria’s and Billy’s death certificates.

Paul described a fantasy Aboriginal existence of old laws and family bonds. He was not an initiated man, and he knew nothing of the real laws and deep secrets of Aboriginal life. The benefits of escaping from the camp for a high-spirited fourteen-year-old would have included adventure, personal safety, and some freedom. Lavena appears to be a woman who made her own choices. For the APB her initial family name was Boney, and she chose the name Dawson. Artie Dawson at the pub may even have shown kindness to the “half-caste” Aboriginal kid playing in the dust. If she remembered him and believed he was her real father the decision to carry his name may have represented a personal yearning, independence and a symbolic break with Aboriginal life. It was her stepfather’s name she chose not to carry, and her mother’s name she chose to forget. If at any time she had wanted to initiate contact with her Aboriginal family she had only to get someone to write a letter, or catch a train to Walgett. Her half-brothers and sisters who were also taken into care by the Board seem to have returned to the area, married and had families there. They now lie in local cemeteries.

Lavena would become the mother of a large family and a popular member of the Presbyterian Ladies’ Guild in Lithgow. Her sexually and politically active husband lectured the Presbyterian Men’s League “on the evolution of family life”. She had made her own choices, just as her son and granddaughter have done. Theirs may not have been choices she would have shared or approved.

The supposition that Lavena was a victim of callous state removal underpins a self-aggrandising

personal narrative: “I became a lawyer [Larissa informed the court] because my grandmother was removed by what I thought was a racist policy. There were no similar human rights violations on the other non-Aboriginal side of my family.” Actually, she should check how her German great-grandfather avoided being sent to an Australian concentration camp during the First World War.

In an ABC opinion article in 2010 titled “What the apology means to me”, Larissa once again used her grandmother’s story to draw attention to herself. She repeated the same stories and errors, claiming her grandmother’s only brother died “just three months before my father arrived on his doorstep”. Andrew Bolt was attacked and ridiculed for factual errors he made when exploring Aboriginal biographies. Lavena’s granddaughter wrote this:

She was eleven years old [actually fourteen] when she was taken [saved?] and the Protection Board records [record] show that she gave birth to a child when she was thirteen [eighteen]. The child was taken from her [it wasn’t], but the circumstances of her pregnancy are unknown to us.

For Larissa, her grandmother was eleven in 1917, and thirteen in 1921. Such law-professor logic may explain why Andrew Bolt lost his case.

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The APB file does not reveal the sex of the child or tell what happened to it. To say it was taken away, without evidence, is invention. Though the child’s birth certificate will not be available to researchers until 2021, death certificates for the period are available. If Larissa had checked these she would have found more of her family story.

The first position the APB found for Lavena was with Mrs Charles Clark on Wirrabilla Station near Collarenebri, about 160 kilometres from Walgett. Lizzie Clark died in January 1920. The absence of her supervising presence on the station may have had something to do with Lavena becoming pregnant. In April 1921 she travelled to Sydney for the birth of her child. In *Home* Larissa makes her fictionalised grandmother, impregnated by her employer, endure a hellish confinement in “a large brick building in East Sydney that was a home for pregnant girls”. The real young woman went to the Montrose Maternity Hospital in Burwood, newly opened in 1920. Amid lawns

and gardens and with spacious “artistically decorated” wards the state-owned hospital had room for sixteen patients who were given accommodation before and after their confinements. Lavena appears to have stayed there for some weeks after the birth of her child.

In late May she went to Parkes where work had been found for her at Nurse Porter’s Private Hospital, and she took her son with her. Larissa should be grateful for the help the APB gave her grandmother. The following February the ten-month-old baby died from pneumonia. A doctor treated him on the day he died, and he is buried in the Parkes cemetery. The child was called Ronald Keith Dawson.

Larissa’s witness statement touches on this hospital episode with more errors:

my grandmother was sent to work at the Parkes Hospital. While she was there, she met my paternal grandfather, Harry, who was not Aboriginal. I understand that Harry was the editor of a newspaper.

Lavena did not work at the Parkes Hospital (which is actually the Parkes District Hospital), she worked in a much smaller private hospital run by Nurse Porter—the information is on the APB file. Her meeting with her future husband was probably some years into the future. On their marriage certificate he calls himself a journalist—nowhere in the documentation does he call himself an editor. Lavena would have and lose a second child before their marriage.

Lavena continued at the hospital until April 1923, when she “left of her own accord” and began working for a Mrs Howard of Bogan Street, Parkes. In *Home* the name Howard is given to rather unpleasant employers—cruel wife and a husband who does his nasty mannish things to Larissa’s fictionalised grandmother in uncomfortable, puritanical prose: “Mr Howard slurred as he lay on top of her. He moved quickly, pushing his hard fleshy part inside her, his voice almost a whine.”

The APB document does not record that Lavena had another child, a daughter, Dorothy May Dawson, who died, aged three months, in April 1924. Ill with gastro-enteritis and pneumonia, the girl was treated by a local doctor on the day of her death and she died at Nurse Cock’s Private Hospital: like her brother she is buried in the Parkes cemetery.

What happened next is unknown and Lavena does not reappear until October 1926 when she married Henry Behrendt, the man with the interesting German surname.

Andrew Bolt wasn’t the only person to have surmised that the name Behrendt signifies German descent. For a time in the 1930s the newspapers and police suspected that one of Paul’s aunts may have been the victim in the “Pyjama Girl” mystery—an unidentified young woman whose murdered body was found by the side of the road near Albury. It was even reported that a police official would make his own private inquiries about her in Berlin, but she was actually born in Australia. It does not seem to have been her, as she later reappeared as a Sydney bus conductress. Contact with her family had broken when she moved from Queensland to Sydney several years before the newspapers took an interest in her. When Paul described his father’s supposed break with his family he saw a more interesting motive than a working-class family’s private dramas: “I understand from limited information that he was ostracised for marrying my [Aboriginal] mother in the first place.” Yet his father chose to give the names of his siblings and father to four of his own children—Margaret, Frank, Albert and Ernest.

Larissa’s trial statement on her German heritage was unambiguous:

There is no German descent, to my knowledge, on either my father’s or on my mother’s side of the family. Certainly my father’s research into his family did not result in any suggestion whatsoever of any German ancestry and he never proclaimed himself as having any such ancestry.

Paul’s research was irrelevant hearsay. The court should have asked Larissa for her own research and knowledge of her family history. For enthusiastic amateur genealogists research never ends, as they seek to go deeper and deeper into their family’s past. Larissa’s statement was damning criticism of her father’s motivation, for it shows that he had done no research at all into the non-Aboriginal part of his ancestry. The Fairfax obituary of Paul said that he “believed that to be ashamed of one’s identity was to shame one’s ancestors”. His German ancestors were shamed. When he searched for his roots he found only what he wanted to find.

Step one in beginning a family tree is to move from parents to grandparents. Paul’s maternal grandparents were of English descent (probably) and Aboriginal. His paternal grandparents were English and German. Larissa stated that her father had found no German ancestry. He, and she, had not done their research.

Paul’s grandfather, Herman Ernst William Behrendt, lived in Queensland from 1909 until his death in 1945. The state records office holds his

marriage certificate (he remarried in 1927) and his death certificate. Both documents give his place of birth in Germany, and his parents' names.

Family research is much easier now than it was when Paul first went looking for his mother's records in the early 1980s. Internet resources are rich and easily accessed—though the uses made of them by over-enthusiastic family tree researchers can be misleading, as some overly lush online trees illustrate. Herman married in England and lived in Hull, where Henry was born. The family appears

in the 1901 England Census where Herman, with an English wife, is listed as a "foreign subject". In Queensland Herman was a wharfie on the Brisbane docks. In 1929 he applied for and was granted Australian citizenship. As an enemy alien during the First World War he escaped internment, probably in the German Concentration Camp at Holdsworth, by lying about his citizenship status.

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*A footnoted version of this article appears at  
Quadrant Online.*

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## Quiet in Your Presence

I'm quiet in your presence. Now, my love,  
I can rest easy by your side;  
Though living in a world of push and shove  
Where once I knew only love denied  
I'm quiet in your presence. Now, my love,  
You've stilled me in the centre of my soul,  
You are my muse, my mistress and my dove,  
The one who in her being makes me whole.  
I'm quiet in your presence and the grace  
I feel, though it's nothing I can prove,  
Shines upon me, smiling from your face,  
Its radiance a symbol of your love.  
Quiet in your presence, now I see  
The heaven that my past concealed from me.

## Out of the Abyss

The years I wasted lost in hurt and doubt!  
I trusted none, to none I gave my all,  
Dwelled upon myself, with flesh and stout  
I drugged my demons and ignored Your call.  
My demons drugged, I lived the life of one  
Faithless in all I did and said,  
Betrayed my love, and then, when love was gone,  
Abandoned hope and fell in with the dead.  
You came to me out of the abyss,  
I needed help but feared that there was none,  
In the dark night of the sense I felt Your kiss  
And knew at last that I had found the One  
On Whom I count, in Whom I live anew:  
When I learned to trust myself, I trusted You.

*Gabriel Fitzmaurice*

# Politics, Civilisation and the Survival of the West

The future of Western civilisation will depend on how well the present can mobilise the intellectual resources of the past to meet the challenges of the future. Today, we are threatened by an unprecedented array of external adversaries and dangers, ranging from Islamist terror and Russian or Chinese aggression to the fall-out from failed states. We also face internal threats—above all the collapse of confidence in Judeo-Christian values and democratic capitalism. Can either the Left or the Right rise to the challenge of the present crisis? Or are both political traditions mired in self-destructive mind-sets that prevent them from grasping the scale of the task, let alone reversing the decline?

I want to begin with the Right, because the crisis of conservatism in Europe, America and here in Australia seems too deep to be explained by the vagaries of individual personalities or parties. Most leaders of the centre-Right in the Western democracies appear to be the prisoners of their own anxieties: the fear of proscription by the self-appointed guardians of self-righteousness; the fear of humiliation for failure to flatter those who parade their status as victims; and the fear of oblivion for simply ignoring the clamour to do something when there is nothing useful to be done. The watchword of many a conservative statesman used to be masterly inactivity; now it is miserly depravity. There seems no place for the old-fashioned conservative who steers a steady course, is frugal and firm yet decent and honest; who, rather than pick people's pockets, leaves their money to fructify there—in short, the John Howards of this world. When Theresa May, a strong prime minister in this tradition, took office two months ago after the vote for Brexit, she felt the need to make gestures to the nanny state: an “industrial policy” and an “equality audit”. Why does she think the British state, whose record of central planning and social engineering is lamentable, should repeat the follies of the past? Could it be that Mrs May still feels the need to appease

the gods of socialism, in which nobody, least of all she, still believes? It seems scarcely credible. Yet the same phenomenon is observable everywhere. Conservatism as a living tradition, a coherent conceptual framework for freedom under the law, has been hollowed out and filled with the detritus of defunct ideologies.

Much of what is popular in so-called “populism” is drawn from the discarded stock of conservative thought, dressed up in revolutionary rhetoric. A good example is patriotism, which has always been at the heart of conservative theory and practice, but is now expressed by politicians of the centre-Right only gingerly, accompanied by apologies and caveats, leaving the demagogues with their cynical appeals to xenophobia to exploit the natural pride that people feel in their country. Two centuries ago, Samuel Johnson already made the distinction between true and false patriotism when he famously remarked: “Patriotism is the last refuge of the scoundrel.” He probably had in mind William Pitt the Elder, the Earl of Chatham, known as the “Patriot Minister”, who was by no means a scoundrel; but we have plenty of false patriots who are. What has made them plausible, however, is the feeble expression of true patriotic pride by mainstream conservatives.

The nation-state is nothing to be ashamed of, especially those of the Anglosphere, and there is no virtue in politicians making apologies for historical events that took place before they or the putative victims were born. There is a phoniness about the way some liberal conservatives now talk about the past: for them society is no longer, in Burke's immortal formulation, “a partnership between those who are living, those who are dead, and those who are to be born”. Instead, it is a perpetual conflict between the old and the young, the not yet past and the only just present, in which right is invariably on the side of the latter, the newcomers. It is a society in which the sagacity and generosity of age are not only denied their due, but positively excluded from consideration, in favour of the principle that the youngest are

wisest. The Left is now less inclined than the Right to worship youth; the Bernie Sanders phenomenon is by no means unusual. What makes this pursuit of the *ignis fatuus* of novelty so counter-intuitive is that we live in ageing societies, the older members of which are both more prosperous and more likely to vote.

This may not be unconnected to another phenomenon: most Western democracies are moving slowly but steadily to the Right. Social democratic parties are shrinking everywhere; parties of the centre-Right are dominant. No longer do electorates feel intimidated by liberal elites, however much these elites scold them for rejecting their own liberalism, which ordinary people have noticed is often quite illiberal. The conservative problem, then, is not that the voters do not share conservative values; it is that the voters intuitively sense that the established representatives of the Right are themselves dismissive of those values. Conservative politicians for the most part just aren't conservative enough. Corrupted by power, they have become inauthentic and duplicitous. Voters just don't trust them to defend their own back yards, let alone Western civilisation.

If the Right is struggling to appeal to voters who doubt the good faith of its conventional politicians, the Left has the opposite problem. The same electorate that doubts whether slick conservatives mean what they say, also fears that bearded socialists might indeed say what they mean. My example here comes from Britain: Jeremy Corbyn, the Che Guevara of North London, now Leader of Her Majesty's Loyal Opposition. In comparison with his Brooklyn-born counterpart Bernie Sanders, Corbyn comes off emphatically second-best. Almost as badly educated and inarticulate as Donald Trump, Corbyn lacks the natural eloquence of Sanders that enabled the Vermont senator to run Hillary Clinton so close in the Democratic primaries. But Corbyn is no less popular than Sanders with a privileged and vociferous section of the young, by promoting their interests, such as free university tuition, combined with much talk of inequality and injustice at home and abroad. The basic repertoire has not changed in nearly half a century, but the old tunes have found new audiences in both hemispheres—not large enough to win elections, but quite enough to recommence the long march through the institu-

tions that has carried the Corbyns and Sanderses further than Gramsci ever imagined.

The anti-Western ideology that New Left academics such as Noam Chomsky were peddling in the 1960s is still being peddled by none other than ... Noam Chomsky. The Cold War may have ended more than quarter of a century ago, but a war of ideas against the West is still being waged by the Marxists and their fellow travellers with undiminished ferocity. Corbyn, whose public utterances are scripted for him by the former *Guardian* columnist Seumas Milne (an unrepentant Stalinist), appears to be untroubled by the genocidal role of the ideology he espouses during the last century. Like Robespierre, the "sea-green incorruptible" as Carlyle called him, Corbyn believes that he himself is the people. Anyone who doubts that is a traitor.

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*Patriotism is now expressed by politicians of the centre-Right only gingerly, accompanied by apologies and caveats, leaving the demagogues with their cynical appeals to xenophobia to exploit the natural pride that people feel in their country.*

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But the cadaverous Corbyn is already being eclipsed by the new Mayor of London, Sadiq Khan, who also hails from the far-Left, but is well aware of what is needed to woo middle-class voters who have much to lose by penal taxation and are deterred by socialist slogans. The fact that Khan has associated himself with fifty-seven varieties of Islamist extremist does not preclude him from following Tony Blair's electoral playbook. It may be hard to imagine Jeremy Corbyn entering Downing Street as Britain's first Marxist Prime Minister; it is not at all hard to imagine Sadiq Khan there as our first Muslim one.

Khan has successfully rewritten the narrative of how he won the mayoralty: by a broad appeal to Londoners of all ethnic and religious stripes, defeating a vicious Islamophobic campaign by the Conservative candidate Zac Goldsmith, who highlighted Khan's Islamist links. The truth is rather different. The Conservative vote held up well, falling by only 60,000 from Boris Johnson's winning total of 970,000 in 2012. But Sadiq Khan's vote hugely increased by more than a quarter of a million to 1,150,000. Given the high turnout in certain districts, it is reasonable to conclude that Khan won mainly because London's Muslims voted en bloc to elect their first mayor in any Western capital. Evidently Muslim voters were not deterred from supporting Khan by the fact that he had shared platforms with radical Islamists, represented them in court or otherwise associated himself with them and their views. Once elected, Khan reassured his

core supporters by picking a fight over Islam with Donald Trump—who hasn't even held office yet. Whatever one thinks of Trump, should alienating a potential US president really be the top priority for a new Mayor of London? I don't have a problem with the Mayor of London being a Muslim—Rotterdam, for example, has a Muslim mayor who used a robust Anglo-Saxon word to tell Islamists who didn't like life in the Netherlands what they could do with themselves. But Citizen Khan would never say such a thing. Islamists, after all, are among his core voters.

More worrying still, the mayoral election coincided with the anti-Semitism scandal in the Labour Party. It was set off by the former London mayor and Labour national executive member Ken Livingstone who, by claiming that Hitler had colluded with Zionists and shared their goal of a Jewish state, deliberately stoked up hatred of Israel and smeared Jews by extension. The resulting outcry put pressure on Corbyn, whose views on Zionism are indistinguishable from Livingstone's and who has shared platforms with Hamas and Hezbollah. The Labour Party announced an "independent" inquiry into anti-Semitism within its ranks, but Corbyn made sure that it was chaired by a human rights activist, Shami Chakrabarti, who is not only a party member but has no expertise in anti-Semitism. She broadened the scope of the inquiry to include Islamophobia, delivered the required whitewash, and was rewarded with a peerage. The only Jew involved was an anti-Zionist academic.

Sadiq Khan distanced himself from Livingstone's incendiary remarks, but given that polls suggest that up to half the Muslim community holds anti-Semitic views, the row may well have helped to get him elected. Once Citizen Khan was home and dry, he had himself photographed with the Chief Rabbi and attended a Holocaust memorial ceremony. The truth is, though, that Corbyn, Livingstone and Khan—like the rest of the Left—are all implacably hostile to Israel. Given that for the overwhelming majority of Jews, Zionism is part of their identity, the denial of Israel's legitimacy as a Jewish state inevitably puts the Left on a collision course not only with Israelis but also with the Diaspora.

If the moral basis of the democratic Right since 1945 was to preserve the free world from communism, that of the democratic Left was to preserve it from a revival of Nazism. Anti-Semitism was the common factor in both forms of totalitarianism, in practice if not in theory, and so both Right and Left have a particular duty to expose and defeat it whenever and wherever it emerges. At least since the era of Reagan and Thatcher, support for Israel and opposition to anti-Semitism in all its manifesta-

tions have been articles of faith for the great majority of conservatives in the Anglosphere. Not so on the Left: there the demonisation of Israel—and, by extension, of the "Israel lobby"—has tempted the liberal conscience into adopting the vocabulary and agenda of anti-Semitism, from the Stop the War Coalition after 9/11 to the Occupy and BDS movements more recently.

Above all, the Left has—thanks to its longstanding aversion to such slippery notions as imperialism, orientalism and of course capitalism—made common cause with radical Islam, which often presents itself in a revolutionary guise, as it did during the Arab Spring. The proposition that the West is responsible for most, if not all, of the misfortunes of the world has a perennial appeal to the liberal imagination. Once, it meant turning a blind eye to crimes committed by communist regimes and their proxies; now it has translated itself into an uncannily similar attitude to oppression in the Islamic world. This betrayal of the West goes far beyond a fringe phenomenon.

As we have seen, neither the Right nor the Left is doing a good job of defending, representing or embodying the values of our civilisation. Those values come into play if, for example, the state treats human beings merely as a means rather than an end, or if executive authority is elevated above the law, or if the rights of conscience are subordinated to the sensibilities of groups or the imperatives of society. Conservatives are on guard against big government, while being alert to any abdication of its proper responsibilities to individuals and families; liberals have an overriding duty to protect the most vulnerable, at home and abroad, without allowing the entitlements of the living to burden generations as yet unborn. Our politics would still be recognisable to citizens of the Greco-Roman polis; we have not improved on the Enlightenment's injunction to be ready to make the supreme sacrifice for the sake of life, liberty and the pursuit of happiness, just as we still divine the moral law encoded in our hearts and enshrined in the Bible. The story of the West is the exegesis of this incomparable, inexhaustible diamond mine of the intellect.

The disjunction between Left and Right only enters this story during the French Revolution, when the seating arrangements of the Estates General proved more memorable than the deputies to be seated. Yet the party antagonisms of liberals and conservatives, populists and elitists, progressives and traditionalists, seem to have usurped the political stage to the detriment of the defence of civilisation itself. This has historically been less true in time of war or other emergencies. During the

Second World War, the bitter and destructive hostilities between communist and “bourgeois” parties were temporarily suspended, at least in some of the Allies, in order to defeat Germany and Japan. Similarly, during the Cold War, adversarial politics between anti-communists of Left and Right was kept within bounds because of the common enemy in Moscow. That came to an end after 1989, since when the polarisation of politics in America and Europe has only intensified. It has become commonplace not only for activists, but even for ordinary voters, to exclude anybody of the opposite persuasion from their circle of acquaintance. We saw this happen over Brexit in my country. I hope Australia is spared such extreme partisanship but it could happen here too. Ask Tony Abbott about his treatment by the media.

How very different, how utterly dismaying is such an uncharitable schism from the magnanimous spirit which once animated our great democracies! Today we find an almost total absence of solidarity across the democratic political spectrum against the threats that confront the West. Such magazines as *Quadrant* here in Sydney, *Standpoint* in London, the *Weekly Standard* in Washington, or *Commentary* in New York, can do something to rebuild the alliance against anti-Western ideologies that the Cold Warrior generation sustained from the 1950s to the 1980s. Yet the enemies of the open society are far more subversive now than in those days. They invade our space, physical and virtual, with ease. They saturate us with propaganda, deploying traditional media such as broadcasting stations, social media and every conceivable form of cyber-warfare directed at the West. With terrifying rapidity, hostile foreign powers are buying into our institutions and corporations, our universities and cities, literally and metaphorically; they are thereby buying influence on our policies and our silence about their atrocities. Let there be no illusions about the malign intentions of our antagonists, external and internal. China, Russia, Iran, Saudi Arabia and other authoritarian regimes are out to undermine the intellectual pillars of democratic capitalism. Meanwhile, our public opinion is seduced by the dream of a world without enemies, by the pathologies of relativism—cultural, moral and epistemological—and by the need to fill the void created by ignorance of or hostility to the Judeo-Christian core of our civilisation.

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*The ambiguities of civilisation are as inescapable as its glories. The West must not allow these ambiguities to poison our collective memory, without which our civilisation cannot survive.*

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The diagnosis, surprisingly, is more complex than the cure. There are numerous viruses attacking the Western body politic, but only one medicine. To face the future unflinchingly, we must return to the past: listen to the patriarchs and prophets, the ancestral voices of our literature, break open the arsenal of our intellectual history, and mobilise the resources of righteous indignation against the dominions, principalities and powers of darkness that threaten to overwhelm us. The great books, from Homer to Shakespeare, from Plato to Pascal, from Dante to Bellow, must once again not only be assigned to every student, but learned where possible by heart. The music of the masters, from Gregorian chant to George Gershwin, from Sebastian Bach to James MacMillan, from Palestrina to Arvo Pärt, must not only float across the courts and quads of our colleges, but fill our airwaves and headsets. The art and architecture of the West must not only fill our galleries and screens, but be protected from the vandals who threaten antiquities from Leptis Magna to Palmyra.

In short, we must celebrate Western civilisation as the living, breathing, flourishing organism that it is. Unless the coming generations embrace its treasures and make them their own, we will forfeit all that has ennobled the West and enabled the rest of humanity to be more humane. But a robust, self-confident culture alone is not enough: there must also be foreign and defence policies muscular enough, not only to support the democratic, liberating and civilising mission of Western civilisation, but also to keep that civilisation safe from predators. Just as the Chinese communists and others have embraced the market, not to dismantle their totalitarian power structures, but only to reinforce them, so they are now adopting the cultural habits and artistic tastes of the West, while ignoring (or persecuting) the religious roots of the laws and liberties that made such a civilisation possible.

And while the Islamists in general fear and abominate Western culture, or even wish to extirpate it, because they sense its power, there is always a danger that our political will may be insufficient to resist the demographic pressures now being brought to bear in Europe. I am speaking of France, in which a quarter of teenagers are already Muslims, or England, which within a generation may have followed the example of its capital. Europe’s “migration crisis” is not a crisis; it is the new normal.

One does not need to have an iota of sympathy for Donald Trump's crude discrimination against Muslims, or even advocate the mass repatriation of illegal migrants—by the time he leaves office Barack Obama will have deported nearly three million of them, more than all other presidents since 1892 combined—to see that the numbers now entering Europe and America are impossible to integrate.

If Western civilisation is to survive the mobilisation of mankind in pursuit of prosperity on a scale that dwarfs anything seen before, we shall have to restore the borders we have been striving to abolish for decades. It is not illiberal to make secure borders the *quid pro quo* for generous treatment of refugees. Australia, which has no choice but to keep its borders secure, is a nation built by immigrants. You have a points-based set of criteria for entry that enables you to deal fairly with all those who come here to work or settle, but which is also fair to those who already live here. And your system of processing asylum-seekers at centres outside Australia, though controversial in some quarters, has been highly successful in bringing mass migration from Asia under control. It is a model that Europe is belatedly beginning to emulate.

Will Western civilisation, which has endured the vicissitudes of millennia, survive this century? If those of us who care enough resolve to make that civilisational survival our highest goal, dedicating the best efforts of our free peoples to renewing that sense of moral purpose and intellectual curiosity we have lost over the past generation, then the inner strength that enabled us to win the Cold War will carry us through again. There is a bright future for us: given peace and security, a new golden age of science, philosophy and the arts could dawn, combining a renaissance of the West with a global enlightenment. A generation from now, it is possible to envisage a world in which, thanks to the spread of Western ideas and technology, not only tens of millions but billions of people are able to enjoy with Matthew Arnold and the rest of the West “the best that is known and thought in the world”—without the interference of their politburos and potentates, their warlords and guardians.

Here in Sydney, on my first visit to this country, I am particularly conscious of the precarious yet astonishing nature of Western civilisation. Having created this metropolis—one of the most magnificent in the southern hemisphere, indeed the world—and built a great nation, Australians know better than most that in this life we must forge our own destinies. It is no small achievement to have upheld the highest principles of humanity in a region where these have largely been lacking, as you have; to have

maintained a stability and prosperity that is the envy of many older and more numerous peoples, as you have; and to have made a unique contribution across the whole breadth of the cultural landscape, from science and philosophy to comedy and cricket, as you have. The fact of Australia's remoteness from Europe and America underlines the irrelevance of geography to what we now mean by Western civilisation. This continental Commonwealth has never shrunk from playing its part in defending the open society against its enemies.

Yet even here, in this paradise of the Antipodes, the defence of civilisation is never plain sailing. Here, as elsewhere in the West, it is sometimes difficult to distinguish between those who are resolute in that defence and those who would rather compromise when the going gets rough. Though Australia has a prime minister from the more conservative of the two main parties, it was difficult to identify clear differences between Labor and the Liberals in the recent federal election. The voters returned Malcolm Turnbull to office with the slimmest majority possible. Maybe Australians found it hard to choose between two versions of social democracy. If the Liberals are not prepared to stand up for liberal—in other words, conservative—values because they are too worried about saving the planet from everyone who isn't Australian while simultaneously apologising for Australia's existence, then it is not surprising that they arouse only tepid reactions from voters.

If Australians have indeed ceased to be proud of their past, as is sometimes suggested, it implies that conservatives haven't been doing their job properly. Perhaps John Howard had it right when he defined a conservative as “someone who does not think he is morally superior to his grandfather”. The Australian grandfathers who fought Nazi Germany in the Mediterranean and Atlantic, and Imperial Japan in the Pacific—a million of them, out of a population of just seven million—were if anything morally superior to us. That greatest generation, as Americans like to call them, bequeathed this rugged nation of pioneers a nobility of which it can be just as proud as those who trace their ancient lineage back to kings or emperors.

As a mere Pom, I hesitate to tell you how to think about your people and its place in Western civilisation. But you may forgive me quoting an expatriate Aussie, the poet and critic Clive James. Seven years ago we published a poem of his in *Standpoint*, “Nefertiti in the Flak Tower”, that subsequently became the title of his 2012 collection. It evokes the famous bust of the eponymous ancient Egyptian queen, miraculously preserved in a massive tower during the wartime air raids that devastated Berlin:

For five long years the flak towers stood  
 Fighting the enemy armies in the sky  
 Whose flying chariots were as the locusts:  
 An age, but less than no time to Nefertiti,  
 Who looks as if she never heard a thing.

I see Clive James's Nefertiti as a metaphor for the survival of Western civilisation: even the most terrible destruction, such as we have seen in Syria and Iraq in recent years, cannot erase the treasures of the past. Yet that Nazi flak tower, like the pyramids and temples of Egypt, was built by slaves. The

ambiguities of civilisation are as inescapable as its glories. The West must not allow these ambiguities to poison our collective memory, without which our civilisation cannot survive. What destroys a civilisation is not war—for it is possible to survive defeat—but the betrayal of the past by the present. Unless we cherish our past, we have no future.

*Daniel Johnson is the Editor of the British monthly magazine Standpoint. This article was his contribution to the Quadrant symposium "The Future of Civilisation" held in Sydney on September 18.*

### Court in the act

She led a life that rarely took in change.  
 Like laundry in their early days she thought  
 that he'd come clean as she exposed her range  
 of strengths to him. She was a potent sort.  
 It was the reason they began to court.

He saw her as a magistrate in court.  
 She made the rules and wasn't one to change  
 her sentences without some careful thought.  
 It puzzled him, but still he sailed in range.  
 He'd take the risk and some time later, sort

His mind's mess out. He was the reckless sort,  
 the guy who'd never pause to count his change.  
 He was Sex Highway, she, Romantic Court.  
 His contract was for promises, not thought.  
 Fulfilment never showed up in his range.

He loved her, but his instincts made him range  
 the lowlands of his childhood. Her court  
 ruled steadiness, but also asked for change.  
 (How do you transform a liquorice all-sort?)  
 The idea seemed a cinch, or so he thought.

It proved to be a controversial thought.  
 She loved him too; he fell within the range  
 of squires she preferred. No other sort  
 would once have done. But now a child meant change.  
 What happened? Ask the lawyers, and the court.

***Roger G. McDonald***

## Societies of Endless Destruction

When Arabs ask me, as they sometimes do, why I take an interest in their society and their culture, I am at a loss to give a definitive answer. Nostalgia has a part in it, because as a small boy I spent some time in Morocco, in Tangier, and the throng of the Petit Socco, the bazaar and the almost painful blue of the sky have stayed with me. I kicked a football about with others my age. Their heads were shaven except for a long tuft in the middle of the scalp, to enable Allah to lift them up to him if he was so inclined. As far as I know, that is no longer done to little boys even in the Caliphate. Also unforgettable was the witch-doctor, the *fqih*, who used to sit cross-legged at the entrance of the house, showing the soles of her feet dyed orange with henna and muttering her blessings and curses. After a lapse of twenty-five years, I went back, and there was Muhammad Driss, still the gardener just as I remembered him. Recognising me, he wept, and I wept.

I was nineteen and doing my military service when Gamal Abdul Nasser sprang the surprise of nationalising the Suez Canal. I had to explain to my platoon why we had been given the order to prepare to invade Egypt, keeping to myself my thoughts that we shouldn't be doing this. This was one of the most mismanaged episodes in the history of the British army. The regiment in fact stayed at home, and the time had come for me to go up to Oxford. Pretty well everyone in the university believed that the wrongs of the world were mostly the fault of the British. By now that is received opinion. Nobody turns a hair when a book like Piers Brendon's *The Decline and Fall of the British Empire*, published in 2007, portrays that empire as a criminal enterprise set up for murder and looting, taking it for granted that there's nothing more to be said. Yet if no power keeps the peace, there won't be any.

When I began to travel in the Middle East and report on it, I was in time to catch the tail end of the settled order put in place there by the

British and French. I had had the good fortune to get to know Elie Kedourie, born in Baghdad, a professor at the London School of Economics, and a rare combination of scholarship and humanity. His advice to anyone in contact with Middle East realities was *Never take your eyes off the corpses*. In the light of the militarised barbarism that has overtaken the whole region, the former imperfections seem trivial. Family life was possible; the old were respected and politeness was customary. To a certain extent, the imperial intention of converting former Ottoman provinces into Arab nation-states had been realised. The state was an entity that could be established; it was a matter of endorsing the ruler, either a monarch or a president, and giving him the means, that is to say the arms and the subsidies, to be getting on with it.

It took me far longer than it should have done to understand how completely the codes of shame and honour govern behaviour and morals. From the ruler at the top down to the humblest at the bottom, every individual in this culture must make sure to behave in accepted ways that bring dignity and honour, while avoiding whatever is considered shameful. What might look like rudeness or unprofessionalism of some kind is virtually certain to have a hidden explanation to do with apportioning shame and honour. This is why things in the Arab world are so often not what they seem to be, and why actions that have been harmful in the past are repeated as though no lesson had been learnt. Attacks on Israel, to give an outstanding example, leave that country each time stronger and more determined to defend itself. The army museum in Cairo presents the 1973 war as a triumph although it finished with Israeli tanks poised to enter Cairo.

What looks irrational is driven by the imperative need to reject shame. Failure has to be presented as success, defeat as victory. To concede anything from a position of strength is seen as a defeat, and that is shameful. To concede nothing from a position of strength is seen as victory and that is honourable.

To concede anything from a position of weakness is surrendering, and that is shameful. To concede nothing from a position of weakness is to fight for survival, and that is honourable. Majorities therefore have to dominate and minorities have to survive. The culture makes it hard to achieve compromise, a basic component of nationhood.

The Cold War sometimes overheated in the Middle East, but beneath it, in a way that became visible only much later, it helped to maintain a process of state formation. Turkey and Iran were states whose historic identities flourished as American allies if not protectorates. Israel and Egypt both strengthened their identity by managing to switch relationships with the superpowers at opportune moments.

The imperial powers in charge of the Arab provinces of the defunct Ottoman empire imagined that the introduction of institutions that had given themselves nationhood would do the same for Arabs. Nationalism, they hoped fervently, would unify Arabs; but it did so unexpectedly. Unscrupulous adventurers, military officers for the most part, had no trouble exploiting nationalist mass-movements to oppose the West and to lever themselves into power. No one that I can detect had thought out how to bring together under one identity people very willing and able to fight to the death in defence of their various ethnicities, tribes and religious sects.

Islam does offer the alternative of an inclusive identity. In the geopolitical ideal that dates back to early days, the faithful see themselves as a single community, the House of Islam, united under the rule of a single Caliph. The countries of unbelievers are known as the House of War, to be fought until the whole world is Muslim. And this too is not quite what it seems. Far from having a unified identity, irreconcilable differences divide the House of Islam between the Sunni majority and the Shi'ite minority.

It was extremely unlikely, to pitch it no higher, that Ruhollah Khomeini, an elderly Shi'ite ayatollah, should have been among the select few who redirect the course of history. A genuine and forbidding counter-revolutionary, he had no apparent appeal and no human qualities either. On the basis of Shi'ite doctrine of his own devising, he became Supreme Leader. In reality a totalitarian dictator wearing a turban and black robes, he set about recasting the country in his own obscuran-

tist image. Thousands were executed, and millions fled into exile. Khomeini seems to have visualised some sort of international jihad in which the entire Muslim community would confront the House of War and bring about the end of days, as prophesied in holy Shi'ite texts. The whole ruling clique of ayatollahs and mullahs have instilled the population of Iran with their belief that unbelievers stand in their path and obstruct the fulfilment of Islam. Why unbelievers would do anything so wanton is not explained. However, crowds a million strong are mobilised in Tehran to call for the death of the United States and Israel, in their terms the Great Satan and the Little Satan.

This clash with Western civilisation has the further effect of placing Sunnis in a predicament. A small number of Sunnis like Osama bin Laden and Al Qaeda showed themselves fellow travellers, willing at least to emulate the Shi'ite model of violence, if not to duplicate it. The kings of Saudi Arabia and Jordan, the Gulf sheikhs and the Turkish president have expressed the traditional suspicion that the Shi'ites are up to no good, merely making another bid for power. Invading Iran, Saddam Hussein chose the option of armed hostility.

The so-called Arab Spring appeared at first to be a mass protest against unjust rule, a mob uprising that people anywhere on the globe might have staged. Presidents who had been in office for decades fled or were arrested and in one case lynched. Thousands were killed in riots and on barricades. Populations fell back on their various ethnic and sectarian identities. In Syria,

President Bashar Assad led his fellow Alawites—a little more than one in ten of the Syrian population—into a classic no-holds-barred minority fight for survival. Losers must expect to be massacred. Almost half a million people have been killed, and some ten or eleven million have fled for safety elsewhere in the country or abroad. The Islamic State seized parts of Syria and Iraq, and its self-described Caliph claims in the name of Sunnis to be laying the foundations of the true House of Islam.

Once upon a time, the imperial powers would have intervened decisively in order to safeguard territorial Syria and Iraq. The current administration in the United States now and again declares its political aims but does little or nothing to implement them. Assad's destruction of Aleppo, his gassing of his one-time citizens and the barbarities of the Islamic State to human beings and to monuments such as the Hellenistic city of

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Palmyra follow from President Obama's decision to leave the various Muslim forces free to do their worst to each other.

The experiment that started a hundred years ago to build recognisably Western-style nation-states in the Middle East has come to a dead-end. For several decades, Turkey appeared to be succeeding, but under its present regime it is reverting to exclusive Sunni identity. How the newly Islamist Turkey will come to terms with Iran and its exclusive Shia identity is impossible to predict. It is the case, I believe, that Turkey has no Shia mosques and Iran no Sunni mosques. In past centuries, the Ottoman empire and the Persian Savafid empire fought one another to a ruinous standstill. Had they united as a Muslim bloc, they would almost certainly have captured Vienna in the siege of 1683, and gone on to conquer the rest of Europe.

As things are, Turks and Iranians are not contributing to present civilisation anything like what they contributed in the past. In the post-1945 world, Arabs have been free to build societies in accordance with their numbers, their creativity and their hopes. Instead they have thrown away such prospects in self-perpetuating and interminable wars and civil wars. *Never take your eyes off the corpses* is the sole comment outsiders can make about these people who are failing to do justice to themselves, destroy-

ing, not creating, in a continuous human tragedy. In what amounts to a vote of no confidence, large and growing numbers of Muslims, and terrified Christians too, prefer to run the risks of emigrating rather than face the danger of death in their countries of origin.

Israel is the one exception in the region. Zionism is the national liberation movement of the Jewish people, and it has enabled them to create a First World nation-state, a centre of excellence in the sciences and the arts. Its democratic institutions incorporate a variety of ethnicities, religious faiths and sects. To give just one example of its inclusiveness, the judge who condemned a previous President of Israel to prison for sexual misdemeanour is an Arab. Traditionally, Muslims have been accustomed to see Jews as second-class people, by nature shameful, and it is intolerable for them and their honour that a Jewish liberation movement should succeed in their midst. Ranging from boycotts and sanctions to outright war, attempts to attack Israel are so many triumphs of ignorance and irrationality, incitements to pile up more corpses, and altogether a standing insult to civilisation.

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*David Pryce-Jones's most recent book is the memoir **Fault Lines**. This article was his contribution to the **Quadrant** symposium "The Future of Civilisation" held in Sydney on September 18.*

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## Intimations of a Search for Poems

(West Coast, Tasmania)

I've ended up like them, those lone  
Old timers fossicking for glints  
Of gold in mullock, whom I met  
In childhood on the track, and still

Sore from a hiding more than half-  
Enviied for single lives in shacks,  
Who'd ask where I was bound, and seem  
Surprised, short-changed by my reply

Of "for the milk and mail". Perhaps  
They knew with all the town, that I,  
Not getting on at home, would one  
Day prospect too for better things.

**Graeme Hetherington**

## Sweaty Maxims

*after Rio*

Sport, we know, is filled with morals  
even when it's out and drunk.  
Consider all the holy homework  
behind the basketballer's dunk.

Think upon the codes of football,  
each a sublimated war.  
Chopped-up chess or riot with rules?  
Choose your own sweet metaphor.

Swimming, too, is sleek with meaning.  
Life a fifty-metre dash?  
Or thirty chlorinated lengths  
more for honour than the cash?

Reflect upon the "sport of kings",  
galloping or pulling wheels.  
No matter whose nag's out the front  
a bookie shares in its ideals.

Athletics too are rich in precepts.  
A marathon will test your soul—  
along with javelins and hammers  
or soaring skyward on a pole.

That happy zen of bats and racquets  
is mastered by an agile few  
whose coaches rabbit on about  
the need for speed and "follow-through".

"Try, try, try again,"  
my unasked mother used to say.  
I'm up to here with sweaty maxims.  
Can they be paid to go away?

*Geoff Page*

## To the Last

In the country we kill a lot.  
It must be done, nobody else  
will do it for us. Souls who dwell  
city-safe never give it thought.

Take captive rats: ten beady eyes  
fasten on us, watching to see  
what we'll do, until we drop  
their trap in a water bucket.

This bountiful autumn we caught  
thirty-two, a mere iceberg-tip.  
Another trap, hauled from a dam,  
writhing with contorted eels;  
what's the first thing we do?  
Pin down their heads, chop them all off  
and feed them to the cockerels  
(one day we'll cut off their heads too).

Don't think there's no room for love  
in this unresolved conundrum.  
While slaughter gratifies our needs,  
and no amount of cookery skills  
could justify us to the beasts,  
we may be certain they still feel.

For instance, consider the lambs:  
each one's mother had cut it loose  
from the teat, henceforth to eat grass  
wholly on its own, comfortless.  
Came the day we took a young ram,  
cut its throat, dragged it a paddock-  
length to be hung, gutted and skun,  
its mother broke from the clenched flock,  
followed in evident distress  
to know what became of her son.

*Leon Trainor*

# Dogs, Cats, Skunks, and the Trustworthiness of Nations

Let us begin with a thought experiment. Visualise a dining room. On the table in the room is a platter of newly roasted and sliced meat, fragrant and juicy, that you have just carried in from the kitchen. As you set it down, you realise that you have left something in the kitchen and must go back.

In the opposite doorway sits the family dog. He is a good dog, and knows that it is against the rule of the house for him to be in the dining room. And he knows that if he obeys the rules, eventually some of the delicious meat will find its way into his dish. But he is sorely tempted to hasten the process. As you walk into the kitchen, you turn to the dog and firmly say, “Stay!”

In the kitchen, you hear a noise and know that it is the sound of the dog trying to creep silently into the dining room. You say, “I heard that!” in a similar firm voice, tinged with admonition. As you walk back into the dining room, you see the dog has returned to his starting position, with a guilty look on his face. He has been caught and knows it.

Now imagine the same scenario, but instead of a dog in the doorway, the family cat. You turn to the kitchen, and warn, “Don’t even think about it!” but half-heartedly, since you already know it is in vain. When the noise comes, and you yell, “Don’t you dare!” the subsequent noise is a solid thump. Returning to the dining room, you see a slice missing from the platter, the cat on the floor in the last stage of swallowing, and meat juices on the floor and in the cat’s fur. The cat looks up, summoning its best attempt at a look of pure innocence.

Thus the difference between internalising values and only seeming to have done so.

In the final scenario, a rabid skunk has made its way into the house. You do not know whether it will steal food, spray you, or perhaps charge straight at you and bite you. There is no point talking to it. You need to get it out of the house immediately, but you cannot merely take some implement and strike it or kill it. You refrain from striking it immediately

not from affection, or from any illusion that you can command it, but merely because you must make sure you can eliminate it without further harm. You must take care that in dealing with it, it does not spray, or worse yet bite and infect you in a suicidal gesture.

In none of the three cases do you merely lash out in anger. But each of the three requires different tactics.

So it is with nations. Categories can be drawn, and they affect the choice of tactics.

As with our animal parable, the world is divided into three corresponding categories of actors:

Category<sup>1</sup> One consists of the International Order States (“dogs” in the terms of the parable). These states accept the current international order rule-set. They will of course jockey for national advantage, but overwhelmingly within the constraints of the rule-set. Such states, or to be more precise their national political systems and institutions, have a strong aversion to using force against other Category One states. Even against other categories of states, and even in cases of great provocation, such states typically use force only with reluctance, and with substantial internal dissent.

These states are, in general, relatively easy to negotiate and deal with. Although national interests will still conflict, compromises can be sought, and international organisations composed entirely of such nations tend to function fairly effectively.

Category Two consists of amoral, adventitious, Rational National Advantage States (“cats”). These states do not accept the values of the current international order but comply (or appear to comply) with them as needed, and only to the extent needed to gain the advantages of belonging to the international order. For example, membership in the World Trade Organisation brings substantial economic advantages in return for complying with a variety of international rules. Some states actually believe in these rules, and would (and did) comply with them even before the advent of the WTO regime. Other states do not believe in the rules, did not comply with

them before they had WTO membership, and even today only comply when they believe they would be detected and punished if they tried to break them.

Of course, such states will cite international rules when the rules work to their advantage in specific cases. They will use force when opportunity presents itself, the use would benefit them, and they believe they will not be significantly opposed.

Nevertheless, they are rational actors who will negotiate and comply with agreements so long as they cannot get away with breaking them. To deter them from breaking the rule-sets, threats of consequences must be credibly and consistently backed up with consequences. Credibility requires that if a state is seen to break them, consequences up to and including the use of force must be applied by other states in the world system. These states cannot be deterred with mere rhetoric, or even a past history of applying consequences. They will continually observe the enforcement regime and take any faltering as the indication of a potential opportunity. Half-hearted enforcement measures do not work as deterrent measures; these states are often willing to absorb limited damage, economic and even physical, if they think the enforcers will not press further.

These states are difficult to get along with but it can be done so long as limits are clearly stated and consistently enforced. The enforcing states must maintain a preponderance of force and the credibility of using it. These states will be observing carefully and can detect any weakening of determination, so that willingness to enforce must be demonstrated from time to time.

Introducing such states into international organisations created by and for Category One states is generally an error, as they will use their membership primarily as a bargaining chip. In cases in which historical reasons, or exigencies of statecraft, require membership to be extended to such states, it is important to avoid giving them veto power, or making such states anywhere near a majority of the membership.

Category Three consists of states and non-state actors with fundamentally different assumptions about the world than those of Categories One and Two. (These are the “rabid skunks”.)

This category consists of states or organisations controlled by groups with fundamentally different and incompatible assumptions about reality, usually

because they hold a theology or ideology that is hermetically sealed and is neither shared nor able to be challenged by the normal members of state society. Quite often this belief system is apocalyptic, and its adherents expect a cataclysmic transformation of the world in the near or immediate future. This can be either supernatural, or one that is ostensibly rational and scientific but relying on some concept of historical inevitability or destiny. They do not pursue national advantage as normally understood, but rather pursue good (in their eyes) outcomes validated by means or values that Category One and Two states do not recognise, such as the revelation of the Twelfth Imam, the Apocalypse, or the triumph of the proletariat. These goods are to be achieved, or may be achieved, by violence. Sometimes, although inevitable, they require some human action, usually violent, to push the button.

In the minds of Category Three actors, all other rule-sets are specifically repudiated and have no moral force. They are individually willing to die, or even seek martyrdom proactively, and are willing to contemplate the physical destruction of their own societies in order to gain supernatural rewards or goals. The lives of non-members are utterly insignificant.

Negotiations and agreements with such groups are pointless, except for very short-term tactical ends. It may be necessary to kill all of the genuine believers. When enough of them are killed, some

fraction may develop a peaceful variant of their ideology and seek to negotiate a peace, if they can gain control from the bitter-enders. Also, if they control an area, many in the area will adopt surface compliance with their ideology, but will hope for their overthrow. Therefore, decapitation of leadership is preferable to killing entire populations.

If they can be contained effectively, they may also evolve over time to a non-rabid form of ideology. However, containment has become difficult with doomsday cults because of cyber-recruiting and leaderless jihad.

Obviously, as with all categories, there are gradations and in-between cases. The US and the CANZUK nations are in a special subset of Category One in which they will sometimes act against short-term national interest in specific cases because they see the preservation of the meta-rules as being a high national interest in and of itself.

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*Iran has been in Category Three for a long time, but there are signs that some elements of its ruling class would like to move it into Category Two. The Obama administration is convinced that this has essentially happened.*

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France, on the other hand, is near the bottom of Category One.

Since culture is persistent over generations but not entirely immutable, it is possible for nations to move from one category to another. It is easier for a nation to move from Category Three to Two, than from Two to One, but it is not impossible. However, wishful thinking can sometimes fool observers into seeing a transition when in fact it has not occurred.

For example, Thomas P.M. Barnett made the major error (along with many other people) in thinking China and Russia had risen into Category One at some point. They are in Category Two and will remain there for the foreseeable future. However, given that China was in Category Three during the Cultural Revolution, its current status is an improvement.

Iran has been in Category Three for a long time, but there are signs that some elements of its ruling class would like to move it into Category Two. The Obama administration is convinced that this has essentially happened, but it is unlikely that this is the case. Thus, the nuclear weapons development deal which the US has promoted with Iran is something that, with good verification, might possibly succeed with a Category Two state, but is madness to sign with a Category Three state.

One of the current problems with international relations is that no one rule-set is adequate for dealing with all three categories of actors. Many feel that the entire world can be dealt with through the Category One rule-set, with only a few exceptions in Category Three. Others would try to deal with Category Two nations as if they were Category Three, which is also inappropriate. The lack of a clear understanding of what the Category Two problem is, and a clear rule-set for dealing with such nations, is a major failing with the leaders of Category One nations.

This leaves us with a world that is not in a cold war, but also not in the “End of History” situation imagined in the 1990s. The attempts to bring the Category Two states into the Category One system have by and large failed. See, for example, the United Nations. However, the Category Two states do have a common interest with the Category One world in suppressing the unpredictable and dangerous Category Three entities. This is not quite a simple “multipolar” world, either. In such a world each

power bloc can align omni-directionally with any other. But the motivation for Category One states to prefer each other, even when their interests may have rivalrous elements, over Category Two partners, is valid and real. So what we are left with is a hybrid, multilayered system in which small groups of Category One states form close blocs, which make looser alliances with other Category One blocs, and also make alliances of convenience and opportunity with Category Two states, particularly to suppress Category Three entities.

In this world, we do not need Cold War levels of armament. Some levels of international arms-limitation protocols and measures can be implemented, which helps keep defence expenditures somewhat under control. Category Two states can be included in this if verification is robust. However, the level of demobilisation achieved after the fall of the Berlin Wall went too far. An up-to-date military, of adequate size to carry out a number of combat operations simultaneously, is needed in order to be a functional Category One bloc. Many smaller states can only achieve this in an alliance, or even a confederation.

The era of small, nimble Category One states which seemed to be viable after 1990 is probably coming to an end, given the escalating costs of inter-operable modern forces, especially in the age of space, drone and cyber warfare mixed with traditional systems—unless they are plugged into a larger

entity, at least as tightly knit as NATO. Similarly, the dream of locating much governance in transnational organisations in which almost all actors worldwide participate is also fading. Additionally, small nations have shown themselves to be too open to manipulation by global mafias or Category Two intelligence operations. The Category Two nations simply don’t play well enough within such frameworks to permit them unlimited access—they must be placed on permanent parole, as it were. The popular revolt against globalisation throughout the OECD (that is, Category One) world is essentially a revolt against the workings of Gresham’s Law in international relations. That is to say, if the system forces actors to accept Category One and Category Two nations as equal, the Category Two nations will gain advantage at the expense of Category One nations.

International rule-based institutions will continue to play a role in governance. But it will be

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*China is a Category Two nation, as are Russia and Indonesia. Do business with them and make limited verifiable agreements. They are not your friends. Do not open your economies or institutions to them as you might a Category One nation.*

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limited, and Category Two nations will participate only under close watch. Smaller, tighter blocs of Category One nations in which members trust each other to obey the rule-sets will play a larger role, and the small, nimble Category One nations will be shopping for such to align themselves with. Those that can form a confederation capable of supporting a genuine, directly-elected parliamentary body with genuine power of the purse and oversight capability will be the gold standard of such blocs.

In such a world, a Third World War can be avoided by a few simple rules. Category One nations must maintain reasonable and competitive militaries and demonstrate their willingness to use them. They should form alliances and joint commands to multiply these capabilities. They should always communicate red lines firmly to Category Two states, and display a willingness to back them up. However, Category One states and blocs should at least consider negotiation with Category Two states as long as it is done realistically, and as long as agreements are verifiable and enforceable. Category One and Category Two states can and should co-operate in the suppression of Category Three entities. Category Three entities cannot be trusted, and should not be negotiated with except for short-term limited ends. The proper goal should be to eradicate the ideological or theological clique in command of Category Three entities and replace with them with at least a Category Two governance system.

Category One and Category Two entities can possess nuclear weapons or other WMD, and we can expect more to do so in the future. This is at least tolerable, and extreme measures such as military action are not justified to prevent Category Two nations from acquiring nuclear weapons. With Category Two nations nuclear deterrence must be in place, and the Category One nations must be able to demonstrate a credible will to retaliate. Category Three entities cannot be allowed to possess nuclear weapons. Military action to prevent them from acquiring nuclear weapons is always reasonable even if the evidence is not certain.

Some conclusions for Australia:

1. Australia should maintain only limited expectations of broad international organisations with mixed Category One and Category Two members. Do not count on them to protect your country or your economy.

2. China is a Category Two nation, as are Russia and Indonesia. Do business with them and make limited verifiable agreements. They are not your friends. Do not open your economies or institutions

to them as you might a Category One nation. Keep your connections to your historical Category One friends, especially the US and UK.

3. Australia is a Category One nation in a neighbourhood of Category Two nations. You should think globally, not regionally, because that is where the nations with whom you can form deep connections will be found.

4. You are now in range of several Category Two nations with nuclear weapons, and soon will be in range of several Category Three entities with them. You need either to be under a reliable nuclear umbrella of a nation you absolutely trust to retaliate for you, or to become part of an entity (alliance or confederation) with multilateral nuclear capability, or to develop or buy nuclear weapons for yourselves. Your choice, but do at least one.

5. There is one set of nations which meets the criteria for close association, has the potential to create a parliamentary oversight body with real powers, and even provide a credible nuclear deterrent. This is the set of the CANZUK nations: Canada, Australia, New Zealand and the United Kingdom. Now that Brexit has won, begin investigating the option seriously. In the meantime, continue to be very attentive to the US.

#### Note

1. Many discussions of international order have used various labels such as “democratic”, “liberal”, “authoritarian”, or “totalitarian” to classify national actors. This discussion avoids such labels and merely numbers its categories. This is because the use of such labels has tended to become sidetracked in precise definitions or categorisations of national types, and commentators begin to mistake surface indicators for deep identities. For example, in the past only Category One nations tended to have multiple competing political parties and contested elections to representative bodies. Over time, however, Category Two and even some Category Three nations began to see value in maintaining limited and controlled versions of such phenomena. This has confused some observers into arguing that such states were actually Category One nations. The use of numbered categories seeks to avoid such confusion.

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# Central Europe and the Future of the West

Arnold Toynbee, the deservedly famous British historian and philosopher, in his monumental *A Study of History* described the rise and fall of dozens of civilisations. Based on that model it is easy to predict the fall of our Western civilisation. But that was predicted already a hundred years ago by Oswald Spengler in *Der Untergang des Abendlandes (The Decline of the West)* published in 1918, in the wake of the devastations of the First World War. It may sound politically incorrect but our present (Western) civilisation has overtaken and substantially influenced all others that still exist separately: the Chinese, Hindu, Persian and Arabic civilisations. The fall of the West is not inconceivable but it would be the end of democracy, prosperity and freedom.

Marx, Lenin and Mao have been proved wrong: the capitalists were not annihilated, the state has not withered away (Soviet communism has), instead the working class has disappeared. The countryside has not conquered the towns, just the other way round. China is not the classless society of the poor; the “cultural revolution” has been suppressed. Those Western thinkers who once envisaged the “convergence” of capitalism and (Soviet-style) socialism could hardly believe their eyes when in 1989 the Poles, the Hungarians, the East Germans, then the Czechs and finally the Romanians overthrew “the dictatorship of the proletariat” and opted for liberal democracy and (even more) for the market economy. That was not “the end of history”, only the end of the Cold War.

The victory of the West over communism was due to many factors, but the vigour of NATO and the prosperity of Western Europe (embodied in the Common Market) were among the most important. As Hungary’s late Prime Minister József Antall expressed his thanks to the Ministerial Council of NATO on October 28, 1991: the preservation of the freedom of Western Europe held out the prospect of liberation for the eastern half of the continent. “We knew that if Western Europe could not remain

stable, if the North American presence in Europe ceased, then there wouldn’t be any solid ground left for us to base our hopes upon.”

Sadly 1989, *annus mirabilis*, the year of the miracles, failed to be the harbinger of a new world order, based on the high principles of the charter of the United Nations. What followed was more like how Winston Churchill ended his monumental account of the Second World War: “The Great Democracies triumphed and so were able to resume the follies which had so nearly cost them their life.” My own fear was that the West would fail to utilise its victory, which was why the core countries of Central Europe—Poland, Czechoslovakia and Hungary—formed a close political and economic co-operation called Visegrad after the scene of their meeting on February 15, 1991. We believed that on the basis of our common suffering under dictatorship, and our common acceptance of Western, Atlantic values, a new solidarity would emerge and all the former communist countries would follow the example of post-Second World War Western Europe by putting aside all quarrels, and would concentrate on political, economic, environmental and cultural recovery.

Hungary’s first Prime Minister after the regime change, József Antall, always emphasised that Central Europe represented a strategically very important area, a link towards the southern arm of the Atlantic alliance and an essential hinterland for NATO. He repeatedly called for NATO to play an active role by consolidating the changes in Europe and solving the crisis in Yugoslavia—which was only emerging then. In the first NATO “political-military workshop” held in a former Warsaw Pact country, in Budapest on June 3, 1993, the Hungarian Prime Minister gave a powerful speech in favour of the early membership of the Visegrad countries in NATO. While he assured his audience that “we are supporters of the renewal of Russia, supporters of Russian reformist endeavours”, he envisaged for NATO a new function in a volatile world, where

“social and political fundamentalism may in the North-South conflict manifest itself and assail the world as the Bolshevism of the twenty-first century”. He hoped that Turkey (then still secular, pre-Erdogan) could act “as a counter-balance to pan-Islamic, fundamentalist (Shiite), and, should occasion arise, Russian imperial endeavours”.

In the fifteen years after the spectacular changes in the eastern half of Europe the performance of the former Soviet bloc was promising and both NATO and the European Union enlarged, moved eastward, in some ways as once the American frontier had moved westward. The attractiveness of the West for the rest of the world had many reasons. It meant a kind of new trinity: freedom, democracy and prosperity. In 1989 people in all the communist-dominated countries, the Soviet Union and even China included, wanted that trinity, especially prosperity, thinking that there was an automatic connection between them. The European Community looked very much like a success story, and joining it promised much of the outside economic help which the “new Europe” needed. No one expected that first a financial and then a kind of mental crisis would hit Europe at the beginning of the twenty-first century.

Already in the 1970s I had been surprised to notice in Western Europe a loss of confidence, especially in its own historical record. Many acquaintances of mine said that they were ashamed over their colonial record, over the nationalism of their ancestors, over the failure to stand up to Nazism in time, and even over the anti-communist rhetoric of the Cold War. It is always healthy to look at history (both personal and national) with a critical eye, but I think it is ahistorical and stupid to feel guilty about the Crusades, the Inquisition, the discovery and conquest of America, the civilising achievements of colonialism, and the Christian missionaries who taught the natives not to kill or enslave each other. Of course the First World War was a great folly. Its products, bolshevism, fascism and Nazism, were horrible European aberrations. The appeasement of Hitler (and later of Stalin) was bad policy, but eventually the West defeated and overcame its own devils. In science and in technological progress the West continued to lead, and its achievements spread all over the world, benefiting all mankind.

In the May-June 1996 issue of the journal *Foreign Affairs* Charles A. Kupchan expressed his

satisfaction that “Democracy and capitalism have triumphed over fascism and communism”, but warned the West against trying to set up a federal Europe with a common foreign and security policy and a centralised government—such an attempt would founder on the determination of the individual states to preserve their sovereignty. “To preserve and enlarge the West, leaders must scale back their vision,” he said, otherwise the trans-Atlantic community will be undermined “as member states attempt to escape unwanted responsibilities”. Twenty years later those fears materialised.

I think and hope that “Euro-scepticism” does not represent a turning away from traditional democratic values and the repudiation of the Euro-Atlantic institutions, but rather that it shows how Europeans are fed up with the vast and costly bureaucracy of the European Union and its parliament, with self-seeking politicians, with slow decisions over which there is no democratic control. Brexit reflected the failure of the high hopes about a more rational, slimmer, more effective and more democratic European Union. And some of the decisions of the European Union and their most influential members were found unacceptable by the newer members of the EU.

The trans-Atlantic community did stick together against the Soviet threat, but when it was gone differences mainly over economic interests emerged. People started to speak of a crisis in financial, environmental, energy, gender and other policies. The response to the devastating terrorist attacks was at first practically unanimous, but controversies soon arose over developments in Afghanistan and Iraq. The “Arab Spring” was welcomed with enthusiasm, only to lead to self-doubt and despondency.

All that, however, was dwarfed last year when a totally unexpected mass migration from Asia and Africa hit Europe. Was the predominantly Muslim crowd composed of only refugees deserving admission and support? Or were they simply immigrants in search of a better, easier life? Did they provide a solution to the demographic crisis of Europe, providing much-needed young workers? Most of the migrants were driven both by war and the attraction of the prosperous West and its generous welfare policies. *Willkommenskultur* is fine, but for most of the Muslim arrivals Europe’s secular culture and even more its morals are unwelcome, even repulsive. That, however, does not keep them away, rather gives rise to an intention to introduce

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their own customs, not only the burka and other pieces of cloth, but sharia law as well, at least within their own circles, in the Muslim ghettos in Europe.

Central Europe has been part of the Western world since the beginning of the second millennium. It adopted the western version of Christianity, it had its Renaissance, it welcomed the Reformation and the American Revolution with enthusiasm, and in the nineteenth century it moved rapidly towards a liberal and constitutional political system. Most Central Europeans abhorred both Nazism and communism. Poles, Hungarians and Czechs, and finally Romanians, too, revolted against communist dictatorship. In 1989, with the fall of the European communist dominoes, that region appeared to have “returned” to Europe.

But most Central Europeans see certain Western tendencies—“political correctness”, the rejection of some of the basic tenets of the Judeo-Christian view of the world, including marriage and the family—as aberrations. There is also a widespread notion that the West has often betrayed or at least let Central Europeans down—the partitioning of Poland, the Munich conference in 1938, the 1956 revolt in Hungary. Hungarians are also disappointed that Western governments do not live up to their own standards on the issue of national minorities and are usually silent about the mistreatment of Hungarians in Romania and Slovakia. The most recent and most serious cleavage between Western and Central Europe is over accepting or rejecting the unexpected mass of migrants from Muslim countries. Hungary, followed by Slovenia and even by Austria, has tried to stem the flow of refugees by erecting fences and being extremely strict in accepting refugees. The governments of Poland and Hungary are also seriously criticised for the alleged curtailment of press freedom, and for throwing away the “checks and balances” of democracy.

The present controversy over how immigration and the threat of Islamic fundamentalism should be handled is about practical politics and not about values. It is more apparent than real to assume that the disagreement represents a new division between Western and Central Europe. At present there is a split between several West European governments and their public over migration, while in Central Europe the governments and the public tend to agree that immigration from the Arab world should be stopped rather than encouraged. The double standards of the Western media (visible also in leftist governments) annoyed Central Europe: denouncing the Visegrad Four for “turning away”

from democracy while remaining silent about the internal policies of Turkey, Saudi Arabia and other Muslim countries. The common criticism of the Central Europeans over the treatment of their Roma minority is also exaggerated and shows a total lack of understanding of the problem, as well as a misinterpretation of the measures taken by governments to alleviate the conditions of that peculiar ethnic group.

Central Europe continues to be committed to the traditional values of Europe. All the major political parties profess them. Freedom and political liberty were the battle cry of the opponents of communism. Regrettably, today we are witnessing a deviation from those values by individuals and parties in many democracies, but the majority of the population is not likely to turn away from them. That would be a betrayal of all the democratic and liberating revolutions, the repudiation of 1989 and the beliefs of those who brought about the peaceful transformation of the authoritarian regimes.

The present differences within the Western community could be and should be mended. Failure to do so would threaten our whole civilisation, and only Russia’s President Putin would benefit from that. Differing views should be discussed openly and sincerely. It is foolish to think that the US, Brussels, Chancellor Merkel or George Soros wants the downfall of the West, or that they want to ruin the “new democracies”. The often vociferous criticism of the Central Europeans helps the extremists, the radical Right, but the governments who are the subject of criticism should also listen to their critics.

The flagship of the Austro-Hungarian navy in the early twentieth century was named *Viribus Unitis*—“with forces united”. Although that magnificent battleship, commanded by the future Regent of Hungary, was blown up by the Italian adversary and went down on November 1, 1918, the spirit expressed by the name is much required today. The problems our world faces can be tackled only by the joint efforts of North America and the European Union. Our civilisation is not doomed, we are masters of our fate, but we must rise to the challenge.

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## Lord of the Stone

### Hard North

I opened a bank account at Hudson's Bay  
in Frobisher, now called Iqaluit.  
My checks would clear when captains had the wit,  
courage and skill to sail up Baffin way,  
terrible trip in springtime for a boat.  
Our Salmon Thirty Salmon, not too old,  
six rows of seats, and then the cargo hold:  
my bank account? New meaning for "the float."

The name of the next flight didn't sound good:  
the *Pang Screamer*, and lenticular cloud  
promised a rough ride, and the screams were loud  
at each air pocket the ancient plane withstood,  
a de Havilland older by far than we.  
We hit the strip, slid sideways down the mud  
inundated by several days of flood,  
Canada's answer to the DC 3.

Two boys were hunting narwhal, hunting well,  
boat faster than ours. Rifle at the bow  
murdered the small whales. I remember how  
they sold the horns later at the hotel.  
Two thousand bucks. Swiss tourists wrote their checks,  
but I learned something valuable that day  
when clouds knotted over Pangnirtung Bay,  
nooses for our subsistence hunters' necks.

\*

I sat on a stern thwart with our boy, a guide  
who couldn't fathom hunting with a dog.  
His *umiak* was skin, not carved from log;  
dogs just drew sleds, behind them men would hide  
when the north wind came howling down the ice  
as they were hunting seals to feed their kids  
or knife the freezing sea slush from their skids,  
then mush back into blizzard in a trice.

Three days later I crossed *Le Cercle Arctique*:  
Guide didn't know *Kablunait* ever hunted,  
thought we just played our football games and grunted,  
and Lord knows I've no *magnifique physique*.  
I asked him if he'd ever seen a tree.  
He said he'd once flown south to Yellowknife  
two years before he met his future wife.  
"I feared the trees. That was no place for me."

Into a sandstorm, fording freezing streams  
of *Parc Auyuituk*, two men set forth.  
It's sometimes called Yosemite of the North  
or Canada's Alps. It is a place of dreams  
with many lessons only the North can teach,  
heaven for boys who dream of Shackleton,  
of Robert Scott or Roald Amundsen.  
When we limped out, our guide was at the beach.

\*

We'd pitched camp in the shelter of a dune  
as wind howled down from Odin and Mount Thor.  
shaking our tent with its enormous roar.  
This was what Arabs gravely call *simoon*,  
blowing not from the West but from the East.  
It was a test of young men at their best  
physical strength, two trekkers who could wrest  
heavy backpacks, and one too soon deceased.

You've not much choice, you can fall down and die.  
Worst was the barefoot crossing of the streams,  
these are not the New England brooks of dreams,  
but vengeance from the Norse gods of the sky.  
Strip off your boots, your feet will soon be warm  
after you've walked another mile away.  
Canadians, hike Auyuituk for a day  
when Odin's peak is brewing a thunderstorm.

There was an artist I'd come far to see,  
Lipa Pitseolak, and we found his tent.  
Just thirty and his smile was badly rent  
for lack of teeth, and nothing there for me,  
only drum dancers, not the dreams in stone  
he sold New York or London, not the bodice  
of Talelayo, the Inuit sea goddess,  
carved from a piece of very weathered bone.

\*

He had no English, so we spoke bad French.  
Winters he was out on the ice for seal,  
and in the tent he brought his kids to heel,  
site drained from runoff with a foot-deep trench.  
I wondered if he'd ever seen red hair.  
I'd flown two thousand miles to see this man.  
My guess? The greatest sculptor since Rodin,  
carving his dreams from soapstone into air.

Frobisher, two Canadians were there,  
pulled from their bag a soapstone masterpiece,  
salmon and narwhals twining without cease,  
an arctic fox, a wolf, a polar bear,  
all of the North, vision without a seam,  
and back we went to orchard in the South  
and the terrors of that summer's awful drouth,  
possessed by Lipa Pitseolak's dream.

I had seen dusk at night, unlike my friend,  
for I fished walleye up by Hudson Bay.  
There the Nelson and Churchill roll their way  
to the salt waters where all fresh waters end.  
Grateful that our Auyuituk trek was done,  
my friend was crashing, sipping tepid tea,  
exhausted by the sandstorms and the sea,  
but both of us had seen the midnight sun.

*Tim Murphy*

## Lounge Room

Lying on the autumn carpet  
the window is split into  
four frames of sky,  
the clouds poised as if painted.  
The curtains remind me of  
pale felt, piano keys  
and things from long ago.

If I sit up on the fire stool  
the lower frames fill  
with goose bumped sea,  
the evening sun brilliant  
on the lighthouse,  
the small yellow island  
sharing the gleam.

The fireplace is broad  
and stacked with slender logs  
the length of legs.  
Later we will toast our bread  
on black prongs.  
Grandma style.

The room is a muddle.  
Her items are on display:  
lace, bread tins, twine  
and pillow shaped  
sheepskin cushions  
soft and warm, yet  
too close to what they were.  
Just like the kidneys she fed us,  
fried whole and curled  
next to our liver and gravy.

*Marion Lucy*

# Battlers Against the System

## Populist Critiques of Hillary Clinton

Democratic nominee Hillary Clinton has endured two populist insurrections over the past eighteen months, one from the Left and the other from the Right. Both Bernie Sanders and Donald Trump have played the populist card, a conviction that ordinary men and women have been rorted by “the system” and that strong decisive action was required on behalf of regular folk to take back control of the nation from a coterie of cronies. The populist’s worldview is invariably a Manichean one of blameless “outsiders”—in alliance with a would-be political saviour—fighting the good fight against the “wicked insiders”. Sanders’s gripe was the state’s failure to safeguard the little person; Trump’s grievance is much the same, albeit for mostly different reasons.

A populist movement is a function of voters going rogue after deciding that the political status quo has lost its legitimacy—in the American case, the customary policies of the Democratic Party *and* the customary policies of the Republican Party. Populist revolts in America have emerged before at times of stress, from the People’s Party of James B. Weaver in the 1890s to the “Share the Wealth” movement of the Great Depression, the latter cut short by Huey Long’s assassination in 1935. Jack Ross, writing for the *American Conservative* in March 2016, insisted that Sanders’s politics should be seen as a contemporary version of Huey Long’s proletarian-flavoured radicalism rather than in the tradition of Franklin Roosevelt-style liberalism and Henry Wallace’s progressivism or, we might add, Barack Obama’s New Left-style identity politics. Ross rationalises Sanders’s recourse to the middle-class identity politics of Black Lives Matter as the exception rather than the rule. For the most part, then, Senator Sanders differentiated himself from Hillary Clinton in his populist morality tale by implicitly casting her as the establishment candidate, an insider compromised by long and intimate association with “Wall Street speculators”.

Bernie Sanders, fittingly enough, kicked off his primary campaign by refusing to set up a Super PAC

(political action committee) as proof that shady plutocrats and their Washington accomplices could not buy off the aspiring people’s hero. He was free to remain an independent operator and, presumably, the champion of outsiders. Central to his populist narrative was that an overclass had subverted democracy in America; decisions were being made that profited powerful oligarchical interests by selling out ordinary American workers, the 1994 North American Free Trade Agreement (NAFTA) and Barack Obama’s Trans-Pacific Partnership (TPP) being two obvious cases in point.

Sanders’s self-proclaimed “democratic socialist” insurgency also drew on a pervasive bitterness at the wage and wealth inequality in the modern-day US. Accordingly, Sanders’s policy rollout began with a range of government-guaranteed benefits for ordinary workers, from a new minimum wage to longer holidays. Sanders also pledged full remission on student-debt loans and a \$70 billion plan to make tertiary education free. It was payback time for the outsiders.

Five weeks before the November 8 election an audiotape (dating back to a March 2016 fundraiser in Virginia) emerged of Hillary Clinton dismissing Bernie Sanders’s supporters as ill-informed Millennials who believed America should have “free college, health care” and that the Obama administration had not “gone far enough” in transforming the United States into “Scandinavia, whatever that means, and half the people don’t know what that means”. However, as Sanders’s campaign was surging at the time, Hillary Clinton entered into a bidding war with her rival. For instance, she promised a \$250 billion infrastructure upgrade, only for Bernie Sanders to top this with a \$1 trillion undertaking, throwing in high-speed internet access for rural America as a bonus. Why not? Add to that, of course, his plan for universal health care (or so-called Berniecare), a single-payer health plan that Sanders himself acknowledged would increase annual government spending on health from \$1 trillion to \$2.9 trillion. A Sanders presidency would have likely seen

the resentments of the Occupy Wall Street movement to “the greed of corporate America” become the *de facto* creed of the White House.

Such was the appeal of Bernie Sanders’s leftist version of “the system is rigged” that he garnered almost 39 per cent of Democratic delegates in the primaries, possibly his most surprising victory being the March 8 victory in Michigan. In fact, he collected 46 per cent of delegates if “superdelegates”—party-appointed delegates not elected in primaries or caucuses—are excluded from the count. This was not the only way in which Democratic Party apparatchiks worked in favour of the establishment’s candidate. On the eve of the Democratic National Convention, held in Philadelphia, WikiLeaks revealed that the leadership of the Democratic National Committee (DNC) had conspired against Sanders from the beginning. For instance, some of the 20,000 leaked e-mails show that the DNC considered making Sanders’s Jewish background a campaign issue in some states. There was also evidence of collusion between the DNC and the *Washington Post* in the interests of the Clinton campaign. These troubling revelations forced DNC chairperson Debbie Wasserman Schultz to resign but, tellingly, immediately afterwards she was hired by the Clinton campaign.

Ironically, the leftist populist battling “the system” never fully grasped what he was up against. In October 2015, at the first televised Democratic debate, Sanders refused to address the issue of Hillary Clinton’s problematic use, as Secretary of State from 2009 to 2013, of a private server and attendant private e-mail system that could serve no purpose other than to obscure her electronic communications from management/government oversight, a practice unheard of in the Western world, let alone concerning someone working for the State Department with all the issues of national security involved. Instead of tackling the scandal head on, Sanders meekly surrendered to the proprieties of PC rectitude: “Enough of the e-mails—let’s talk about the real issues facing the American people.”

The right-wing populist critique of the current state of play in the US—and Hillary Clinton’s role in it—has proven less faint-hearted. For a start, there is the insistence that Emailgate involves more than Hillary Clinton and her inner circle being, as FBI Chief James Comey would have it, “extremely careless in their handling of very sensitive, highly classified information”. Peter Schweizer in *Clinton Cash* (2015)—now a film and a graphic novel—makes the case, in the tradition of an old-style populist narrative, that behind Emailgate is an attempt by the Clinton family and allies to defraud

the American people.

Between 2009 and 2013, contends Schweizer and a growing body of evidence, foreign governments and multinational corporations could donate to the Clinton Foundation or invite the loquacious Bill to opine on the general state of the world in the hope of receiving favourable treatment from the US Department of State. The key liaison person in all of this—and seemingly the only other member of staff with an e-mail account at *Clinton.com*—was Huma Abedin, Hillary Clinton’s personal assistant. It was her job as contact person, according to an e-mail released to the public by the FBI, to “figure it out”. Certainly there would have been no shortage of liaising for her to do. Even Ed Pilkington, writing for the *Guardian* in May 2016, was disturbed after watching the film version of *Clinton Cash*:

Perhaps the most telling detail is the bald fact that between 2001 and 2013 Bill Clinton made thirteen speeches in which he made more than \$500,000 in fees; eleven of those speeches were made within the period when his wife was working as America’s top diplomat.

For one speech, delivered on November 12, 2011, Bill Clinton received \$750,000 from Ericsson, a multinational electronics operation previously criticised in Congress for selling surveillance material to repressive regimes.

While the gentlemanly Bernie Sanders politely averted his eyes from Emailgate, the Republican nominee Donald Trump turned it into a central theme of his campaign, which included giving his Democratic adversary the moniker (no pun intended) “Crooked Hillary”. Incongruously, perhaps, the owner of Trump Tower has aspired to the role of people’s champion no less enthusiastically than Sanders. Trump and Sanders, thus, share something more than “New Yawk” accents. Trump’s bellicose manner, not to mention the thick outer-borough accent, might be considered unsuitable for a country club, but it did a lot for his credibility as a populist maverick. Though fabulously wealthy, Trump has fashioned himself, in the words of his daughter Ivanka, as “blue collar with a big budget”.

Donald Trump’s “sensible conservative” insurgency has paralleled Bernie Sanders’s “democratic socialist” not only with its denunciation of NAFTA and the TPP, but also in its focus on the plight of America’s Average Joe and Jane. Mitt Romney might have misrepresented himself in the infamous “47 per cent” remark captured on video during the 2012 election season, and yet it played into the stereotype, promoted by the Democratic Party, that

a wealthy and well-connected businessman running on a Republican ticket would privately deride ordinary people as overly dependent on government handouts: “I’ll never convince them that they should take personal responsibility and care for their lives.” Crucially, Donald Trump has eschewed all talk of “lifters and leaners” or “strivers and skivers”, and promised not to wind back social welfare, Medicare or Medicaid under his watch. Whatever its ultimate merits or explanatory power, a key feature in the 2016 US election has been a populist narrative about how foreign governments and companies, in cahoots with American political and institutional insiders, have wrought ruin upon the nation. Both Trump and Sanders, in their different ways, have ridden that populist wave.

The upshot is that the Republicans (under Trump) and the Democrats (post-Sanders) appear to have reversed their positions on Average Joe and Jane from the 2012 election. At a September LGBT fundraiser in Manhattan, Hillary Clinton disparaged “half of Trump’s supporters” as belonging in a “basket of deplorables”—they were, to put it bluntly, the scum of the earth: “the racist, sexist, homophobic, xenophobic, Islamophobic—you name it”. Ordinary people, according to Hillary Clinton and her PC ideology, are not merely “leaners” and “skivers” but, to borrow from Orwell, “un-persons”, with Donald Trump being the loudest “un-person” of all. It was Mike Pence, Trump’s running mate, who made the most poignant rejoinder:

The truth of the matter is that the men and women who support Donald Trump’s campaign are hard-working Americans, farmers, coal miners, teachers, veterans, members of our law enforcement community, members of every class of this country, who know that they can make America great again.

The US sociologist C. Wright Mills published *The Power Elite* in 1956. Mills was left-wing but sophisticated enough to characterise the powers-that-be in America as a privileged elite rather than in Marxian terms of a ruling class. He wrote of celebrities, in the form of entertainers and media personalities, brushing shoulders with the CEOs of important companies, the corporate rich, notable families, military figures and key members of the federal government. Mills claimed this power elite collectively steered the country in the direction that best suited their own ambitions and worldview rather than the interests of the general population. Hillary Clinton, we might note, made her “basket of deplorables” pitch at an elite gala event hosted by the rich celebrity Barbara Streisand. Tickets cost \$50,000 and the evening raised \$6 million for the Clinton campaign. Maybe the time has come for a non-PC sociologist to consider writing an updated version of *The Power Elite*.

*Daryl McCann has a blog at <http://darylmccann.blogspot.com.au>.*

## The tourist learns a lesson

One evening in London, at a Thames-side pub  
 (the sky and calm river were pearl and I  
 had been mulling over a poem  
 about history and a little launch I had seen  
 flying the Dunkirk Jack),  
 I remarked over my beer  
 to a local, born I would say in the '60s,  
 on the rebuilding of the South bank  
 since the Second World War.  
 He had, he told me, heard of this Second World War,  
 but what puzzled him was the question:  
 Had there been, therefore, a First World War?

*Hal G.P. Colebatch*

# Rape: The Presumption of Guilt

It was the government of the supposedly illiberal and hard-nosed Margaret Thatcher that brought in the Police and Criminal Evidence Act. It regulated the detention of suspects in police cells, brought in procedures for identity parades and made it possible for solicitors to be present at their clients' interviews. So much of what was brought in then is now taken for granted, but gradually over the years I have seen the safeguards for defendants in court being eroded. My experience has been in police stations and courts in England, but the trends may be observed in other parts of the English-speaking world, and nowhere is the retreat from the presumption of innocence so noticeable as in cases involving sexual offences.

In the world in which I grew up young ladies did not go into pubs on their own. Likewise they did not go to clubs and drink to the small hours while looking around for a male to latch on to. If you did drink, it would be cider, and in half-pints only, or shandy, a ghastly mixture of beer and lemonade. A young man would hesitate and have to pluck up courage to ask a girl out. She would not be expecting a kiss on her first date. The contraceptive pill was not widely available. Sex before marriage was secretive. Living together as an unmarried couple was often hidden from the couple's parents, and if the parents did know, they were not likely to be broadcasting the information round their friends and families. Casual sex with a stranger was rare.

That world has gone. For better or worse, moral standards have changed. The contraceptive pill is partly to blame. No longer can a woman use the fear of pregnancy as a barrier to sexual intimacy. Thus it is more difficult to be sure whether an allegation of rape or sexual assault is true or not. Such cases have always been difficult to prosecute, depending as they do so much on assessing the word of the complainant against the word of the defendant. Until 1994, according to English law, in order to start a prosecution it was necessary for there to be corroboration. This sensible requirement has now been abolished. In practice, a jury may well be looking for assistance in reaching a verdict from physical evidence but a

prosecution can be brought on the uncorroborated account of the "victim".

There has been a panic over prosecutions for sexual offences. Politicians looking to appease feminists will often inveigh against the "weak prosecutions" and point to the rate of failure of such cases. I have never heard any leading politician point out the need for caution in launching prosecutions or the need to preserve the presumption of innocence until proved guilty. Prosecutors in court will describe the complainant always as the "victim", thereby giving the appearance of deciding what should be left to the jury to decide. We know the person giving evidence is complaining; we do not know whether she is a "victim" until she has given her evidence and been through cross-examination and the defendant has given his own account of what happened.

An experienced crown prosecutor can decide whether or not to prosecute for murder, causing death by dangerous driving, drug conspiracies and a whole range of other serious cases. But in order to decide not to prosecute for rape there have to be two prosecutors making the decision, and both must be of a certain level of experience. What, one wonders, is so special about rape?

I am, of course, not concerned with the cases that are truly horrendous, cases in which there is evidence of appalling perversions, in which the victim is truly a victim and has been subjected to the most frightening ordeal. But I am concerned with the cases in which a man—it is usually a man—has been kept on police bail for months and months, having to report to the police on whatever dates he is given with no idea of when someone is going to make a decision about whether to prosecute, and when he is finally told there will be "no further action" he has no redress whatsoever for all the distress he and possibly also his family have been caused. The woman may have retracted what she said but she is not even going to be cautioned for making what is obviously a false complaint. After months of anxiety the decision may simply be "no further action" and no one is going to ask any questions of the accuser. The police, if they announce anything at all, are likely

to say “there is insufficient evidence to prosecute”, which does not clear the suspect’s name. The woman making the accusation is protected: it is unlawful to reveal her name in the media. The accused has no protection whatsoever, and indeed the police may have made the accusation as public as they can “to encourage other victims to come forward”. They may have trawled through his former girlfriends in search of other complaints, hoping perhaps to bolster a weak case by adding other accusations. Where the man is wealthy there is the incentive of possible compensation to encourage exaggerated accounts of trivial encounters. Where he has no money, there is still the prospect of compensation from the Criminal Injuries Compensation Board.

There is a particular problem with “historic rape cases”, those cases where the incident is said to have happened many years ago. Trying to draft an indictment in such cases can be very difficult because an adult complainant may be quite unable to say even in which year something occurred. The defendant is unable to prepare a proper defence because of the passage of time. There will be no forensic evidence. He is deprived of being able to prove his innocence by giving DNA samples. Evidence of alleged injuries is not available. He cannot remember what he was doing at the time of an alleged incident. If someone asked him what he was doing last Friday, he would be able to find witnesses to his whereabouts, but if someone is talking about twenty years ago defending himself is nearly impossible. In the past no one would have tried to run a case concerning a very old accu-

sation: now there has been so much hysteria, particularly after the discovery of the numerous child sex attacks carried out by Jimmy Savile, a popular broadcaster and comedian, that a person accused of a sex crime, particularly anything involving children, is now in effect guilty until proved innocent.

Decisions to prosecute old men are particularly difficult to justify. A client of mine is serving a lengthy prison sentence. He is also suffering from a terminal illness, and the medical evidence that the condition is terminal is quite unequivocal. Yet the Crown Prosecution Service insisted on trying to prosecute him for old offences going back to 1994. Only after a year of dithering did they finally accept that they were never going to succeed in running any sort of trial with a defendant who would be unable

to follow the proceedings. There was quite simply no point in wasting public money on such a case.

The Crown Prosecution Service should decide what it is for. Is it, in the words of the *Book of Common Prayer*, “for the punishment of wickedness and vice” or is it for providing closure for “victims” and being seen to make pious noises about sex cases? Quite simply, when a court can do nothing significant to a defendant, even if he is convicted, what purpose does a trial serve? We have in the UK a special inquiry into child abuse in progress. The inquiry is now on its fourth chairman, Professor Alexis Jay. The last chairman, the New Zealand judge Lowell Goddard, resigned after just a few months—there are rumours that she was pushed. The inquiry was to hear factual evidence from “survivors” with no opportunity given for any cross-examination by those accused. Critics complain that it will be a kangaroo court with findings of fact made about those who are unable to

defend themselves. Even where a person accused is dead, such as Lord Janner, the effect on the accused’s family is likely to be severe. Those accused have no anonymity; those making the accusations are shielded from any scrutiny.

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*The woman making the accusation is protected: it is unlawful to reveal her name in the media. The accused has no protection whatsoever, and indeed the police may have made the accusation public “to encourage other victims to come forward”.*

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Over the years governments have sought to load the dice against defendants in sex cases. The “victim” can give her evidence (and yes, I know victims can be male) through a video link. Her account can be recorded in advance under relatively stress-free conditions, with no challenging questions from the specially trained officers interviewing her, and the recording played to the court before she can be cross-examined. Since Section 41 of

the Youth Justice and Criminal Evidence Act 1999 came into force, she may not be asked any questions about her sexual behaviour, even previous sexual behaviour with the defendant, without the leave of the judge, and such leave is not easily obtained. A couple may have been in a consensual relationship over a period of years but the defendant’s counsel is not allowed to bring this to the jury’s attention. If the defendant is fortunate, the prosecutor when opening the case will put the incident into some sort of context, but unless there is some feature of the previous sexual contact which satisfies the strict conditions laid down in the statute no questions can be asked. If this section were enforced rigidly, there would be some very unfair trials indeed. It is quite silly daft to assume that where there has been a

close relationship between two people that is not a factor which should be considered. Yet fanatical feminists would have us believe that any previous or existing relationship between the two people is irrelevant. There are even attempts to insist that any questions for the “victim” be written down in advance.

In the Apocrypha, the story of Susanna and the Elders contains what may be the first recorded example of a successful cross-examination. Susanna was the virtuous wife of a Jewish leader. Lustful elders attempted to seduce her when she was bathing, and when she refused their advances they made a malicious allegation that she had been unchaste. Daniel insisted on cross-examining them separately and found that they gave conflicting accounts.

There have to be ambushes in court cases. Witnesses have to be asked unexpected questions and they must not be able to confer. Yet since the implementation of the Criminal Justice Act 2003 a defendant has been obliged to produce a defence statement setting out what he has to say in response to a criminal charge and if any detail of his defence has been omitted, the prosecution and the judge will comment and invite the jury to consider that he may be lying. If he is calling witnesses to his defence, their details must be given in advance together with their addresses and phone numbers, although if the prosecutor wants to know if a person has previous convictions this can these days usually be obtained swiftly through the police computer. It used to be a matter of concern if prosecution witnesses were made aware of what they were likely to be asked. Nowadays no one seems troubled by people being put on notice of the nature of a defence.

In criminal cases generally the judges now attempt to “manage” cases. One deplorable tendency, even in crown court trials, is to attempt to reduce a defendant’s interview to a mere summary. Some people have forgotten why taped interviews were introduced in the first place. There is a curious resistance to letting the jury hear the defendant being interviewed. The interview of the “victim” giving her account of what happened will routinely be played: the defendant’s account to the police is not always given in full. Sometimes it is important to know how a question has been asked and the tone in which it has been answered. Before any interview the suspect will have the caution put to him—“You do not have to say anything but it may harm your defence if you do not mention when questioned something you later rely on in court. Anything you do say may be given in evidence.” Suspects believe that this means that *anything* they say will be used in evidence. I once sat in on an interview where the police officer began by saying, “Now there’s been a

lot of misunderstandings about these tapes ... Did you think they get played in court? Well, they don’t. I write out a summary and you and I can agree what goes into the summary ...”

Rape can be a terrible crime, an offence of violence involving humiliation of the victim. Prison sentences are justifiably severe. But that is no excuse for removing the presumption of innocence. The safeguards for police interviews were brought in back in the days of Margaret Thatcher’s government for very good reasons. Cross-examination of rape “victims” should be conducted in a civilised way, but it must be thorough, and the defence should not be compelled to reveal every aspect of their case and thereby allow the prosecution to make witnesses aware of what is to be asked. The trial should be a search for the truth, not an exercise in agreeing on as much of the evidence as possible. False allegations are sometimes made, whatever furious feminists may say, and we should not be impelled by the din of their anger into removing the safeguards within our justice system for those who have been unjustly accused.

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*Jan Davies has been engaged in advocacy in the English criminal courts for over thirty years. From 2001 to 2007 she was a senior crown prosecutor in Oxfordshire. She is the author of *The Criminal Advocate’s Survival Guide and Criminal Justice under Siege*.*

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# People Can Hear You

## An Iraqi Girl’s Experience of Growing Up Muslim in Australia

**Gabrielle Lord:** My 2014 novel, *Dishonour*, highlighted the plight of an Australian Iraqi girl, eighteen-year-old Rana, desperate to avoid a forced marriage. She fears being taken out of Australia by her brothers and forced to marry a “traditional” Muslim Iraqi cousin twice her age and live under sharia law, reduced to endless child-bearing and cooking, a second-class servant, living under the domination and sanctioned violence of her husband and his family. Rana wants to complete a pharmacy degree and marry the man of her choice, a young graduate Copt. She wants the freedoms that Australian women take for granted, but which are prohibited under sharia.

I interviewed women who had left Islam. I was shocked to hear that they live in fear of their own families and communities. Then I met “Asiya”, a highly intelligent Iraqi girl in her early twenties, elegant and insightful, who spoke frankly about her own childhood and her observations of family life as a young Muslima in Sydney’s western suburbs. She feels passionately about the isolation of young girls and the forced marriages of two of her sisters, at the ages of twelve and thirteen.

**Asiya:** We were kept locked up at home. We never went anywhere except to school. (GL: *An Islamic school.*) Even when our parents went shopping, we were not allowed to go. I didn’t know what a shopping mall was. I didn’t even know where I lived, apart from the name of the suburb. Sometimes, when our parents were out, my brother would disconnect the satellite and we could watch ordinary television, the only time I saw anything of the outside world.

My father was very devout, an educated man who ran a successful business. My mother was emotionally unstable. We were beaten for everything and the beatings were accompanied with threats about how we would burn in hell for eternity for disobedience. I believe my mother suffered from postpartum depression; a lot of the women do, because they’re forced to marry men they don’t love and then

have children they don’t want. They take it out on the kids, who are just another chore for them. My mother used to tell me I would have died except for my sister’s intervention. She wasn’t upset about saying that. She hated me.

There were no bedtime stories, just endless threats of hellfire for disobeying Allah. There were nine of us and the house was ruled by fear. If anything was broken or damaged in the house, we were lined up and interrogated, one by one.

In Year 5, I read Robin Klein’s *People Might Hear You*, which made a deep impression on me. (GL: *It is the story of Helen, who tries to escape from an overwhelming religious cult, in which the girls are kept as servants, submissive and silent, in a regime imposed by her stepfather.*) It was a turning point for me. I realised that what was happening in our house was actually strange, and not the norm. From about ten to thirteen I became very religious and started to wear the hijab. But around thirteen or fourteen I started to question my religion. I had an obsession with astronomy, and I came to see that the planets and the galaxies move according to their own laws and that Allah has nothing to do with it.

I was always in trouble at school because we are Shia and the school was Sunni. My answers were always wrong. The Sunnis say there’s only one person worse than a Jew and that’s a Shia, and that it’s twice the honour for killing a Shia as for killing a Jew. Teachers saw the bruises on us from the beatings but they didn’t do anything—even the Australian teachers. They’d try to make it up to us by being extra-sweet or giving us better marks, but they never reported the abuse.

Every year the school had to teach us about emergency phone numbers—ambulance, fire and police—and every year there was the same big uproar, with the families saying, “They are teaching our children to dob us in!” Because it is an absolute no-no to pick up the phone or interact with anyone outside. I thought Australians didn’t like us. We

were always taught that Islam is all about temptation and being tested to prove your faith is unshakable. Outsiders were to be kept away, because they were only coming to test us or try to change us, so we shouldn't talk or engage with them. We're taught that Islam is righteous and people who aren't Muslim go to hell.

They tried *never* to speak about the outside world under any circumstances—not even to criticise it—because it might start us thinking about the fact that Aussies live freely, and talking about this, even if it is to badmouth them, means talking about the fact that the Australians can wear whatever they like, they go out, they work and do whatever they want and this may seem enticing to a young person. But by not being allowed to talk about Australian culture, we remain oblivious to our rights as Australians. We are controlled by the religion via our families and the school. Even non-Muslim teachers had to wear the headscarf. I cannot imagine being employed somewhere and being told to wear a scarf to respect a religion I did not follow.

At school, it was obvious there was a massive gender difference. The boys could play whatever they wanted but the girls were only allowed netball and bowling. Girls weren't allowed to pray when they had their periods. We were allocated a classroom where girls had to sit during prayer times when they were menstruating. Same with Islamic studies—the teacher was always male and we couldn't touch our religious homework when we were menstruating because it is unholy to do so. It was humiliating to sit in class and act casual in front of your male teacher, fearing to touch your homework, knowing that he will know you have your period.

Girls always had to wear long sleeves, even in hot weather, whereas the boys could wear short sleeves. It was implied that boys could do whatever they liked. The boys always led the prayers, and sermons and religious recitations were only given by males. There was pressure on subject choices. I was artistic and won multiple awards for it in school. My art teacher had to monitor us strictly—we weren't allowed to draw humans. Nobody is allowed to draw humans as they are Allah's creation and somehow, if we draw humans, we are making ourselves Allah! You could see our art teacher getting panicky every time somebody tried to draw a human being. A lot of the parents had an issue with electives such as sport and music and art—sport for the girls was a scandal for some parents, my parents included. I never told them I had sport as an elective—I told them I did Information Technology. Music? I didn't even bother mentioning that, as they view it as sinful.

Sex and sex instruction are a huge taboo. We were kept ignorant. The lady across the road noticed

I was wearing all these clothes on a really hot day, to hide my physical development because I was ashamed of it. She was kind and lent me some of her daughter's clothes—a bra.

*GL: Are we taxpayers aware that we are funding an educational system that enforces a type of gender apartheid? That teaches absurd notions of female "uncleanliness" around the invaluable and normal function of menstruation, shaming and humiliating girl students? Do taxpayers want to support an educational enclave that in all kinds of ways seeks to maintain separation from mainstream Australia, denigrating the very society and values which have afforded them refuge, freedom from sectarian violence and unmatched economic opportunities? Instead of promoting separateness and maintaining a wall of silence towards and about mainstream Australia, Islamic educators should be helping their students and the wider community to transition into the mainstream.*

When I was about fourteen, we went back to Iraq because my parents wanted us to meet the family. Also, our parents were worried that we were becoming too rebellious and Westernised and we needed to learn how to be Arabs. The first night we had dinner with them, I asked for a spoon. They all ate with their hands. I didn't understand that I shouldn't have done this. They all started yelling at me and I yelled back, behaving as I would in Australia. Someone hit me across the face so hard that I was blinded for about ten minutes.

This was my uncles and cousins, all the males. Even my brother changed towards me. He was only a year older than me and we had a very close relationship—we were like twins. We used to do everything together: ride bikes, play soccer in the yard, although I wasn't allowed to ride the bike because there's a myth that it may pop your hymen! I'd help him with his hobby of customising bikes. That all changed. Now the males in the family were saying, "She can't talk to you like that. You're her brother! Put your sister in her place." I got beaten daily because anything I did that was normal here wasn't normal over there. My mother made a point of saying, "This is how it is; you have to suck it up and understand that you're a privileged brat." It's the worst feeling. I had no control over anything any more.

There's this berry in Iraq that's very red and I accidentally sat on one and it stained my clothing, so my mum said, "Oh you've come of age, now you can get married." I kept trying to tell her that I hadn't got my period yet, but she wouldn't listen. She said you know you have to get married now. I kept telling her I don't have it, but she said I was lying. She

tried to marry me off, which meant I'd have to stay in Iraq, married to my cousin. This guy in military uniform came into my auntie's house and my mother asked me what I thought of him and told me to go and sit beside him. I'm thinking, is this a trick and am I going to get beaten if I do that? I didn't understand anything about getting married. After he'd gone my mother said, "You're going to get married to him," and I said, "No way!" She said, "It's not up to you. The engagement is on and the dress is ready."

I begged and begged my dad to take me back to Australia. Eventually he relented and we came back. But that didn't stop my mum. I was fifteen and she was adamant that I was to marry. She wanted to get rid of me. She contacted a friend who had a son and the mothers organised it. I was made to try the engagement dress on and that was the only time my mother acted "normally" towards me—said some kind words. She said, "Oh, you're pretty after all." Because she thought I was going to do what she wanted me to do. I said I was not going to get married but she just laughed at me.

That night, I put some things in a bag and snuck out of the house. I have never been back.

I walked around for hours—I remember seeing the sun starting to come up. Then I thought, "There's no point to this, I don't know where to go, I haven't any money. I'll have to go back." At that moment, a police car drove past and I waved at them. They pulled over and asked me if everything was all right. And I said, "No."

I refused to tell them my name or address because they wanted to take me home. They kept asking me; I kept refusing to tell them. I wasn't safe in my own home and I was never going back. I told them about the violence. I showed them the bruises. My mother used to use the cord from the electric kettle to whip us with. Eventually they called DOCS [the Department of Community Services] and I told them I was very afraid about the police not taking me seriously because my own sister had reported her under-age forced marriage and they had done nothing because it was "a cultural issue". They didn't want to touch it.

DOCS were helpful. They put me in half-way houses—two were excellent and they helped me learn how to take care of myself. Other places were really bad and not suitable for a girl of fifteen. I enrolled in the only school that would take me

because I was lacking the necessary paperwork to enrol in school in the usual way. Somehow, my dad and my older sister tracked me down to the school. They told me they were going to Iraq and they tried to talk me into going back with them. But I refused. My sister (who'd been forced to marry and then dumped and was now a divorcee) said, "Come with us to Iraq. I'll look out for you. You won't be forced to get married." I tried to tell her what it's like. "Don't go. Once you get there, you'll be trapped and beaten every day. You have no power." But she didn't believe me. They kept pestering me. Eventually, I had to threaten to call the police if either of them came to the school again.

I left that school because I was scared—my family knew where I was. I enrolled in TAFE and learned a trade. I had to earn money to support myself. Since leaving school early I've always had my own place and my own money. Once, some time after this, my dad rang me. My sister had given him my number. He was only interested in whether I was still a virgin.

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*My father lived with his other wife for some time. My mother left as well, and we were alone in the house for two years. For two years, no adult lived in our house. For two years none of us went to school. No one noticed, or if they did, they didn't seem to care.*

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One of my younger sisters was married when she was twelve—taken to Iraq and married there. Do you remember the case of the Italian girls who were taken out of the country? There was lots of publicity about that. I contacted the AFP about my sister but they said there was nothing they could

do about it because she was in Iraq. I was disgusted. All that fuss over the Italian sisters but no action over mine. My sisters are Australian citizens, I told them, this is trafficking. I asked: "Can I give you details so that you can question my father? My father flies in and out of Australia all the time—you could stop him at any time to get information." They were not interested. The AFP said my sister needs to go to the consul in Iraq. How could she do that? She's not allowed out of the house! She has no money. She doesn't know where the embassy is, or how to find out. The system doesn't work. The AFP has a base in Baghdad. Iraq is big and women have no power. These girls need to be stopped *before* they leave Australia. How's my sister supposed to get to the embassy? She was a child. But now it's on the record, that my two sisters were victims of forced marriage.

No one does anything. There needs to be a dedicated unit to help these kids. People don't want to talk about it. They're scared to offend people.

They're scared that Muslims might find it offensive. But what about these under-age kids? Isn't that offensive? Their lives are ruined.

Even now, despite the fact that I'm independent and free, I struggle to live a normal life. I struggle with socialising. I struggle with ordinary things. When I first got to meet up with my partner and he suggested we meet outside Woolies, I said, "What's Woolies?" I had no idea what he meant.

When another one of my older sisters was thirteen, she was married by the sheik who came to the house, in a ritual known as the *khoutba*, which means "proposal"—not at the mosque because in mosques you never know who's listening and it might be found out. Also, if the terms aren't agreed on, this way everything can be kept private, because if it falls through, everyone would think it fell through because the girl wasn't a virgin. Any time the proposals don't work out, it's always the girl's fault and the fault is always supposedly that she's not a virgin.

The bride and groom sit together with their fathers and sometimes their mothers as well, while each submits their list of vows and conditions. For example, the bride might put, "I must be allowed to continue my education," and the husband might put, "Dinner must be served every night at seven." If both parties agree to each other's terms, the sheik blesses them and recites Islamic prayers and the marriage is official. But my sister's husband was just vile. He raped her until she was pregnant. He was an illegal immigrant who'd been told that if you marry an Aussie girl, you can become a citizen. Then he found out that wasn't the case. He locked her in the house, he beat her, he would hold sharp implements like scissors against her throat. Then he left her and she had to come home. She is now a single mother with a lot of mental issues. He has another wife and a good business.

My dad took a second wife and my mother found out. She had a complete meltdown and went into her room and wouldn't come out. She'd just stay in bed for days, refusing to do anything in the house, no cooking or cleaning, and my father would have to come. It was her way of controlling him. She was pregnant at the time. When she had the baby, she gave him to me and then left to stay at a friend's house for a long time. I did everything for that little boy—changed his diapers, washed him, fed him. That little boy thought I was his mother and even when my mum finally returned, he'd still always run to me.

My father lived with his other wife for some time. My mother left as well, and we were alone in the house for two years. For two years, no adult

lived in our house. For two years none of us went to school. No one noticed, or if they did, they didn't seem to care. The Islamic school didn't do anything, if they noticed. My older brother who'd left home used to bring us a bag of food each fortnight, or at least mostly each fortnight. There were six of us living at home and I was about eleven or twelve. Sometimes we'd be given a big bag of rice for the fortnight and we'd just eat rice all the time. We were glad our mother wasn't home because she was abusive, but I was also scared. I think the younger ones felt safe because I was taking care of them so they didn't comprehend that it was not normal for children to be at home alone. I did all the cooking. I delegated chores and we all cleaned, but the house was still gross. We didn't know how to take care of it properly. There were mice and cockroaches. We didn't have proper bedding.

Once my mother and father fought outside the house and the neighbours called the police. My mum left for her friend's house and my dad left for his other wife's place, so when the police came, it was just us—the kids. The police were shocked and stayed in the house contacting our parents until my dad came back. They were shocked at the mice but they didn't do anything. They didn't call DOCS.

I would cry a lot at night. I just didn't know what to do and I felt my parents really hated us. We went for little walks at night. We looked in bins to see if there were food scraps. We were so scared of going outside because we weren't allowed to, even though our parents weren't there. But if they didn't send our brother with the fortnightly groceries, then we just had to go looking for food. It didn't happen often, but I remember doing it at least twice. I felt responsible and I hated it. I just wanted all the younger ones to be okay. A woman who'd been a neighbour when we lived in Auburn heard about our situation and was angry with my parents for leaving us. A lot of people knew we were at home alone—it's a common practice, but not for such a long period. The second wife cooked some meals for us and my father would bring them to us, but we refused to eat anything she made.

There's a rule about the treatment of wives, so that some kind of marital roster has to be followed—one night here, the next night there. The women would try to sabotage the roster. I heard that the second wife faked a miscarriage to keep my father from being home on my mother's night, and this way she got three nights in a row!

*GL: Neglect of children is widespread, and not restricted to the Muslim community. But here, one senses something else. Did the community close ranks so as not to bring "shame" to the parents or their community by*

*reporting them? And did the police fail to act because of the racism of low expectations? Or perhaps for fear of stirring up a sensitive community?*

**N**ow, I'm free. I can breathe. I can choose to do what I want to do.

I don't miss my family. My cats are my family. I don't have any regrets. I'm glad I left. People say, "But it's your family! You'll have regrets." I say, "You don't get it. If you're in an abusive relationship with someone who beats you every day, and makes you feel like crap every day, when that relationship ends you feel relieved. You feel happy that it's finished." I'm very happy that I don't have to see them ever again. I struggled in the first few years, but that was because I was a child. I struggled with the religion too. I didn't want to wear the scarf but I was worried about going to hell. Sometimes now it still creeps up. Sometimes I feel afraid of the community.

**GL:** *Asiya understands that her experience was an extreme example. Unusual or not, the fact that six children were abandoned by their parents in a house for two years with only intermittent food delivery and with a twelve-year-old child in charge, should never have gone unreported. It was noticed by the ex-neighbour who was angry about parents leaving vulnerable children alone for years, by the second wife, and other members of the community. But no one said anything to the authorities. Even the police failed to report on the unacceptable conditions these kids were enduring. Did the school not notice the absence of their students for two years? Are such absences unremarkable to them?*

*Asiya agrees that education is of paramount importance and that the isolation of too many young Muslim people needs to end. She understands that domestic violence isn't confined to the migrant community but Australian kids can run outside the house, hang out at the mall, or go to the park. They can also call the police. Muslim kids can't do that, especially the girls.*

*Asiya has some ideas about how oppressed girls might escape—if they want to—this kind of confinement.*

**T**he government should set up a help-line to help these hidden kids. If someone had explained to me what DOCS actually does, and I'd dared to contact them, I would have left sooner.

There should be a campaign about it in areas where the demographic is highly Muslim, suburbs such as Merrylands. I worked there for a while

and was shocked to hear their stories. If you stop any woman in Merrylands, you'll find she's been through the same stuff I went through. But they wear the scarf and they stay. They don't know there's a way out.

We need outsourced counsellors in private Islamic schools. But they must be independent people from a government agency who can talk to the children and report back, not someone from within the school or community who'd be under all kinds of pressure to turn a blind eye. I think compulsory multicultural events should be held, like sports, art, reading groups or shared projects where Islamic schools *must* interact with public schools. Maybe even a Healthy Harold-type mascot who does annual school meet-

ings to explain to kids their rights as Australian citizens; that it's okay to be Australian. Pressure needs to be exerted on these schools to educate both the children and the parents, that it is a privilege in Australian schools to be permitted to learn Islam as part of the school day, but the schools shouldn't be making the children believe they're living in some kind of "faux Arabia" surrounded by hostile Australians who are trying to tempt them away from Islam.

**GL:** *It is not helpful for Muslims in Australia to have leaders quote Koranic descriptions of us non-Muslims as "the*

*most vile of created beings" or have non-believers listed together with other "dirty" things which interfere with Islamic practices, such as faeces, urine and dead bodies to name just three. Who would want to integrate with such unclean people? Integration will never take place while these ancient doctrines continue to be promulgated.*

*Immigrants need to accept that they cannot claim all the benefits of living in Australia—safety, political stability, economic opportunity, universal healthcare, and a social safety net—without acknowledging mainstream Australian culture, nor without integrating into the society which sustains them at huge expense. Self-segregation by Muslims away from mainstream Australia is unacceptable when all immigrants are given, and happily take, so much from the mainstream community, including generous educational funding. For immigrant parents and schools to discourage contact and full integration with non-Muslim Australia is seriously wrong and needs to be addressed in government policies. It is dishonest for the spokespeople of the Muslim community, those who complain that they are "marginalised" and "alienated", to fail to address their engagement in this "alienation". They would be better*

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*People say, "But it's your family! You'll have regrets." I say, "You don't get it. If you're in an abusive relationship with someone who beats you every day, when that relationship ends you feel relieved."*

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*employed in ensuring that their children aren't being taught to shun us, the other Australian citizens.*

**M**y sisters are still in Iraq. People should know what those kids went through and who they are. The whole reason I wanted to speak to you was because I strongly feel the Australian government failed them—Australian citizens. Reporting it had

no result. I want people to read this; I want this information to be public and I want it to wake people up—even if just wakes up one person, because that could be the right person who can take action.

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*"Asiya" lives in Sydney. Gabrielle Lord is a prolific Australian novelist. A longer version of this article appears at [Quadrant Online](#).*

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## The Metaphor

Anatomists insist that the heart is an organ;  
Four hollow chambers and fibrous walls,  
The outline of a plucked goose, neck drooping  
From the arch, in size no bigger than a closed fist.

We mistake its function and its form, they say—  
And misdirect the young—  
When we make it love's seat  
And give it upright symmetry.

Two equal halves floating in cartoon skies.  
A lesson years in the unlearning, they have found.

It is true that the heart is an engine room, not a bower  
And leans to the left where the hard work is done.  
Its lower chambers have thicker walls:  
It requires more strength to give than to receive.

Although it has ears, it cannot hear,  
Although it has strings, it makes no music  
Save a percussive beat, an endless loop,  
Expanding, contracting, keeping the pace.

And yet there is a grace in the work of the heart, I say,  
That mimics a love that stays the distance.  
A beat, a rhythm, a shared momentum,  
Rich strands of fibre, formed into muscle—

Contracted, stretched, by loss and gain,  
Leaning to left or right in turn  
As the strength of the other is required.  
Two angled halves, resting in the pulse.

My blood, your blood,  
Receiving, giving, until the end.

*Elisabeth Wentworth*

# Is Legislative Supremacy under Threat?

## Statutory Interpretation, Legislative Intention and Common-Law Principles

Our legal system consists mainly of two different kinds of law—statute law, which is enacted by our parliaments, and common law, which has been developed over centuries by the judges in deciding cases. We also have a Constitution, which is superior to both. My topic is the relationship between statute law and the common law, which is a crucial aspect of the relationship between parliaments and the judiciary.

The orthodox view is that statute law is supreme and prevails over the common law: parliaments can change even common-law principles deemed “fundamental”. This is crucial to the principle of parliamentary sovereignty or supremacy. But the relationship is complicated because statutes are interpreted by the judges according to interpretive principles that the judges themselves have developed; in other words, the meaning of a statute depends on the application of these judge-made, common-law principles.

The question I want to raise is the extent to which that enables the judges to regulate and perhaps even limit the exercise by parliaments of their law-making power. Of particular concern are some modern ideas about statutory interpretation that, if taken further, may pose a threat to the principle of legislative supremacy. I do not accuse judges who are attracted to these ideas of plotting to undermine that principle, but I do want to warn that it may be at stake.

### Interpreting statutes according to common-law principles

In the late nineteenth century, Oxford Professor I.A.V. Dicey wrote what became a hugely influential classic on the British constitution, in which he upheld the doctrine of parliamentary sovereignty including the supremacy of statute law over the common law. But he also acknowledged that in practice, the meanings of statutes are to some extent controlled by the judges:

Parliament is supreme legislator, but from the moment Parliament has uttered its will as lawgiver, that will becomes subject to the interpretation put upon it by the judges of the land, and the judges, who are influenced by the feelings of magistrates no less than by the general spirit of the common law, are disposed to construe statutory exceptions to common law principles in a mode which would not commend itself ... to the Houses of Parliament, if the Houses were called upon to interpret their own enactments.

In other words, the judges used their power of interpretation to protect cherished common-law principles from statutory change. Lord Devlin, a member of Britain’s highest court in the 1960s, described nineteenth-century judges as sometimes being “obstructive”, by giving statutory words “the narrowest possible construction, even to the point of pedantry”, in order to protect

a Victorian Bill of Rights, favouring ... the liberty of the individual, the freedom of contract and the sacredness of property, and which was highly suspicious of taxation. If the Act interfered with these notions, the judges tended ... to assume that it could not mean what it said ...

The usual method of doing so was to “presume” that Parliament did not intend to infringe common-law principles, and to allow that presumption to be rebutted only by language of irresistible clarity. Parliament would be tripped up unless it dotted every *i* and crossed every *t*—and even that might not be enough. As we will see, that approach to statutes is arguably being revived today, although the principles that the judiciary protects have changed.

It is, of course, right and proper that statutes be interpreted by the judiciary when there is any dispute about their meaning. According to the principle of the separation of powers, while the law-maker

has power to make the law, an independent judiciary must have the power to interpret and apply it. It would be dangerous if the law-maker were also the law-applier. The law-maker is not necessarily the best interpreter of its own laws: for example, it may confuse what it did enact with what it intended to enact, or with what it would have intended had it thought more carefully about the issues. And those subject to the law should be able to rely with confidence on the law that the law-maker did enact, even if the law turns out not to operate quite as the law-maker would have wanted. Judges therefore do not necessarily flout the supremacy of statute law merely by “constru[ing] statutory exceptions to common-law principles in a mode which would not commend itself ... to the Houses of Parliament, if the Houses were called upon to interpret their own enactments”.

On the other hand, the judges’ power to interpret statutes should not be used to rewrite them. This is partly for the same reasons. First, the separation of powers: the judges’ function is faithfully to interpret and apply statutes made by others, and not to usurp their law-making authority by rewriting statutes. This is especially the case in a democracy. Second, members of the public and their legal advisers should be able to rely with confidence on the statute that was enacted, and not be vulnerable to unpredictable judicial revisions.

### Statutory interpretation and legislative intention

Whether or not a particular statute is somewhat deficient in communicating Parliament’s intentions and objectives, they are relevant and even indispensable to the interpretation of statutes. This is because the enactment of a law is an act of communication by the law-maker to those who are subject to it. This act of communication employs a natural, human language; it is governed by the same principles, and is subject to the same pitfalls, involved in ordinary language usage. One of those principles is that the meaning of what we communicate to one another is determined not only by the very bare or sparse literal meanings of the words we use, but by contextual information that helps to flesh out the much richer meaning that we intend to communicate. In doing so, context helps resolve ambiguities and vagueness, fills in gaps or ellipses, and reveals implicit assumptions and other implications. Without recourse to that rich, contextual information, it would be much harder for us to communicate with one another successfully. The same goes for Parliament’s attempts to communicate by enacting statutes.

This is why, for at least six centuries, common-

law courts have maintained that the primary object of statutory interpretation is “to give effect to the intention of the [law-maker] as that intention is to be gathered from the language employed having regard to the context in connection with which it is employed”. This has often been described as “the only rule”, “the paramount rule”, “the cardinal rule” or “the fundamental rule” of interpretation. Former Chief Justice Murray Gleeson said:

Judicial exposition of the meaning of a statutory text is legitimate so long as it is an exercise ... in discovering the will of Parliament: it is illegitimate when it is an exercise in imposing the will of the judge.

Now let’s return to the question I started with. Statute law is supposed to be supreme over the common law, but its interpretation is governed by common-law principles of interpretation. Does this enable judges to regulate or perhaps even control Parliament’s exercise of its law-making power? We can now see how this question has traditionally been answered: the fundamental interpretive principle I just mentioned protects the supremacy of Parliament. It is the anchor that prevents the judges from drifting too far from Parliament’s communication of its intentions through the text of the statute understood in the light of the context of its enactment.

But there are worrying signs that this fundamental principle is now under threat.

### *Lacey v Attorney-General of Queensland*

Consider an example: a case that went to our High Court in 2011, *Lacey v A.G. of Queensland*. After the appellant had been sentenced for manslaughter, the Attorney-General appealed to the state’s Court of Criminal Appeal on the ground that the sentence was “inadequate” or “manifestly inadequate”. The Attorney-General sought a sentence even higher than the prosecution had originally sought.

Section 669A (1) of the Criminal Code (Q) provided that, in determining an appeal by the Attorney-General against a sentence, the Court of Appeal “may in its unfettered discretion vary the sentence and impose such sentence as to the Court seems proper”. The question was whether this really meant what it said—whether the Court did have an “unfettered discretion”. Justice Heydon in a lone but powerful dissent said it did, but the majority of six Justices held (in effect) that it did not.

The majority explained at length the long history of a strong judicial preference for Crown appeals against sentences to be exceptional rather than

routine, requiring demonstration that the trial judge made a clear error in applying established sentencing principles. Appellate courts should not be able to impose a different sentence merely because they take a different view of the appropriate balance to be struck among the many relevant factors. That would open the floodgates to such appeals, and reduce the “finality” of sentencing. Instead of the appellate court maintaining and clarifying general principles, it would “plant a wilderness of single instances with more instances of its own choosing”. It would also create a kind of “double jeopardy”, enabling the Crown to seek a “second bite of the cherry” by arguing for a higher sentence even than the one it had originally sought.

The majority said that this would be contrary to “deep-rooted notions of fairness and decency”, and also “infringe upon fundamental common-law principles, rights and freedoms”. Consequently,

common-law principles of interpretation would not, unless clear language required it, prefer a construction which provides for an increase of the sentence without the need to show error by the primary judge.

Heydon J considered that the statute’s words, “unfettered discretion [to] vary the sentence and impose such sentence as to the Court seems proper”, amounted to clear language. But the majority interpreted the provision as allowing the Court of Appeal to impose a different sentence only if it first found that the trial judge had made an error in applying sentencing principles.

It seems to me that the majority are right as a matter of sound public policy. But Heydon J in his dissent showed that the provision was based on the opposite view of public policy. He outlined the history behind the provision. It had for thirty years—from 1942 until 1973—been interpreted as conferring an unlimited judicial discretion, even though it did not then include the word *unfettered*. But in 1973, the Court of Appeal held that the provision should be interpreted differently, so that legal error by the trial judge had to be shown. Two years later, in order to restore the previous position, the Queensland Parliament added the word *unfettered* to the provision. When the Bill was discussed in Parliament at the committee stage, the Minister of Justice said this:

For approximately 30 years, until a court decision in 1973, the Court of Criminal Appeal acted on the principle that the court had an unfettered discretion and was not bound to inquire whether the trial judge was manifestly

wrong in his sentence. The Court simply had to determine what was the proper sentence in the circumstances. The effect of the decision in 1973 was that the Court of Criminal Appeal does not have an unfettered discretion and the Attorney-General now has to prove that the sentence was manifestly inadequate. It is proposed to make it clear that the Court of Criminal Appeal does have an unfettered discretion and has therefore to determine what was the proper sentence in the circumstances.

The minister later said much the same thing in his Second Reading Speech, when he also mentioned that the legal profession was opposed to the amendment.

How did the majority of the High Court deal with this clear evidence of legislative intention (the statute was, after all, sponsored by a government with a majority in a unicameral legislature)? First, they said that the minister’s statements in Parliament were of little relevance. The statements showed what the Minister intended, but:

The Minister’s words ... cannot be substituted for the text of the law, particularly where the Minister’s intention, not expressed in the law, affects the liberty of the subject.

Second, they suggested that the very idea of legislative intention is a fiction:

it is not an objective collective mental state. Such a state is a fiction which serves no useful purpose. Ascertainment of legislative intention is asserted as a statement of compliance with the rules of construction, common law and statutory, which have been applied to reach the preferred results and which are known to parliamentary drafters and the courts.

The majority said much the same thing about the idea of legislative purpose. In other words, parliaments don’t really have intentions or purposes. Legislative intentions and purposes are in effect constructed by the judges themselves, by applying interpretive principles including common-law principles. As one of the majority judges said in a later case, what matters is *not* “the intention (expressed or unexpressed) of those who propounded or drafted the Act”, but “the reach and operation of the law ... as ... ascertained by the conventional processes of statutory interpretation”. “Intention’ is a *conclusion* reached about the proper construction of the law in question *and nothing more*.” So legislative intention is not something that was in the minds of the law-

makers that the judges try to *discover*; it is, instead, something the judges *construct* by applying to the statutory text principles—including common-law principles—of interpretation.

Having sidelined the powerful evidence, and even the very concept, of legislative intention, the majority focused on the words of the statute, and held that in this statutory context the meaning of the word *appeal* meant an appeal against an error of legal principle. But that rings hollow, given that as a matter of historical fact the word *appeal* had not had that meaning in this statutory context in Queensland from 1942 until 1973. Moreover, as Heydon J pointed out, the interpretation the majority gave to the 1975 amendment—which added the word *unfettered* to the provision—entailed that the amendment achieved nothing. The 1973 court ruling, which the amendment was clearly designed to reverse, remained in place and unaffected.

### The “principle of legality”

Importantly, the common-law principles that led to this result include what is now called “the principle of legality”, which is the modern label for an expanded version of the interpretive principle I mentioned earlier—that Parliament is presumed not to intend to interfere with established common-law principles and freedoms. In the *Lacey* case, the majority put the point more strongly: the common law “imputes” to the legislature an intention *not* to interfere with those principles and freedoms. Moreover, the principle of legality has been expanded to cover what the judges regard as “fundamental rights”. Consequently, it is now often described as a constitutional principle—one the judges have created—because it provides some protection of fundamental rights and legal principles from legislative interference.

The traditional justification for this interpretive principle—if not always its application—was entirely consistent with legislative supremacy, because its express aim was respect for presumed legislative intentions. As the High Court said in 1990, “The rationale ... lies in the assumption that the legislature would, if it intended to achieve the particular effect, have made its intention in that regard unambiguously clear.”

But there is a growing tendency to dismiss this traditional justification as an artificial rationalisation or polite fiction. Sir Anthony Mason once

referred to the “evident fictional character” of strong interpretive presumptions, because “they do not reflect actual legislative intent”. It has been claimed that these presumptions “no longer [have] anything to do with the intent of the Legislature; they are a means of controlling that intent”. In reality, it has been said, the courts stubbornly protect fundamental common-law values from legislative interference, while acknowledging political constraints on their ability to do so. Consequently, the presumptions “can be viewed as the courts’ efforts to provide, in effect, a common law Bill of Rights—a protection for the civil liberties of the individual against invasion by the state”. *Déjà vu*, given what Lord Devlin said about nineteenth-century judges protecting a Victorian Bill of Rights.

Do Australian judges still regard the principle of legality as resting on a sincere presumption that Parliament is unlikely to intend to infringe fundamental or common-law rights and principles? Or—perhaps because they regard the very concept of legislative intention as a fiction—do they believe it is really an attempt to protect a “common-law bill of rights”? If the latter, then the judges have brought in a bill of rights through the back door, so to speak—or are in the process of doing so—without anyone except lawyers noticing.

There is evidence that our judges disagree about this. In a very recent case in the High Court, three judges described the traditional justification for the principle of legality—in terms of presumptions of legislative intention—as its “long-standing rationale”. But then they added this quotation from a leading British academic:

The traditional civil and political liberties ... have independent and intrinsic weight: their importance justifies an interpretation of both common law and statute which serves to protect them from unwise and ill-considered interference or restriction.

By approving this statement, these judges suggest that because of the intrinsic importance of certain liberties, the principle of legality can be used to protect us from legislation that judges consider to be unwise or ill-considered. But in the same case, Gageler J expressly disagreed, observing, “The principle [of legality] provides no licence for a court to adjust the meaning of a legislative restriction on liberty which the court might think to be unwise or

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*Parliaments would no longer be the sole author of the statutes they enact; no matter what words they use, their meaning would be determined partly by values preferred by the judges.*

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ill-considered.”

The principle of legality now arises frequently in litigation requiring the interpretation of statutes. No doubt this disagreement will be the subject of further judicial consideration and discussion in the near future.

## Conclusion

To summarise my concerns, our parliaments’ authority to make laws may be undermined by some combination of the following ideas about statutory interpretation (which I do not attribute to any particular judge): (1) That the meaning of a statute depends (partly) on common-law principles of interpretation, which the judges can change; (2) That the very idea of Parliament having an intention—other than merely to enact a bare text—is a fiction; and (3) That the purpose of the principle of legality must be to protect rights, rather than fidelity to Parliament’s (non-existent) intentions.

As for the first idea, it is true that statutory interpretation depends partly on common-law principles, and that common-law principles can be changed by the judges. But great caution is needed. There is a crucial difference between principles of statutory interpretation, and ordinary common-law rules and principles governing the law of property, contracts, torts and so on. No one believes that the latter are static; the judges have acknowledged authority to continue to develop them, as circumstances change, in the interests of justice and the public interest. By contrast, principles of statutory interpretation concern the interpretation of laws, made by elected parliaments possessing superior law-making authority, that the judges are not permitted to change (subject to some narrow exceptions). It follows that the judges do not possess the same relatively unfettered authority to change these interpretive principles according to their own assessment of justice and the public interest. While there is some scope for modification, the judges must not usurp or subvert the authority of parliaments. As former Chief Justice Sir Gerard Brennan put it:

The authority of the courts to change the common-law rules of statutory construction must ... be extremely limited for the courts are duty bound to the legislature to give effect to the words of the legislature according to the rules which the courts themselves have prescribed for the communication of the legislature’s intentions.

But that brings us to the second idea: that legislative intentions do not really exist. If that were

so, then parliaments could only enact bare texts, with very sparse literal meanings, prone to ambiguity, vagueness and gaps, and shorn of presuppositions and other implications. This would drastically diminish a parliament’s ability to communicate successfully, and would give rise to countless interpretive problems that, if there is no underlying intention, would have to be resolved by judicial creativity. Recall Chief Justice Gleeson’s statement, quoted earlier, that statutory interpretation “is legitimate so long as it is an exercise ... in discovering the will of Parliament: it is illegitimate when it is an exercise in imposing the will of the judge”. But if there is no such thing as “the will of Parliament”—if there is only a bare text—then there is no alternative to interpretive problems being resolved by the will of the judges, even if they do so through the medium of common-law interpretive principles.

That leads to the third idea. If legislative intentions do not really exist, it would make no sense for the “principle of legality” to be based on genuine presumptions of legislative intention. It would become simply a way of protecting rights in the absence of a properly enacted Bill of Rights—rights chosen as worthy of protection by the judges themselves. Parliaments would be able to qualify such a right, but they would have to anticipate the potential judicial obstacle and take great pains to do so with irresistible clarity.

Moreover, if judges were to adjust the apparent meaning of legislation to accommodate common-law rights they themselves have developed, regardless of Parliament’s intentions, they would become co-authors of the laws resulting from their interpretations. Parliaments would no longer be the sole author of the statutes they enact; no matter what words they use, their meaning would be determined partly by values preferred by the judges. This is applauded by opponents of legislative supremacy, who claim that the meaning of any statute is “the joint responsibility of Parliament and the courts” acting in a “collaborative enterprise”.

To a limited extent this is true: appellate courts often necessarily do contribute to the meanings of statutes. When, as is all too common, a statute is ambiguous or vague on some crucial point, judges may be forced to fill the gap in order to decide a case before them. But in doing so, they are supposed to act as Parliament’s faithful agents, seeking to implement its objectives. If they do not, and *a fortiori* if they modify clearly intended meanings that are not ambiguous or vague, then they become joint law-makers rather than faithful agents. Parliament then merely provides raw material, in the form of a text, which the judges refashion according to their own value judgments in order to produce the law. It is

difficult to see how that could be reconciled with the fundamental principle that it is Parliament—and not the courts—that has the authority to make statute law.

In conclusion, let me caution against exaggerating these dangers. There is no reason to be alarmist. I do not believe that our judges are intent on staging some kind of constitutional revolution. They do not all accept the ideas about statutory interpretation that I have criticised. They are well aware of and

almost always respect the constitutional principle of legislative supremacy in law-making. But I do want to caution them, and others, that these ideas may pose a threat to that principle, and should therefore be very carefully scrutinised.

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*Jeffrey Goldsworthy is Professor of Law at Monash University. He delivered this paper to the Samuel Griffith Society's Annual Conference in August. A footnoted version appears at [Quadrant Online](#).*

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## On a Thin Gold Chain

Opals have storms in them, the legend goes:  
 They brim with water held in place by force  
 To stir the dawn, to liquefy the rose,  
 To make the sky flow. They are cursed, of course:  
 Great beauty often is. But they are blessed  
 As well, so long as she herself gives light  
 Who wears them. Shoulders bare, you were the guest  
 At the garden table on a summer night  
 Whose face lent splendour to the candle flame  
 While that slight trinket echoing your eyes  
 Swam in its colours. What a long, long game  
 We've played. Quick now, before somebody dies:  
 Have you still got that pendant? Can I see?  
 And have you kept it dark to punish me?

*Clive James*

## Finnegans Wake

*For Conor Kenny*

In a pub in Dublin city  
 Not far from Stephen's Green  
 Michael Hartnett was the runner  
 For Myles na Gopaleen.

He ran errands for his elder,  
 Going to the bookies and such like,  
 Then, having heard the latest,  
 One morning early Mike

Came running, all excited,  
 Saying "Myles! Myles! Listen please!  
*Finnegans Wake* has just been  
 Translated into Chinese."

Myles looked up from his paper  
 And, with all the strength he'd got,  
 Slammed down his whiskey growling  
 "From what?"

*Gabriel Fitzmaurice*

# The Menace of Family “Violence” Orders

I have a personal concern—not as a Law Reform Commissioner, but as a citizen—regarding the proposed Restraining Orders and Related Legislation Amendment (Family Violence) Bill 2016 in Western Australia.

The West Australian parliament is introducing new laws regarding domestic violence which pose an insidious threat to fundamental rights of citizens. The proposed laws could see an accused lose access to their children or be forced from their home without any evidence of violence occurring.

The family violence bill, aimed at preventing harm, updates the definition of domestic violence to “promote a contemporary understanding of the nature and seriousness of family violence” and extends the relaxation of evidence rules already available for interim orders to final decisions. This erodes the very idea of natural justice and the right to remain innocent until proven guilty.

Under these proposed laws respondents can be forced out of their homes, lose access to their children and other rights, without the requirement for evidence to be provided. In its final report on the subject, the Law Reform Commission of Western Australia explicitly rejected such moves, noting they were likely to exacerbate the existing problem of overuse and abuse of violence restraining orders, which are known to be used for tactical purposes in family law litigation.

In August 2013, the West Australian Law Reform Commission received final terms of reference from the Attorney-General to consider: (a) the benefits of separate family and domestic violence legislation; (b) the utility and consequences of legislation for family and domestic violence restraining orders separate to their current location in the Restraining Orders Act 1997; and (c) the provisions which should be included in such legislation were it to be developed (whether in separate legislation or otherwise).

In December 2013, the Commission published its Discussion Paper presenting fifty-three specific pro-

posals for reform and raising twenty-nine questions for discussion. The Paper was followed by consultation with more than 150 individuals expressing their concerns about family and domestic violence. The Commission ultimately received forty-three written submissions, and we conducted additional consultations to resolve matters arising from the submissions.

The West Australian Attorney-General has been described by the local media as having stated that a new Family Violence Restraining Order (FVRO) is designed to reduce the onus on the victim to provide evidence of intimidating or controlling behaviour.

Further, the media says that the West Australian Police Minister has declared:

We’re sending a message to the courts that we would prefer them to err on the side of the victim and err on the side of granting one of the violence restraining orders in these scenarios because they do protect women.

Of course it is extremely important to protect women who are at risk of violence and it is commendable that strenuous efforts are finally being made to ensure victims are given every possible legal support to ensure their safety. But many in the legal profession and elsewhere take issue with the notion that laws should be tilted to favour victims without any consideration for traditional legal protections to ensure fair treatment for the alleged perpetrators.

And yet, those problematic statements by the Police Minister provide the rationale for the following amendment proposal:

Section 44A amended:

(2A) Except as otherwise provided in this Act, at a final order hearing for an FVRO, the court may refuse to admit, or may limit the use of, evidence if—

the court is satisfied it is just and equitable to do so; or the probative value of the evidence is substantially outweighed by the danger that the

evidence may be unfairly prejudicial to a party or misleading or confusing.

In our Final Report, titled “Enhancing Family and Domestic Violence Laws”, the Law Reform Commission rejected such an approach. It recommended that legislation should provide a fair and just legal response to family and domestic violence. Above all, it expressly stated:

... as Legal Aid confirmed, this does “not mean that fairness and the protection of individual rights are not important considerations”. In this context, it is vital to acknowledge that not every person who applies for a violence restraining order is a victim of family and domestic violence and not every respondent is a perpetrator ...

Although it is true that most applications for violence restraining orders are properly made, sometimes they are unmeritorious or otherwise used for tactical purposes in family law litigation. And yet, many lawyers consider that violence restraining orders, in particular those applied for after proceedings have been instituted in a family law dispute, may actually exacerbate conflict and decrease the prospects of the parties reaching agreement, with a consequent impact upon legal costs.

Because an interim violence restraining order can be made on the uncorroborated evidence of the applicant, the potential for abuse is very real. One example repeatedly mentioned to the Commission during its consultations is where the person protected by a violence restraining order is the perpetrator and the person bound is the victim. Further, it is important to acknowledge, from the respondent’s perspective, the potential consequences of a violence restraining order: exclusion from the family home; prohibition of contact with children; inability to work; and general restrictions on day-to-day activities. Additionally, a respondent is liable to serious consequences under the criminal law for failure to comply with the order (including an interim order).

For these reasons, the justice system must ensure that the legal rights of all parties are respected and, in particular, that respondents to violence restraining order applications have a right to be heard within a reasonable time. Additionally, the importance of ensuring that the legal system responds to family and domestic violence in a fair and just manner supports the provision of better and more reliable information to decision-makers at the outset, thus enabling more accurate and effective decisions to be made.

In order to justify the need for legislative reform, Police Minister Liza Harvey reportedly stated: “Family violence starts usually with the partner controlling every aspect of a woman’s life, the banking, who they speak to, where they go.” This is reflected in the following amendment, which creates the concept of financial abuse as a form of domestic violence that allows for the application of restraining order:

5A. Term used: family violence  
(g) unreasonably denying the family member the financial autonomy that the member would otherwise have had

Our Commission spent numerous hours discussing the concept of “banking or financial control” as a form of domestic violence. The Commission finally decided to reject any such idea, since there might exist a proper reason why someone may be prevented from accessing the family’s financial or banking resources. Instead, in our report the Commission reminds the West Australian government that “the inclusion of emotional and psychological abuse within the definition of family and domestic violence is contentious”.

Although the Police Minister’s statement reflects her own view about “economic abuse”—as a form of violence that possibly justifies an AVO application—the Commission’s Final Report rejects such a proposal by explicitly referring to Sydney law professor Patrick Parkinson’s statement that adding any such a concept “has very little potential to be helpful and much potential for the opposite”. Above all, our Final Report expresses the view that “it is preferable not to expressly refer to concepts such as economic (and emotional) abuse in this new proposed category of the definition”.

Ms Harvey’s comments provide the rationale for the following proposed amendment:

5A. Term used: family violence  
A Reference in this Act to family violence is a reference to—  
...  
any other behaviour by the person that coerces or controls the family member or causes the member to be fearful  
(2) Examples of behaviour that may constitute family violence include (but are not limited to) the following—  
...  
(d) repeated derogatory remarks against the family member

These actions are deemed to be a form of emotional or psychological abuse. However, our

Commission decided that “psychological abuse should not be expressly included within the definition of family and domestic violence”.

Likewise, the Commission does not support any mandatory sentencing to breaches of VROs. The Commission received a considerable number of submissions of which only *one* submission advocated mandatory sentencing.

As our Final Report clearly indicates, the government’s proposal is radical and it violates the Law Reform Commission’s recommendations. Above all, our Final Report reminds the government that:

the vast majority of submissions received in reply to this question did not support any changes to the current provision that would modify the presumptive sentence of imprisonment to a mandatory sentence of imprisonment. The Chief Justice of [the Supreme Court of] Western Australia indicated that he strongly opposed any reform to the current provision that would “reduce or eliminate the limited discretion currently conferred on courts” and highlighted the importance of discretion to enable the individual circumstances of the offending to be taken into account. The joint submission from the Women’s Council for Domestic and Family Violence Services and the Domestic Violence Legal Workers Network highlighted that full mandatory sentencing may in fact penalise victims of family and domestic violence because there are instances where victims may be inappropriately subject to violence restraining orders or police orders and they may be charged with breaching an order as a result of retaliation or defensive conduct.

For these reasons, we concluded in our Final Report:

The Commission maintains its original view that the current limited discretion should be retained and is in agreement with the majority of submissions that full mandatory sentencing is inappropriate.

The Police Minister posted in her website that reforming domestic violence restraining orders is needed because the number of reported incidents of family violence in Western Australia has “risen dramatically in recent years”. Apparently there were 44,947 incidents (including mere allegations) of domestic violence reported to police in 2012, which is two and a half times the number reported in 2004.

First of all, not every claim of domestic violence can be substantiated. Second, there is a real concern

in the community that unethical lawyers instruct their clients to find *any* reason to apply for such violence restraining orders. Such orders are relatively easily accessible and they can occasionally be sought for purely collateral reasons. The problem lies in how these orders are issued and the grounds for which they are made.

Ms Harvey said: “To be able to intervene at that point, before that control, coercion and intimidation escalates to violence is a step in the right direction and a huge step for these women who are trapped in those relationship.” The word *before* is important. She is asking for the state to intervene even before domestic violence takes place. This is a totalitarian concept, more likely to exist in countries like the former Soviet Union. It has no place in a democratic society under the rule of law.

And yet, the statement appears to provide the rationale for the following amendment proposal:

Part 1B—Family Violence Restraining Order

10A. Objects

The objects of this Part are as follows to maximise the safety of persons who have experienced, or are at risk of, family violence ...

10D. When FVROs may be made

... a person seeking to be protected, or a person who has applied for the order on behalf of that person, has reasonable grounds to apprehend that the respondent will commit family violence against the person seeking to be protected.

The Attorney-General, Michael Mischin, said, “We will be moving away from the need for establishing evidence of an act of abuse, as is currently the case, towards one of behaviour to intimidate, coerce and control a member of the family.” Here the Attorney-General is openly stating his intention to undermine one of the foundations of the rule of law—that one is innocent until proven guilty. These orders will be issued without the presentation of any evidence of legal wrongdoing.

Contrary to his remarks, the Law Reform Commission was very clear in its recommendation that “the justice system must ensure that the legal rights of all parties are respected and, in particular, that respondents to violence restraining order applications have a right to be heard within a reasonable time”.

The following amendment proposal states:

10A. Objects

The objects of this Part are as follows ...  
(e) to make perpetrators of family violence

accountable to the court for contraventions of court-imposed restrictions designed to prevent them from committing further family violence.

The provision leads to the misleading assumption that everyone who is served a restraining order has necessarily committed an act of domestic violence. However, restraining orders are usually granted with no evidence.

Section 62A of the Restraining Orders Act creates an obligation to investigate family and domestic violence in specified circumstances. If so, the police officer should investigate whether family and domestic violence is being or has been committed or whether family and domestic violence is likely to be committed. However, I was told of numerous instances where individuals attend a police station simply claiming “family violence” by their domestic partner and have been instructed by police to apply for a domestic violence restraining order.

The current definition of “an act of family violence” currently includes conduct that may not constitute a criminal offence—behaviour that “intimidates”, “controls” or “adversely affects” a person’s “well-being”—and conduct that may not even put a person’s safety at risk. Perhaps this is why the number of recorded claims of family and domestic violence incidents, classified as Domestic Violence Incidents (DVIs), has risen significantly over the past years in Western Australia.

In 2004 there were 16,607 DVIs, and 44,947 incidents in 2012. The broad definition is found in Section 6 of the Restraining Orders Act, which was inserted in 2004—precisely when the number of alleged incidents increased!

The fact that “verbal abuse” can be a ground for successfully obtaining a family restraining order is a dangerous development, as this excerpt from an e-mail sent to me by a victim clearly indicates:

I think the one area you missed in your article is the wonders of the ADVO [apprehended domestic violence order] where a woman can simply decide she doesn’t want the guy anymore (in my case she wasn’t getting to the gym enough, the GFC had affected my salary and she didn’t fancy renovating), duck down the local police station and (per the quote from my ex’s father) “the truth doesn’t matter all she has to do is say she’s scared”. In my case she had

seen a lawyer and within an hour ducked down to local police where a 23 year old constable simply took her word for everything (“verbal abuse”) raised an interim order and went on holiday for 6 weeks. She even managed to lose the paperwork on her return! During this time (with no evidence, having not spoken to me or witnesses) I was hospitalised, treated like a criminal and locked out of my house and (to a large extent) kids’ lives. This gave her in effect the house (which she refuses to pay the loan on) and a “default” interim custody arrangement.

“Emotional abuse” and “financial abuse” are extraordinarily subjective standards that can be very difficult to combat. Arguably, even a raised voice or an extemporaneous gesture may be regarded as “emotionally abusive” and, therefore, constitute sufficient grounds for a claim that “domestic violence” has occurred. This may also encompass such things as “refusing to let you have money”, “giving you negative looks”, or “ignoring your opinion”.

Since the understanding of “domestic violence” has become so radically subjective, it basically means whatever the “victim” claims it to be. This is why family violence orders are so popular and have become a major weapon in the war between divorced or separated couples.

Indeed, a comprehensive study about post-separation conflict reveals that the participants who had sought and obtained violence orders referred to “abusive behaviour” as something that was suggested by their lawyers and social assistants; this is true despite the fact that the applicants themselves did not in fact entertain this perception during the course of the relationship. (See the article by Patrick Parkinson, Judy Cashmore and Judith Single, “The Views of Family Lawyers on Apprehended Violence Orders after Parental Separation” (2010) 24 *Australian Journal of Family Law* 313.) One participant commented:

The lady at the court showed me this flow chart of domestic violence and it actually made me realise that that’s what I’ve dealt with since I’ve been with him, but it’s been verbal and emotional rather than physical.

The Police State Family Violence Coordination Unit explained to the Law Reform Commission

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*Arguably, even a raised voice or an extemporaneous gesture may be regarded as “emotionally abusive” and, therefore, constitute sufficient grounds for a claim that “domestic violence” has occurred.*

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that the definition of a family and domestic relationship has been amended to ensure that the police policy reflects national and state policies that focus on preventing violence against women and children (regarded as highest risk category for family and domestic violence).

Released in 2011, the National Plan to Reduce Violence against Women and Their Children explains that a key component of family and domestic violence is an “ongoing pattern of behaviour aimed at controlling a partner through fear”. This has led to broad definitions of family and domestic violence to be adopted by state and federal governments. There has been a remarkable shift in terminology. “Domestic violence” is now used in a broader sense to cover all sorts of behaviour.

The Western Australia Police internal policy requires police to formally record all allegations of family and domestic violence. Accordingly, the policy indicates that any alleged incident of family and domestic violence will be recorded (and whether or not the parties involved actually fit within the police definition of a family and domestic relationship or the legislative definition of a family and domestic relationship).

To make it worse, the police have a deeply problematic pro-arrest policy for family and domestic violence. In other words, arrest is expressed to be the “preferred option”. The Western Australia Police informed the Commission that the accused are usually arrested for breaching a violence restraining order or a police order. This is extremely serious, since the Chief Justice stated to the Law Reform Commission that such a presumption of arrest “will almost inevitably produce injustice and hardship in some cases”.

People have been arbitrarily removed from their homes through “*ex parte*” restraining orders. These orders, separating parents from their children for years and even life, are issued without the presentation of any evidence of legal wrongdoing.

A parent receiving such an order must immediately vacate their home and make no further contact with their children. If that parent does try to contact their children, then the alleged victim may contact the police and under the pro-arrest policy the parent is summarily arrested.

Finally, under section 62B the Restraining Orders Act sets out the powers of police to search and enter premises in certain circumstances involv-

ing family and domestic violence. I am deeply concerned about the broad nature of the power of the police to enter and remain in premises because, under the current provision, police may enter a person’s premises following a false report of family and domestic violence.

Given the further relaxation of rules of evidence that the amendment proposes, and the potentially dramatic consequences for a person who is served a family restraining order, I am deeply concerned that nothing in the proposed amendments is mentioned about possible penalties for filing a false complaint. I would expect even the possibility of criminal charges for those who file such false accusations.

These are some of my concerns. I believe the proposed changes cannot be supported by the Law Reform Commission’s Final Report.

I feel that I have the moral duty to make the information available before these decisions are implemented. Professor Patrick Parkinson has written an interesting academic article that provides full evidence that some family lawyers have instructed their clients to seek such family violence orders even when they are clearly unjustified.

Since restraining orders are granted *ex parte* and no rules of evidence are properly applied, thousands of innocent people have been caught in police proceedings and evicted from their homes by orders that seriously violate the most fundamental elements of due process, including advance notice of the proposed action, the right of facing the accuser and the opportunity to refute the allegation.

Above all, I believe these legislative changes pose an insidious threat to the fundamental rights of every citizen in Western Australia. They grossly violate the recommendations of the West Australian Law Reform Commission. These reforms also undermine the most elementary principles of the rule of law. They will inevitably lead to the further undermining of basic rights to natural justice, property rights and parental rights in Western Australia.

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*Dr Augusto Zimmermann is Postgraduate Research Director and Senior Lecturer in Constitutional Law and Legal Theory at Murdoch University School of Law. The opinions expressed in this article are personal and do not reflect the opinion of the Law Reform Commission of Western Australia, of which Dr Zimmermann is a member.*

## Nil by Mouth

Not just for a while but forever  
to never swallow  
because you might choke,  
because of this thing called ALS,  
this thing called Lou Gehrig's disease,  
this thing that is the inside-out of dementia,  
this thing that kills your control  
over nerves and muscles  
but leaves your mind alive to endure it all.

Cheating is your only pleasure—  
to bite and chew and chew and chew  
and savour the treasure  
of every drop of flavour but never swallow,  
to wait until the wad in your mouth  
is only fibre  
or to swish a bit of wine  
around and around your tongue and gums  
but never follow through.

Never again will you feel  
the gulp down your throat of the swallow.  
It's not allowed, not ever,  
for a mouthful to go where it has always gone.  
You can not follow life's hallowed tradition.  
You can not do what is natural.  
You must go against millennia of evolution  
and your own compelling inclination,  
and instead,

from now until you're dead,  
you must spit out nutrition.  
All of which is now supplied exclusively  
by a murky solution  
held up on a metal hook and stanchion  
in a plastic bag with a plastic tube  
that is surgically implanted into the hidden  
curved receptacle  
of the stomach

which is not just a hollow vessel but a muscle,  
a flexing and chemical-oozing component  
in a complex assembly line factory  
of alimentary function,  
an essential survival mechanism  
like the urge to swallow,  
not allowed  
not any more  
not ever.

## These balloons are okay

The children were not at the funeral  
but they knew their grand-dad was gone.  
All the same  
they raced and tumbled like puppies  
and raided the trays of chocolate goodies  
and cakes and pastry.  
While grown-ups talked and  
talked and talked,  
they went on with their games and their play  
until at the end of the day when the dark came,  
their mothers and grandmothers  
gathered them all together out on the quiet street  
unusually crowded with parked cars,  
all those family cars parked nose to tail,  
and they were given balloons,  
one each to hold by the string,  
and each balloon they were told  
would hold their special goodbye,  
whatever they wanted to say,  
whatever they thought of  
during a moment of heads bowed,  
eyes closed silence,  
the balloons would take to grandpa.  
So this they did.  
Then all together, and all at once,  
they opened their hands and watched,  
and watched with wonder,  
their messages rise up beyond the street lights,  
beyond the power lines and even higher  
heading for the spaces between the stars,  
heading for heaven.  
So let's pretend  
that not all rubbish is the same,  
and not all balloons burst or deflate,  
and drop back to earth again  
to choke ducks  
or create litter that never decays.  
Carrying the prayers of children  
let's pretend  
these balloons are okay.

*Edith Speers*

# The Discordant Life of Paul Robeson

I'm one of a dwindling band who can say, "I heard Paul Robeson sing." These days most people under sixty would respond, "Paul who?"

To answer that question briefly, Robeson (1898–1976) was the son of a former slave. He took up the cause of Negro liberation (like most of his race in the US at the time, he referred to himself as a Negro) from the 1930s, while achieving greatness in sport, acting, and especially singing folk and protest songs in his magnificent bass. He was also a militant Stalinist.

I was twenty when Robeson ended his 1960 tour of Australia at Perth. At 2 a.m. on Friday, December 2 he accepted a railways union invitation to sing at the Midland Railway Workshops at lunchtime. By noon, in a remarkable feat of logistics, the unions had mobilised a throng of 2000, including me. Robeson was a big black man wearing a curious black beret, delivering beautiful deep music from the back of a truck outside the workshop gates.

It was just coincidence, but my mother Joan the following year was with an Australian communist delegation to China and Russia, and in Moscow she was lodged at a dacha for the elite outside the city. She discovered that Robeson was secreted away in the same dacha complex. The unlikely explanation she was given was that he was being hidden from potential CIA evil-doers; he was actually hidden to conceal from the world the mental breakdown that began in the wake of his Australian tour.

When my mother died in 2008, my jobs included selecting the funeral music. After battling away numerous well-meant suggestions from third parties, I settled on Robeson singing "Deep River". (I didn't know then that "Deep River" had also been among the music for Robeson's own funeral.) I gave the funeral director a CD including that track, and it played fine. But the funeral director let the CD run on to the next track, which to my horror was Robeson singing "The Killing Song", from his 1935 movie *Sanders of the River*. Given that my mother had spent her life as a peace activist and stalwart of the Australian Peace Council, the lyrics were awful:

On, on, into battle,  
Mow them down like cattle!  
Stamp them into the dust!  
Kill, shoot, spear, smash, smite, slash, fight and  
sla-a-ay!

I flinched as the verses rolled on, but no one was paying attention, they were too busy chatting.

The favourite CD in my collection is Paul Robeson, *The Legendary Moscow Concert*. It was "legendary" in half a dozen different ways, some to Robeson's credit, some not. That concert evening encapsulates many of the paradoxes of Robeson as a great man, a great talent, a great fighter, and a great hypocrite.

Angered by the toxic racism of the pre- and post-war US, Robeson made himself a champion for the thousand times more toxic regime of Joseph Stalin. Robeson's lifelong principle was always to laud and never to criticise the Soviets. This was not the self-delusion of other "political pilgrims"; Robeson knew first-hand of the reality and lied through his teeth about it for the good of the cause.

The story of that concert in Moscow on June 14, 1949, is dramatic enough, but the back-story twists and turns like an over-plotted work of fiction.

Robeson was invited to perform at the Tchaikovsky Hall, Moscow, as part of celebrations for the 150th anniversary of the birth of Pushkin. Meanwhile Stalin, in his final spasm of butchery, was working up the "doctors' plot" as a presage to a holocaust of Russia's remaining Jews. The "plot" was that Jewish doctors were poisoning high-ranking party patients. The doctors were, unsurprisingly, confessing under torture. When a couple of them held out, Stalin commanded the interrogators to "Beat, beat, and again beat!"—a rare instance of the Lubyanka's thugs being criticised for half-measures.

Robeson was friends with the Moscow theatre director Solomon Mikhoels and the poet Itzik Feffer, both Jews. He met them, in company with Albert Einstein, when they were fund-raising in the

US in 1943 for the Soviet war effort.

In Moscow he was troubled by evidence of anti-Semitic purges, and asked his Soviet minders to arrange for him to meet Mikhoels. Robeson knew Mikhoels had mysteriously died—he had taken part in a memorial service for Mikhoels in New York. His minder said that Mikhoels, sadly, had died of a heart attack. The reality was that eighteen months previously, the MGB in Minsk had set up Mikhoels one evening via an agent, jabbed him with a poisoned needle, then bashed his temple in, shot him, and ran over him with a truck, leaving his body in the snow by the road, along with the body of their own unlucky agent. Stalin's daughter Svetlana overheard Stalin on the phone directing that "car accident" be cited as the cause of death, although Robeson's minders cited heart attack.

Robeson then insisted on meeting Feffer, who in fact was in the Lubyanka awaiting execution. Feffer was roused from his cell bed, tidied up, sent home to be dressed, then brought to Robeson's hotel room. The room was bugged and, in any case, Feffer's family were hostages for his good behaviour.

Feffer alerted Robeson—who spoke fluent Russian—to the facts by gestures and notes on scraps of paper, while conversing about innocuous matters. On one scrap of paper Feffer wrote, "Mikhoels murdered on Stalin's order". As for his own future, he drew his hand across his throat.

Robeson had to work out a discreet way to save his friend's life. He had a powerful position—his farewell concert the next night was being broadcast live throughout the Soviet Union, and he had untouchable stature as a US friend of the regime.

His solution was to use the concert to send a coded message to Stalin himself, endorsing Mikhoels and Feffer by name, and the Jewish community in general. He could get away with it because the purge had not yet become explicitly anti-Semitic and he couldn't be expected to know all the secret rules governing public behaviour.

The capacity audience included party bigwigs and Jewish intellectuals, both groups now living in fear of the midnight arrival of MGB vans. (The point of Stalin's terror was its arbitrariness.)

Late in his concert, Robeson, in Russian, said he would dedicate a special encore, the song of the Vilna Jewish partisans, to his dear friend Solomon

Mikhoels, "whose tragic and premature death has saddened me deeply". He added to the shock by speaking of his pleasure at meeting Feffer, who he said was well and hard at work on his memoirs. There were gasps of astonishment—many there would have known Feffer was on death row. Robeson then said he would sing in Yiddish the song of the Vilna partisans, first translating into Russian a verse, "When leaden skies a bitter future may portend" that ends, "We survive!"

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*The audience was in an unbearable emotional state. Their very lives were on the line and here was Robeson fearlessly albeit indirectly deploring the purge. After his unexpected encore, one brave woman stood up and applauded; the whole hall then erupted in waves of frantic applause.*

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The audience was in an unbearable emotional state. Their very lives were on the line and here was Robeson fearlessly albeit indirectly deploring the purge.

After his unexpected encore, one brave woman stood up and applauded; the whole hall then erupted in waves of frantic applause. People broke down, weeping, or flung themselves tearfully into the arms of strangers.

Stalin waited three years, then executed Feffer anyway. The censors locked away the tape of the concert for half a century; it was released only in 1995, after the demise of the Soviet Union, minus Robeson's provocative comments. The tape generated the CD, and with the CD I can now read the cover notes about Mikhoels and Feffer written by Paul's son Paul Jr (1927–2014), and hear Robeson's Yiddish song.

I can also hear the first seconds of the fifteen-minute storm of applause, the rest of it snipped by the original censors.

But this rounded story, which so impressed me initially, unravels. First, Feffer had in fact been an NKVD/MGB informer since 1943, but got caught in the meat-grinder himself. Under interrogation, he falsely accused a hundred other Jews, but at his trial he had the courage to express pride in his Jewish identity.

Second, how was Robeson going to handle his knowledge of Stalin's murderous ways, while remaining an advocate for the socialist paradise? He chose to lie about it, to deny the undeniable. On his return to the US, he told a reporter from *Soviet Russia Today* that allegations of Soviet anti-Semitism were wrong: "I met Jewish people all over the place ... I heard no word about it." He said the Soviets "had done everything" for their national minorities. "Everything" in reality included genocides of Cossacks, Ukrainian peasants, Crimean

Tatars, Kalmyks, Volga Germans and many other minorities.

In his book published in 1950, a year after his Moscow concert, Robeson wrote:

The Soviet Union's very existence, its example before the world of abolishing all discrimination based on color or nationality, its fight in every arena of world conflict for genuine democracy and for peace, this has given us Negroes the chance of achieving our complete liberation within our own time, within this generation.

He never again publicly mentioned Mikhoels and Feffer, nor criticised Stalin, whom he saw as safeguarding the interests of the downtrodden, especially Robeson's "own people".

Shortly after his Moscow concert, Robeson told Paul Jr the truth, but swore him to secrecy about it during his (Paul Sr's) lifetime. An account of the Moscow hotel meeting with Feffer leaked, via the widow of film director Sergei Eisenstein. Paul Jr vehemently denied the account as "wholly false according to my father's personal recounting of these events to me". Paul Jr was also lying, but he recanted and told the truth in 1981.

Robeson viewed the Soviet Union as his "second motherland", and even thought "first" might be more accurate. He began his visits to Russia in 1934, getting dizzying veneration and opportunities, contrasting with the America of Jim Crow. He was even inspired to place Paul Jr in a Moscow school.

Paul Jr admitted that his father knew of the Ukrainian famine during his visit, but told him in 1937 that he couldn't undermine the anti-fascist Soviet Union. Paul Robeson didn't just ignore the Stalin-created Ukrainian famine, he lied his head off, telling the *Daily Worker*:

I was not prepared for the happiness I see on every face in Moscow. I was aware that there was no starvation here, but I was not prepared for the bounding life; the feeling of safety and abundance and freedom that I find here, wherever I turn.

Robeson's position on the purges in the late 1930s was ambiguous. At the height of the terror he sided against the victims of the regime:

I can only say that anybody who lifts his hand against it ought to be shot! It is the government's duty to put down any opposition to this really free society with a firm hand and I hope they will always do it ... It is obvious that there is no terror here ...

In 1952, when he'd become a pariah in the US, Robeson received the USSR's highest honour—the Stalin Prize, worth US\$25,000, an enormous sum in those days.

Even after Khrushchev's denunciation of Stalin's crimes in 1956, Robeson never criticised the dead *vozhd* (boss). When the Soviets invaded Hungary in 1956, Robeson supported them.

Robeson's pro-Soviet advocacy turned US blacks against him, often in ways harrowing and humiliating for Robeson. In one 1951 incident in a Harlem bar, he told a famous black pitcher for the Brooklyn Dodgers, Don Newcombe, that Newcombe was one of his heroes. Newcombe responded, "I joined the army to fight people like you." They nearly came to blows. One account has Newcombe being led out of the bar by one of Robeson's quasi-bodyguards with a switchblade.

The nadir of Robeson's career was his April 1949 speech at the Congress of the World Partisans of Peace in Paris, involving 2000 delegates, Picasso and luminaries such as Nobel-winner Frederic Joliot-Curie. The repercussions included the US government withdrawing his passport, trapping him in America from 1950 to 1958 and encouraging his blacklisting as a concert performer, which cut his income from US\$100,000 a year to barely \$5000. (Robeson did his 1960 Australian tour because he was offered a fee of US\$100,000.)

So what did Robeson say in Paris? Immediately after the speech Associated Press reporter Joseph Dynan filed his report, which was picked up throughout the US press. It had Robeson purporting to speak on behalf of the 14 million US Negroes to the effect that they wouldn't fight for the US against Russia in the event of a war. Mainstream Negro organisations disowned Robeson and protested their loyalty to the US. Robeson found himself isolated from both black and white America.

Dynan's report quoted Robeson thus:

I bring you a message from the Negro people of America that they do not want a war which would send them back into a new kind of slavery ... It is unthinkable that American Negroes would go to war on behalf of those who have oppressed us for generations against a country which in one generation has raised our people to the full dignity of mankind.

Robeson's supporters claimed he had been stitched up by Dynan's false report. They cite other, less damaging versions of his impromptu speech, such as the following, after translation into French and then back again into English:

We shall not put up with any hysterical raving that urges us to make war on anyone. Our will to fight for peace is strong. We shall not make war on anyone. We shall not make war on the Soviet Union.

There were half a dozen reports of the speech, all different. The closest to Dynan's, in the UK's *Daily Worker*, read:

It was unthinkable for himself and for the Negro people at home, that they should go to war in the interests of those who have oppressed them for generations, against a country which had shown there was no such thing as a backward people.

To me, as a reporter who has done hundreds of similar conference reports, the Dynan version is the most plausible. The role of a wire-service reporter is to get an accurate report filed as soon as possible. Dynan went straight from the hall after Robeson spoke, to write and despatch his copy. Dynan was an experienced professional and recent war correspondent in Italy. It's a silly idea that he would delay to concoct a version to damage Robeson. The phrases in Dynan's version are authentic Robeson. I've heard some of them on a tape of a private speech he gave in Perth eleven years later. Dynan couldn't invent this Robeson-speak; he must have heard it.

Call it coincidence, but communist leaders elsewhere were expressing similar or more aggressive sentiments than Robeson. In Australia, for example, a month before the Paris conference, CPA general secretary Lance Sharkey said that "if Soviet Forces in pursuit of aggressors entered Australia, Australian workers would welcome them". Sharkey got a three-year sentence for sedition.

Robeson provided only a muted denial of the AP report, saying that he was referring to Negro people globally as war-averse, not just to US Negroes.

The major controversy for half a century was whether Robeson was a Communist Party member or merely a supporter. He lost his US passport from 1950 to 1958 because he refused on principle to answer the question, "Are you now or have you ever been a member of the Communist Party of the USA?" Witnesses who testified that he was a member were attacked by Robeson supporters as

government shills. Robeson's sympathetic biographer Martin Duberman concluded in 1988, "On the most obvious level, he was never a member of the CP-USA, never a functionary, never a participant in its daily bureaucratic operation ..."

But in reality Robeson was a CP-USA member for decades. The party had decided he would be more effective for the cause if his membership remained secret—disclose the fact and you'd be expelled. When CP-USA general secretary Gus Hall was serving an eight-year sentence in the 1950s on McCarthy-era charges of conspiracy to advocate the violent overthrow of the US government, Robeson campaigned for his release on civil liberties grounds, without of course disclosing his own party membership.

But in 1998, on the hundredth anniversary of Robeson's birth, Gus Hall announced, "We can now say that Paul Robeson was a member of the Communist Party." Robeson's membership was, he said, "an indelible fact of Paul's life, [in] every way, every day of his adult life". Robeson's most precious moment, Hall said, occurred:

when I met with him to accept his dues and renew his yearly membership in the CP-USA. I and other Communist leaders like Henry Winston, the Party's late, beloved national chair, met with Paul to brief him on politics and Party policies and to discuss his work and struggles.

Paul Jr, himself a CP-USA member from about 1948 to 1962, was a practitioner of dissembling. But when his father was outed—along with himself—he put it succinctly: "If people want a politically correct hero, then Paul Robeson's not the man."

Robeson's reputation has come full circle, from guarded respect up to 1945, vilification for most of the Cold War as a Soviet stooge, and now respect again, especially from the liberal media. A recent profile on America's PBS television gave him a twenty-one-gun salute, managing to make no mention of either communism or the Soviet Union. I must say the contradictions involved with any assessment of Robeson make him a tough subject to handle.

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*Forty of Tony Thomas's Quadrant essays have recently been published by Connor Court as That's Debatable—60 Years in Print.*

## Fanny Radmall, Lady Houston

She was spawned in a London back street,  
Ninth of ten shoeless brats.  
Her father was a warehouse man. She,  
Destined to run with the human alley-cats.

Quite unimportant. No one saw  
Any gathering of fates about her birth,  
Her life mattered to none, and least of all  
To the tyrant who would almost eat the Earth.

Hitler at least saw clearly. The democracies  
Dare oppose him? Let them try!  
He set his mighty power to move and build  
An Air Force that would dominate the sky.

The world-map a picture in his mind:  
Jews and Slavs to be taken out  
Of that picture altogether. Aryan ramparts  
Of population. The narrow seas about

England would be no barrier this time:  
The new air-power would alter all  
Seize Europe's heartland first, and then  
The old sea-wolf must fall.

Fear and pacifist propaganda  
Loosened the sinews. What to do  
Against that dire and echoing death-knell:  
"The bomber will always get through!"?

While the great ones conferred about the world,  
While Hitler saw the ripening of his plan,  
Fanny, ageing, remained that figure of fun,  
A chorus-girl who married a rich man.

I do not know the details now:  
I imagine she asked Mitchell, with a laugh  
To flatter a vain old woman,  
And accept her autograph.

And Mitchell, his mind distracted  
By scenes of Europe's coming wreck  
Took it from politeness, absently,  
Then realised it was a cheque.

Heinkel and Junkers darkened the map,  
Like a slowly spreading stain.  
Now Mitchell fought with the calendar  
As he fought with cancer's pain.

Blazing Warsaw and Rotterdam  
Showed all the theories right.  
The gouts of Hellfire left no doubt,  
In their towering, awful light.

Of the fool's hopes of resistance—  
Dreams of deluded men,  
Notions for patriotic Blimps,  
Or ageing widows then.

The black words of ultimatum filled the sky:  
"Die under the bombs, or yield!"  
But the cheque was spent. The Merlin engine roared,  
And the Spitfire soared above the field.

*Hal G.P. Colebatch*

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# BOOKS, ARTS & LIFE

## A Politics of Imperfection

DAVID MARTIN JONES

*The Anglo-American Tradition of Liberty:  
A View from Europe*  
by Joao Carlos Espada  
Routledge, 2016, 212 pages, £95

Canvassing for Brexit on a bleak North Kensington housing estate in early June, it became quickly evident that my fellow volunteers were mainly self-employed small business people, sacrificing their time on what appeared to be a quixotic attempt to reclaim traditional British freedoms. Pundits from Gareth Evans to Niall Ferguson and Matthew Parris, together with media celebrities like Bob Geldof, deplored both the Brexiteers and the referendum result delivered on June 23. It illustrated, they alleged, a Little England mentality and a xenophobic retreat from the world in general and Europe in particular.

Nothing of course was further from the truth. The surprise result was in fact testament to the English-speaking peoples' enduring commitment to orderly liberty and an instinctive rejection, when offered the opportunity, of an unaccountable European *Rechtsstaat*. It is this Anglospheric tradition of freedom as a practice or skill, dramatically illustrated by the Brexit campaign, that Joao Carlos Espada explores in a thoughtful account of

the Anglo-American tradition of liberty.

It perhaps requires a European Anglophile to appreciate the English-speaking peoples' historic commitment to liberty and explain it to a wider world, contrasting its exceptionalism with the prevailing continental approach to democracy and ever closer supranational union. Espada is well suited to the task. A former adviser to Portuguese socialist Presidents Mario Soares (1986 to 1990) and Cavaco Silva (2006 to 2011), Espada began his personal experience of the English tradition of liberty through an encounter with Sir Karl Popper at his Kenley home in 1988. Espada had started a research project on Popper's thought and asked the Austrian Jewish émigré why his personal library contained so many books on Winston Churchill. Popper replied that European and Western civilisation "is based on liberty" and Churchill saved it from dictatorship and destruction.

Popper further contended that "there was something peculiar to the political culture of the English-speaking peoples: they have a deep love of liberty combined with a sense of duty. It is a mystery." It is this mystery and the "specificity of the political tradition of the English-speaking peoples" that Espada seeks to disclose. It is, he explains, "a very personal voyage of intellectual exploration",

primarily concerned with the “influential authors” who, in Espada’s view, have shaped and understood “the political tradition of the English-speaking peoples”.

The work consists of five parts. The first addresses the disparate personal influences that shaped Espada’s appreciation of the Anglospheric mind. Popper predominates, as well as Popper’s disciple Ralf Dahrendorf, erstwhile Director of the London School of Economics and Warden of St Antony’s College, Oxford, who supervised Espada’s DPhil, together with Raymond Plant, the British Labour welfare-reforming peer and a subject of Espada’s dissertation. Plant sits somewhat uneasily alongside the American neo-conservative Irving Kristol, the Anglophile editor of *Encounter* and his wife, Gertrude Himmelfarb, whom the author befriended on a visit to Washington in 1996.

The second part addresses those thinkers Espada characterises as “Cold Warriors”: Raymond Aron, Friedrich Hayek, Isaiah Berlin, Michael Oakeshott and Leo Strauss. The content here reflects the order in which Espada encountered their thought. They share a common trait, namely, that “the defence of liberal democracy was at the centre of their work and, in many cases, their lives”.

Part three discusses three thinkers “hardly known” in continental Europe who Espada considers central to defining the Anglo-American liberal democratic tradition: Edmund Burke, James Madison and Alexis de Tocqueville. Part four Espada devotes to Winston Churchill, a courageous exemplar of the “Anglo American political tradition of liberty under law”, committed to preserving it in dark times. In Part five Espada identifies “the specific characteristics of the Anglo-American tradition and its politics of imperfection”, whilst, in a brief postscript, Espada considers, somewhat irrelevantly in the light of recent events, how the Anglo-American tradition might creatively reform the propensity of Europe’s political elites to perceive democratic politics “as a means to achieve a purpose”. As he observes, the European instrumentalist approach to politics contrasts diametrically with the English-speaking peoples’ political understanding, which “is less a means to an end than an ethos or way of life”.

The appeal of this study resides in Espada’s idiosyncratic interpretation of this Anglospheric tradition through political thinkers that he has either met or carefully examined. While he acknowledges the many differences in the political philosophies of

Popper, Aron, Plant, Berlin, Oakeshott and Strauss, he considers their contrasting understandings of liberty a peculiar strength of the Anglo-American tradition. “This tradition,” he contends, “is not a monopoly of one single political tendency or family. It has grown among different political families and it has distinguished those families from their counterparts on the European continent.” The central commitment of these “families” has been to “liberty, orderly and self-restrained liberty”. Its key concern is not to implement a program, but, as Popper averred, to dismiss bad governments without bloodshed, and avoid tyranny.

The limitations to this venture, which revives, in a modified form, the nineteenth-century Whig interpretation of history, stems from Espada’s eclectic blending of political dispositions that exaggerates the importance of some philosophers at the expense of the contribution of equally distinguished figures in this tradition. In particular there is little discussion of those English common lawyers and historians from Henry de Bracton, Sir Edward Coke, Matthew Hale and William Blackstone through David Hume, Thomas Macaulay and G.W. Trevelyan to G.R. Elton and J.C.D. Clark, who defined and traced the exceptionalism of the English constitution and its contingent historical experience.

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*Rationalism cuts itself off from the traditional knowledge of society. Instead it combines the politics of perfection with the politics of uniformity.*

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Curiously, for a work that explores the Anglo-American tradition of liberty the story is largely told through the eyes of diasporic Europeans, many of whom escaped

various twentieth-century European despotisms and found sanctuary and employment in the eleemosynary institutions of the Anglosphere. Oakeshott, Plant and Churchill are the only English writers to feature in this account of the Anglo-American experience.

Espada is clearly aware that he is drawing largely on the voices of fellow Europeans to advance his own distinctive view of the Anglo-American core contribution to liberal democracy as a pillar of the free world. It is by no means insignificant that in this enterprise many of the displaced European voices are Jewish. Popper, Berlin, Aron, Strauss, Kristol and Himmelfarb are all part of a diasporic European Jewry that found a congenial home in the Anglosphere. These expatriate European voices attended not only to the character of the Anglo-American commitment to liberty that informs and reflects a way of life, but also to the manner in which the European Enlightenment took a decidedly

different approach to democracy and its practice.

Thus Popper, after being turned down for a lectureship at the University of Queensland in 1937, found in New Zealand the tranquillity to write *The Open Society and its Enemies* (1945) and *The Poverty of Historicism* (1957). After he was appointed to the London School of Economics at the instigation of his fellow émigré and former Vienna school colleague, Friedrich Hayek, they both discovered in the political cultures of the English-speaking peoples a disposition to limited government, a spontaneous order based on abstract rules with no defined purpose and a secular pluralism conducive to the tolerance of competing ideas. This they contrasted with “the common intellectual underpinnings of left and right-wing authoritarianisms ... in their national-socialist and Marxist expressions”, which they had personally experienced in Europe in the 1930s. They considered the Hegelian and Marxist predisposition to historicist prophecy arising from the dogmatic rationalism of the late-eighteenth-century European Enlightenment project had built the road to serfdom and closed, authoritarian societies.

The twentieth-century totalitarian model, moreover, was inimical to the piecemeal social engineering and the fallibilistic logic essential to the scientific discovery and innovation that characterised the very different English enlightenment from the late seventeenth century onward. It is in this English environment of tolerance, openness and scepticism, requiring “centralized schemes to invent, reconstruct or design moral values” that Espada also locates Isaiah Berlin’s concept of negative liberty. Berlin asserted that liberty is “liberty, not equality, fairness or justice or culture” and that values, particularly those of freedom and equality, clash.

The tradition of value pluralism and limited self-government that these émigré authors encountered, then, stood in marked contrast to a very different European enlightenment political project addicted to purposive ends, informed by an apparently scientific, or what Hayek would term a “scientistic” rational plan. This addiction to bureaucratic micro-management is what Michael Oakeshott identified as the problem of rationalism in politics. Oakeshott counterposed the experience of a particular, contingent tradition and a local grammar of self-disclosure and self-understanding with the rationalist who “reduces the tangle and variety of experience to a set of principles which he will then attack and defend only upon rational grounds”.

Rationalism cuts itself off “from the traditional knowledge of society”. Instead it combines the politics of perfection with the politics of uniformity. Political activity consequently “consists in bringing the social, political, legal and institutional inherit-

ance of society before the tribunal” of the rationalist’s intellect. “The rest”, as members of the European Union now find, “is rational administration”. The rationalist style is activist and Oakeshott contrasts its “politics of faith”, or what Raymond Aron terms the fanaticism of this “secular religion”, with that of a contingent political tradition informed by what Leo Strauss identified as classical reason, which was particular and prudential.

“Dogmatic rationalism” (Popper’s term) by contrast is utopian and collectivist. For Hayek, Aron and Popper the historical completion of this activist style that first emerged with the Napoleonic and Prussian *Rechtsstaats* assumed the twentieth-century totalitarian form of national socialism and international Marxism. However, as Espada observes, it persists in the illiberal, progressive tendency of the post-Cold War West to promote central planning, collectivism and the passion for the “organization of the whole” at the expense of the parts, so characteristic of the European Union. Indeed, the rationalist bureaucracies of many contemporary democracies seek to manage all aspects of their citizens’, or more accurately their clients’, lives, replacing traditional constitutional practice with “the sovereignty of technique”.

Espada locates the tyrannical implications of the rationalist style in the European Enlightenment pursuit of abstract equality at the expense of orderly liberty. This baleful preoccupation first appeared in Jean-Jacques Rousseau’s *The Social Contract* (1762). Espada considers Rousseau “the maniac prophet of the equalitarian despotism of the modern age”, responsible for the “frightening cult of equality”. As the French aristocratic liberal Alexis de Tocqueville observed, the cult feeds the modern passion for centralisation and standardisation.

Those who established the presuppositions of modern Anglospheric liberal democracy and limited government defined it against Rousseau and the ideological despotism that flourished during the Jacobin reign of terror (1793-94). Espada argues convincingly that Edmund Burke in the United Kingdom, James Madison in the United States and de Tocqueville in France contrasted the Anglo-American tradition of liberty with the French revolutionary, rationalist alternative. Burke, of course, had little time for rationalist abstraction and viewed government instead as an intergenerational compact. “Against the pretended rights of theorists”, the “offspring of cold hearts and muddy understandings”, Burke set the rights of Englishmen as an “entailed inheritance” not to be dissipated at will by one generation, but framed by the ancient constitution as it had been codified

since the thirteenth century by those “oracles of the common law”, Bracton, Coke, Hale and Blackstone. As Espada interprets it, the limited government and constitutional liberty enjoyed in the United Kingdom grew organically “out of existing, law abiding, and moral abiding ways of life”. More precisely England, as the medieval jurist John Fortescue observed, was a political monarchy (*dominium politicum et regale*) not an unaccountable tyranny.

An analogous concern for limited government founded in common law also informed the practice of democracy in America. Espada finds in James Madison’s contribution to *The Federalist Papers* (1788) a further antidote to Rousseau’s “perfectionist” prescriptions. American government was a contrivance of human wisdom to satisfy human wants. It required “auxiliary precautions” or checks and balances. Rather than investing sovereign power in a centralised *Rechtsstaat* that in Rousseau’s chilling view might strip individuals of their particular attachments and “force them to be free”, Madison preferred an Anglo-style mixed and balanced constitution where the laws chosen by the people in their legislatures constrained the executive power.

This historical pattern of constitutional rule that, from the nineteenth century, was adumbrated by popular accountability required limits. In *Democracy in America* (1835) Tocqueville argued the Americans had inherited their taste for freedom and orderly liberty from the English aristocracy. Thus, the Anglo-American liberal democratic tradition came to emphasise self-government, political and administrative decentralisation, an independent judiciary, a free press and freedom of religion.

From his discussion of these writers and a brief homage to Winston Churchill’s practical insistence on the “the subordination of the State to the fundamental and moral conceptions of an ever-comprehending community”, Espada abstracts a distinctive Anglo-American politics of imperfection. This he contrasts vividly with the European pursuit of the politics of perfection. Imperfect politics treats freedom as a skill that requires a democratic form of limited government, requiring the dispersion of power, constrained by the rule of law. It stands in opposition to the state or super-state conceived as a corporate enterprise pursuing government-designed socio-economic targets and abstract human rights.

In this Anglo-American understanding, liberty is a practice, an adversarial manner informed by a gentlemanly code of conduct, that requires not only understanding a tradition but also “learning how to participate in a conversation” and protect an existing way of life. This inherited habit of mind constituted the moral capital that for Irving Kristol informed the Anglo American practice of liberal democracy,

whilst for Gertrude Himmelfarb the “miracle of modern England” consisted, ironically, in making all the social, economic and political revolutions, “without recourse to revolution”.

These constitutive differences between the Anglo-American tradition of negative freedom and the European rationalist democratic project has spawned two notable political consequences. First:

in Britain and America a political commitment to democracy does not entail a uniformity of views on matters of philosophy, morality or public policy, rival views compete against each other among both the elites and the people ... In Europe on the contrary, an elitist monopoly and an elitist uniformity tend to be fostered by both a misleading understanding of democracy and (proportional) electoral systems based on party structures.

This has created a growing gap between political elites and their estranged constituents and poses a serious threat to European democratic practice. It encourages elites to a “despotism of innovation”, manifest in the latest attempts to forge a closer and more protectionist European union, alongside a countervailing “propensity to follow populist and anti-democratic demagogues on the part of significant sectors of the (European) electorate”.

Espada adds, in a poignant postscript, that the euro debacle and the prospect of increased European centralisation, combined with a “lack of mainstream parties defending decentralization ... has created a vacuum that extremists have exploited”. Espada argues, following Ralf Dahrendorf, that the issue of advocating fewer powers for Brussels should be a matter of “normal [European] politics” rather than a “constitutional” or existential issue that endangers Europe’s survival.

Such Brussellian tolerance of criticism seems, however, increasingly remote. Brexit, moreover, will amplify the second political consequence of European rationalism—its affinity with relativism. Following Popper, Espada considers dogmatic relativism the inevitable consequence of dogmatic rationalism, which European elites associate with democracy. The interaction of a rationalist understanding of democracy and electoral systems inevitably encourages “wilder rationalist dreams and a wilder relativist atmosphere”. As a result Europe’s non-relativist democrats “struggle hopelessly to find a democratic platform against relativism”. Relativism ultimately “destroys the moral and intellectual resources to understand why liberal democracy is better than its alternatives”.

This might indeed be the case. However, those writers in the Anglo-American tradition of liberty who unlike Popper and Hayek emphasise the cultural specificity of the Anglospheric project are not themselves free from some species of relativism. How can they be when, like Berlin, they accept a plurality of cultures and values, or, like Oakeshott, maintain that political activity requires “using the resources of a (particular) traditional manner of behavior to make a friend of every hostile situation”?

Rather than adopting unquestioningly Popper’s somewhat incoherent view of dogmatic relativism, Espada might have been better advised to follow Leo Strauss, who sees the problem of the modern liberal democratic project stemming from a loss of faith in its universal purpose. As Strauss observed, the West, “which was accustomed to understand itself in terms of a universal purpose, cannot lose faith in that project without becoming bewildered”. The antidote to the failure of universal historicism is to take refuge, as Strauss, Oakeshott, Kristol, Himmelfarb and Berlin do, in some version of “practical particularism”. Strauss preferred to return to the prudential reason of the ancients, opposing classical prudence to the modern preoccupation with universal rights and the attendant “decay of philosophy into ideology”, whilst Oakeshott emphasised the importance of political education in the language of a contingent political tradition.

Moreover, if rationalism and relativism are the disease consuming contemporary European liberal democracy, then the Anglosphere is by no means immune from its ravages. Brexit notwithstanding, the mainstream parties of the Anglospheric democracies have shown a notable penchant for rationalism in politics, while their eleemosynary institutions have become addicted to the more corrosive forms of idealism and relativism. The governments of Blair, Brown and Cameron in the United Kingdom and Rudd in Australia evinced little respect for the Anglo-American tradition of liberty and preferred instead to create a bloated public sector devoted to managing all aspects of their citizens’ lives. In the process our representatives sought to turn us into the instruments of their rationalist projects. More particularly, Blair, Brown, Cameron and Osborne locked Britain into a European “association marked by timid protectionism demographic decline” and economic sclerosis.

This bureaucratic dynamic, and the inexora-

ble descent into servility it foreshadowed, came to a juddering halt in June 2016. The Brexit event offered a striking reaffirmation of what Popper termed “the English mystery” responding to troubled economic and political times. Theresa May, who, unlike her recent rationalist precursors in the office of prime minister, seems to channel the spirit of prudent English exceptionalism and its tradition of liberty, announced “The Great Repeal Bill” at the Conservative conference in October. At a stroke The European Communities Act (1972) and the creeping despotism it intimated will be removed from the statute book. The UK will once more become, in Mrs May’s words, “a sovereign and independent country” and despite the economic doubts and anti-democratic fears of a protected transnational political and academic elite, liberating its business from regulation and practising liberty both at home and abroad.

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*Imperfect politics  
treats freedom as a  
skill that requires a  
democratic form of  
limited government,  
requiring the  
dispersion of power,  
constrained by  
the rule of law.*

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A hard Brexit will no doubt dismay Espada. He has, nevertheless, written a compelling account of the Anglo-American tradition of liberty. It is possible perhaps, given the personal nature of the work, to take issue with his inclusions in the canon, as well as his omissions from it. Given Espada’s emphasis

on the centrality of European émigré thinkers to the Cold War defence of freedom, it is somewhat curious that Hannah Arendt and Eric Voegelin fail to get a mention. It is also hard to square the inclusion of Raymond Plant’s rationalist advocacy of welfare rights and critique of “neoliberalism” with the Burkeanism of Irving Kristol, who brilliantly exposed the “hidden (rationalist) agenda” informing much contemporary economic, social welfare and human rights discourse. Moreover, if, as Espada contends, the Anglo-American tradition is a house comprised of many families, it is curious that leading American thinkers of the liberal, democrat Left “family” like John Rawls, Ronald Dworkin and Richard Rorty are excluded from this account.

These cavils notwithstanding, Espada has written a timely and provocative account of the tradition of liberty which deserves a wide audience both in Europe and across the Anglosphere. At its publisher’s prohibitive retail price, however, this seems unlikely.

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## STEVEN KATES

## A Letter to Tom Wolfe

*The Kingdom of Speech*

by Tom Wolfe

Jonathan Cape, 2016, 185 pages, \$32.99

Dear Tom (if I may),  
Having just finished your *Kingdom of Speech* I felt I had to write to you because of the interesting parallels with my own area of study. And oddly, your story even begins with Thomas Malthus, as does mine, although in my case with his less well-known *Principles of Political Economy*.

But let me begin with your own newly published book. It was from Malthus that Alfred Russel Wallace received the stimulus that led him to the theory of evolution by natural selection. I had vaguely known the story, but I can see why the actual circumstances are seldom drawn out. A “flycatcher” out in the South Pacific, recovering from malaria, Wallace was inspired by his reading of Malthus to recognise that those survive who are the ones best suited to the actual conditions of the world, that here was a mechanism through which evolution might proceed. But being in the middle of nowhere he had no one to share his manuscript with so he sent it to Darwin, a man he barely knew, who showed it to Charles Lyell, the leading scientist of his time, to whom Darwin said this had been his own idea which he had not bothered ever to mention, and indeed, had never bothered to write down. So Lyell took Wallace’s paper, and a Darwinian “abstract” not even written by Darwin, to the next meeting of the Royal Society, all without Wallace’s consent.

What a wretched story! With Darwin and Lyell gentlemen, and Wallace a nobody making his living collecting biological specimens to send back to England (hence the occupational title, “flycatcher”), he was in no position to dispute the account when he finally returned to England. Oddly it seems to me, Darwin even said that he, too, had been inspired by reading Malthus’s *On Population*.

Which is where the parallel with the story I wish to tell begins. It was from that same Malthus that Keynes was led to deficient aggregate demand as the cause of recessions. And while Keynes has been able to hide his debt to Malthus, Darwin could not, in part because Wallace’s letter had been shared with Lyell, and partly because Wallace was alive and would not have kept quiet had Darwin pretended it had all been his own idea. But also,

perhaps, in part because Darwin could not hide the truth from his own conscience.

In your book, you avoid actually stating as baldly as you might that Darwin took the idea from Wallace, and perhaps to reach that conclusion goes too far for the evidence to permit. I, however, have no compunction in stating that Keynes took the idea of deficient demand from Malthus. The evidence that Keynes snatched this idea without any attribution is as clear as circumstantial evidence can ever allow, although it has been denied every time it has been brought up, especially since I am the only person who ever brings it up. This is partly because it would show Keynes was less original than he pretended he was, but more importantly, because Keynes did everything he could to deny there had been any outside influences on him (other than his colleague R.F. Kahn). The fact is, such a connection cannot be admitted as even possibly true, since Keynes specifically states in *The General Theory* that he had only realised others had had the same idea *after* he had come to these conclusions himself.

The dating from the archives makes it abundantly evident that Keynes discovered the entire notion of demand deficiency in October 1932 by reading Malthus’s letters to Ricardo. Every study of the transition between Keynes’s 1930 *Treatise on Money* and his 1936 *General Theory* recognises that Keynes took a decisive and unmistakable step in a new direction sometime towards the end of 1932. Until then, Keynes had focused on the role of money in causing recession. Then, really out of nowhere, unless you understand why, Keynes switched direction and began to argue that economies in recession are suffering from too little demand due to too much saving. These were the same conclusions that had been put forward more than a hundred years before by Malthus, and it just so happens that it was at the end of 1932 that Keynes had, for the first time, begun to look at Malthus’s economic arguments.

Like Wallace with Darwin, it is Malthus whose originality is denied by Keynes. But unlike Wallace, Malthus was in no position to complain, being by then a hundred years dead. Keynes took up the argument himself with no acknowledgment of any debt other than to say that Malthus had once said something similar a long time before, but he had not known of this similarity until he had reached the same conclusions himself.

The second area of your book I found fascinating is that Darwin was unable to deal with the problems in the theory of natural selection that were evident to Wallace. You list three:

natural selection can expand a creature's powers only to the point where it has an advantage over the competition in the struggle for existence—and no further ...

natural selection can't produce any changes that are bad for the creature ...

natural selection can't produce any "specially developed organ" that is useless to a creature ... or of so little use that it is not until thousands and thousands of years down the line that the creature can take advantage of the organ's full power.

The parallel with my own criticisms of Keynes is that one would expect that an economic theory would have to conform, at least in part, with the way an economy worked.

- There would have to have been some instance when an economy went into recession because there had been a sudden fall-off in demand for no reason at all, other than that people had increased their level of saving just out of the blue.

- There would have to have been at least a single instance when an economy that had gone into recession was brought to recovery by an increase in public spending. Just one would be sufficient.

- There would have to have been no counter instance where a large cut in public spending brought on recovery, another outcome completely contrary to the theory.

Keynesian macro fails on all three counts.

The third area where I found the story you told parallel to my own is where you deal with Noam Chomsky and his eventual undoing by Dan Everett. You describe the problems Darwin faced in explaining the origins of human speech. Right from the start, this had been an issue that the theory of natural selection could not account for and which Darwin had been roundly criticised for ignoring. You write of Max Müller, who had been an immediate critic of Darwin's theory, with his focus on our human ability to speak. Müller wrote (which you quote on page 54):

The Science of Language will yet enable us to withstand the extreme theories of evolutionists and to draw a hard and fast line between man and brute.

The "Just So" stories told by Darwin in his 1871 *Descent of Man* convinced no one and the entire

issue was dropped for the next eighty years. It is here that Noam Chomsky enters the scene, the linguistics equivalent of Keynes, bringing forward a new theory to account for language. It is also here where I see myself paralleling the efforts of Dan Everett in opposing Chomsky, just as I have been working to rid us of this pestilent Keynesian theory.

Chomsky parallels Keynes in coming up with a theory of speech that made him appear the Einstein of his area of study, and then using his prominence to become one of the major anti-market writers of our time. Keynes required no transfer from some distant theory to become the anti-market influence he is, writing a book on economic theory under the pretence of saving capitalism from itself. Keynes even titled his book in conscious imitation of Einstein's "General Theory" of Relativity.

In its own way I see parallels with myself in both Wallace and Everett. I have always understood that the resistance to what I have written stems in no small part from my lack of academic status. I began my work not only outside of any of the major economic institutions, but even outside of the university system itself. I discovered the problems with Keynesian economics while working as chief economist for Australia's largest business association, which was, I suppose, my own version of field work, which virtually no professional economist now does.

Economics is now, like linguistics, a theoretical structure entirely dominated by datasets, statistics and equations. I work in the history of economics, where maths and stats seldom intrude. I am now at a minor university on the fringes of the known world, teaching as I do in Melbourne, Australia. It's not quite the Amazon jungle, but for these sorts of things it could not be more remote.

Chomsky argued that a "language organ" had evolved which had led to an innate natural grammar that each human was born possessing. And what "iced it for him" in giving him the reputation he now has was a book review he wrote, attacking behaviourism in general and B.F. Skinner in particular, where the issue was whether speech was simply a learned response from one's surroundings. Chomsky's polemical powers—like Keynes's—drove this rival approach completely out of academic respectability. Or at least he did until the publication of Everett's work, whose personal life story, as you relate it in the book, is incredible. But what mattered so far as the history of ideas goes was Everett's

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2005 paper which took on Chomsky's theories head on, based on years of work in the field, mastering a language spoken by the 250 to 500 Pirahã people who live deep in the Amazon basin. About this, you wrote:

It was the Pirahã's own distinctive culture, their unique ways of living, that shaped the language—not any “language organ,” not any “universal grammar” or “deep structure” or “language acquisition device” that Chomsky said all languages had in common.

If this is so, then Chomsky is wrong. I found it particularly appealing that the Pirahã language included various birdcalls so that they could speak to each other while hunting without scaring away the game—a convincing example of language being a local invention suited to the needs of a people rather than some universal welling up from deep within the brain.

The parallel for me is my efforts, along the same lines as Everett, in getting others to see how plainly wrong Keynesian economics is. I have written endlessly on it since the 1980s. In pursuit of this agenda, I have written articles, published in journals, and authored and edited a series of books. The fact is that no one will pay serious attention to any of this even though there is more than a reasonable chance I am right and modern economic theory is dangerously wrong.

And I do agree with you that the effect of Darwin on Western civilisation has been devastating. I was astonished to learn that Thomas Huxley—“Darwin's Bulldog”—never accepted Darwin's theory of evolution, but pursued it only because it helped him spread his own atheistic beliefs. Nietzsche's prognostications (which you discuss) that our civilisation would become unbound through its lack of a spiritual order, because of Darwinian theory, have been more than borne out. That Keynes has merely undermined our economic order may be of a lesser magnitude but not without its massive consequences for the West.

I draw all this to your attention on the off chance you are looking for something else to write about following your deconstruction of Darwin and Darwinian theory. My wish would therefore be that you might now turn your attention to Keynes, whose own deconstruction at the hands of a master such as yourself is long overdue.

In the meantime, I hope there are many who find their way to *The Kingdom of Speech*, which is an amazing read on so many levels, not least of which is the way it reveals how ideas are formed and then sustained across time. Also, as usual, it was

as readable as anything written today.

With kindest best wishes,  
Steve.

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*Steven Kates is Associate Professor of Economics at RMIT University in Melbourne. He has just published his edited collection, *What's Wrong with Keynesian Economic Theory?* (Edward Elgar).*

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## PATRICIA ANDERSON

### When Things Started to Move

*Inside the Art Market: Australia's Galleries 1956–1976*

by Christopher Heathcote

Thames & Hudson, 2016, 368 pages, \$49.95

Australian newspapers are replete with stories about those Australian art world “stars” John Olsen, Brett Whiteley, Sidney Nolan, Arthur Boyd and Jeffrey Smart whose works routinely change hands for six-figure sums. So it is a shock to discover in Christopher Heathcote's sweeping and highly detailed account of the rise of the Australian commercial galleries between 1956 and 1976, a dealer remembering the now legendary Jeffrey Smart: “He sent over a show from Sydney ... although it was awful because he never sold anything and he had all the costs of sending the paintings over. It was terrible ...”

Such was the plight of artists, Heathcote points out, when Tam and Anne Purves, owners of a small dress-pattern factory in the gritty inner-city Melbourne suburb of Collingwood, decided to open a gallery there, Australian Galleries, in 1956. They knew there was no shortage of talented artists looking to exhibit their works, but there was a dearth of professionally run spaces dedicated to modern art—rather than merely nesting paintings among antiques, bric-a-brac, soft goods and furnishings.

Heathcote confines his twenty-year saga to Melbourne and Sydney—quite rightly, as these two cities between them saw most of the art-world action during those formative two decades, with Adelaide, Brisbane and Perth being mostly peripheral to events.

Until the 1940s, certain cliques of successful artists with strong links to the “establishment” and the conservative art societies and state galleries, had things their own way. Issues of *Art in Australia* (the country's only art journal) were bristling with pallid and second-rate pot-boilers by Arthur Streeton,

Elioth Gruner, Hans Heysen and the Ashtons, Will and Howard—the latter also a hostile art critic. These polite academic works had calcified into clichés: well-watered paddocks, rolling hills and valleys, storm clouds and cattle and sheep, but a growing number of painters felt the cavalcade of “bush” paintings could give way to radically different interpretations. This meant looser brushwork, the introduction of some obscure symbols, livelier and non-representative colours and mixed perspectives. These were the kind of artists that Tam and Anne Purves would find themselves exhibiting and promoting.

Heathcote points out that Tam and Anne had to find their own way in this novel adventure, and their research—which included reading S.N. Behrman’s splendid biography of the colourful international art dealer Joseph Duveen—might establish how to proceed. They would charge 25 per cent commission on sales (this was later increased to 33 per cent). They would establish a stockroom, so that at any time a potential client might be able to view a range of works not currently on show by an artist in the “stable”. They would offer artists “solo” shows. They would maintain accurate records of every work exhibited, thereby providing a reliable provenance for skittish collectors. They would seek and encourage collectors and they would place some artists on retainers.

Most of these innovations are now solidly, if informally, established in the routines of many an exhibiting gallery in Australia (except the commission, which now starts at 40 per cent and can be as high as 60 per cent) but they were entirely novel at the time. Until that time artists had shown in hired rooms, studios, theatre auditoriums, restaurants and bookshops, and the more progressive ones were always at risk of being snubbed for the annual exhibitions arranged by the cliquy art societies which abounded.

Heathcote delivers the kind of telling anecdote in this carefully researched volume which holds the reader’s attention to the end, something that many dry academic art world publications lack. The unguarded reminiscences he has assembled from of Tam and Anne Purves, and some of the artists they gathered into the fold, give the book intimacy and pungency and are for this reviewer (an art gallery owner) the most rewarding passages in the book. The Purveses remembered when the gallery would go for days without a single visitor. Heathcote

observes, “There seemed a baffling chasm between what professional painters regarded highly and what collectors would purchase.”

By 1957 bank loans were discussed and they persisted. Heathcote says, “They ignored the gallery’s receipt book for twelve more months and trusted in talent.” Australian Galleries would ultimately play a large part in the trajectory of artists who are household names today. What is surprising is that artists whose reputations are now unassailable, such as John Olsen and Fred Williams, did not have an easy start. Fred Williams sold very little from his 1958 show and nothing from his 1959 exhibition in Melbourne. John Olsen counted himself lucky to sell one painting from his show at Macquarie Galleries in Sydney. After a fee for exhibiting was deducted, he hadn’t even covered his costs.

Heathcote is tart about some of the dealers, artists and writers who other writers have previously swooned over. The “Macquarie Gallery ladies” Lucy Swanton and Treania Smith, Melbourne’s John and Sunday Reed, Max Hutchinson, Rudy Komon and, in particular, Albert Tucker and Sidney Nolan are all raked over with the searching spotlight of Heathcote’s forensic eye and well-turned phrase. Lecturer Terry Smith he calls a “Marxist martinet”. He also dis-

misses much of the art-buying community with a flourish, commenting on the “dim-witted insularity of Sydney society”, the “empty-headed philistinism of the rich” and “dull businessmen and their snobby wives”.

As the pace quickened and commercial galleries sprang up in the 1960s, there was pressure on some artists who were beginning to sell well not to stray from their recognisable styles, while some galleries attracted the experimental and the restless.

An increase in sales reflected a growing public interest in looking and perhaps buying, so the press was not slow to stoke the fires. One signal event was the sale of Norman Schureck’s collection (which included thirty-four oils by William Dobell) in Sydney in 1962 which realised the staggering sum of £81,858—a record for an Australian art auction.

Another was the return of Albert Tucker from New York and his revelations about the art scene there. These were eye-popping to say the least. It was common for New York galleries to take an artist’s entire output and place him (or her) on a monthly retainer. They were then free to sell the works for

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*Tucker’s show in 1962 at Australian Galleries, in which he insisted on remarkably high prices for his works (they sold), triggered a complete realignment of the Australian art market.*

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whatever the market would pay. Tucker's show in 1962 at Australian Galleries, in which he insisted on remarkably high prices for his works (they sold) triggered a complete realignment of the Australian art market.

A third notable event was the frenzy among dealers and artists when word spread that an unknown businessman called Harold Mertz had arrived in Australia with a mission to sweep up an entire representative collection of Australian art. (In fact it was almost entirely figurative work.) He was guided in this mission by the equally colourful art dealer, racing car driver and jazz musician Kym Bonython.

Heathcote discusses with some relish the chagrin of some avant-garde artists in Sydney and Melbourne when their visiting hero Clement Greenberg, then the most influential art critic in America, dismissed many of them but took a shine to the self-effacing narrative painter Ray Crooke.

As more money began to change hands, some disgruntled artists complained about painters "selling out". The artist Mike Brown dismembered an expensive glossy brochure from the Hungry Horse Gallery in 1964 and turned it into a kite with a barbed polemic floating from it. Many dealers were criticised for treating paintings like merchandise, something to be turned around for a quick profit, but as the painter Robert Windsor's recollections show, this was not necessarily the case. He recalled visiting an exhibition as a student: "carried away in boyish enthusiasm, he bought a screenprint by the Bauhaus master Josef Albers with a \$30 deposit. It took him over two years to pay the balance." The dealer William Mora would just smile when he came in the door.

With each new wave of galleries, each with a different overriding aesthetic of their owners, came a different wave of followers and buyers. Some dealers and artists Heathcote clearly admires while others he lampoons. He is especially animated when evoking the essence of an individual painter's style. He says of John Olsen:

his paintings were steeped in the earthy graphic release of Jean Dubuffet, although psychologically [his] work was closer in spirit to the world of Dylan Thomas and Jack Kerouac.

The art world changed (some might say deformed) categorically with the involvement of federal and state bureaucracies in the late 1960s. Agencies were established, supposedly to nurture and support those artists regarded as too lofty for philistine collectors, and these agencies regarded the commercial network as the enemy. This was not ultimately help-

ful to artists. Heathcote has given too much space to the peripatetic and interfering artist Clifton Pugh in the events that unfolded with the establishment of these bureaucracies.

The book nears its end with some revealing details of the vicissitudes of the architect Harry Seidler, who would beat back the bureaucrats to realise his aim of seeing contemporary Australian art and furniture grace the rooms of the newly designed Australian Embassy in Paris—an initiative which would be followed in Australian official residences worldwide.

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*Patricia Anderson, a Sydney gallery owner and art critic, is the author of several books, including *Art + Australia: Debates, Dollars & Delusions* (2005).*

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## PATRICK MORGAN

### Interrogating the Status Quo

*The Limits of Critique*

by Rita Felski

University of Chicago Press, 2015, 228

pages, US\$22.50

The muddy prose literary theorists employ is a surface defect pointing to deeper deficiencies in their thought processes, one of which is their remoteness from reality. All of us are immersed in life, authors recreate it in words, critics assess the authors, theorists write on the critics, and in recent decades meta-theorists have scrutinised their fellow theorists. This is critique at many removes from life; many category mistakes can intrude between the cup and the lip. It's now become a self-sustaining enterprise—critics can conduct theory wars among themselves with minimal or no regard to literature itself. So I was pleased to read that a United States literary theorist near the top of the tree, Rita Felski, author of numerous books and editor of the journal *New Literary History*, had written a book *The Limits of Critique*, arguing that theory in its present form seemed to have run out of steam. In the UK Terry Eagleton, in the vanguard of literary theory for decades, has recently published a revisionist work along the same lines.

Rita Felski breezily takes us through her own intellectual history. She began four decades ago believing in Marx, Freud and Nietzsche, then became a devotee of the Frankfurt school, graduating to an understanding of Derrida, Foucault, Barthes, Althusser, Lacan and the rest of them to

becoming conversant with post-structuralism and deconstructionism, queer theory, feminism and post-colonial studies, and on to more recent gurus whose names have yet to become household words. She can expertly point out the arcane points of difference among this bewildering range of options, just as medieval theologians were adept at finding minute differences in the views of rival sects, and then anathematising them. After confidently leading the reader through this maze, she suddenly finds at the end not a minotaur but a black hole. Theory has hit the wall.

I agree with Felski's strictures against the dominant critical mindset which she summarises as "guardedness against openness, aggression rather than submission, irony rather than reverence, exposure rather than tact". Contemporary critics have become like detectives whose whole approach is to assume a crime has been committed. They are, Felski acknowledges, too suspicious, automatically sniffing out texts to see what heresy is lurking within them. So far from loving literature, they assume *a priori* it is guilty and interrogate it to wring out its guilty secrets. Reading in their view should be an act of resistance rather than one of sympathy; the critic seeks to "terrorize received ideas".

The over-used verb *interrogate* reveals a mind like that of a secret policeman. Significantly, writing is referred to not as literature but by the impersonal designation "texts", as though books are laboratory objects to be dissected, which in fact happens. The theorists assume of course that they are intellectually superior to the authors they sit in judgment on—Felski notes that "critique has become the medium of secular holiness. The halo dropped by the poet has been picked up by the critic." Dickens and Conrad thought they were drawing attention to the defects of nineteenth-century industrial and colonial societies, but they didn't realise, dumb as they were, they were unconsciously supporting the status quo. The theorists of course see through them.

The new critics love paradoxes and convoluted modes of thinking, as in the following Marcusean sentence quoted by Felski: "His apparent deviation from social norms merely reinforces his deep complicity with those norms." By this method one can prove anything—the absence of evidence for something becomes the knockdown argument for its existence. As Swift put it, they have to say "a

thing which is not". This is really a form of double-think, contradictions dressed up as paradoxes. Denis Dutton, the founder of the wonderful internet site *Arts and Letters Daily*, is quoted pointing out that the "awkward, jargon-ridden academic prose" of the theorists betrays itself "as a kind of intellectual kitsch". But Felski, who herself writes clearly, defends unreadable prose: "A way of writing that seems opaque or recondite to outsiders also promotes in-group belonging and socialization into a scholarly milieu." To my mind that's the problem. In her book she doesn't seem to be addressing readers so much as a small coterie of her fellow theorists, who are all in on the act in a way the rest of us aren't.

Critics become so adept at skewering perceived taboos they end up as cynics believing in nothing, for whom the designation "nihilist" would be flattering. Felski calls this "skepticism as dogma", another contradiction parading as a paradox. Schools of theorists act like cults, led by a guru whose word is accepted uncritically, in contrast to the relentless demolition to which everything else is subjected. Felski notes "the charismatic aura bestowed on the figure of the dissident critic". Theorists get great personal pleasure in devising ever more exquisite distinctions; they revel in the publicity that comes from making a revisionist splash.

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*The innocuous-sounding prefix "post" is the giveaway. New theories come and go in regular succession in a way that resembles Trotsky's theory of permanent revolution. Tomorrow always brings a new theory, "post" the previous one.*

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Felski concludes that "critique finds itself caught in the logic of constant self-excoriation, reproaching itself for the shame of its own success". In some moods Felski sees theory as faltering because of its defects, in others because of its successes. Her way out of the dilemma is not to drop it all, which would seem logical, but she can't make the break. She doesn't apologise for her past promoting of defects she now so clearly delineates, and which until recently she and others of her ilk would have defended to the death. This gives a clue that what is occurring is not an admission of fault, but just another more "nuanced" (horrible word) move in the game, mild self-interrogation without a full confession of complicity.

Her solution is to move to a new refined version of theory minus its previous warts, which she calls "post-critical theory". The innocuous-sounding prefix "post" is the giveaway. New theories come and go in regular succession in a way that resembles Trotsky's theory of permanent revolution—there can

be no stasis, no end game, only a continual stirring of the porridge. Tomorrow always brings a new theory, “post” the previous one. Felski is still inside her pleasurable thought bubble, with no new inputs from outside. She rightly points out that a weakness of the new critics is that they “learn to look down on empirical knowledge”, but she fails to take her own advice. Any thinker needs disparate, external bodies of knowledge as a reality check to give weight to speculations, which without them loop around (like a snake consuming its own tail) on well-worn tracks inside the mind, ultimately trying to spin something out of nothing.

We notice in Felski’s book that today’s theorists tackle mainly novels, not poetry, as they are intent on approaching literature not on its own terms but to criticise society. And they focus on the literature of the Anglosphere, because their non-literary aim is to condemn white male Western capitalist societies, not for example on those of Russia and Eastern Europe, from where some of the most impressive literature has emerged over the last half-century. Solzhenitsyn never gets a guernsey, as it would be a bit hard to claim that he was really unconsciously in favour of the communist regime he thought he was opposing. Russian society has not yet even got to its post-colonial stage, which should, to be consistent, attract the ire of those who so vigorously oppose Western imperialism.

The notion of totalitarianism, deriving from Hannah Arendt and others, is a forbidden idea on US campuses. We can see why: modern literary theory, with its Marxist and Nietzschean roots, is a closed double-think system of thinking, an attempt to change reality so that it lives up to a preconceived ideological view of it. It exhibits an obsession with power, a desire to expel dissidents, a belief in permanent revolution, and a preference for twisted arguments over commonsense explanations.

The main interest of the new critics is not in literature but in their desire to repudiate their own country; literary criticism is simply a more oblique and sophisticated way of doing this than straight political analysis. Lionel Trilling long ago defined the “adversary culture”, those whose animus is directed against their own society. The critics mentioned in Felski’s book all have this adversary stance in common, but are blind to Trilling’s analysis. They can’t bring themselves to scrutinise the obvious assumptions which underlie their worldview, which is that the society they inhabit is a malign one because it is ruled by white male capitalism. In fact they are a powerful part of the elite, which is now heavily populated by anti-capitalist people of the Felski kind. Things are moving so fast today there is no status quo. University academics are stuck in a false con-

sciousness of themselves as courageous dissidents, whereas their groupthink conformity beggars belief. Literary theorists can’t tackle Tom Wolfe and Saul Bellow, since their novels reveal they know what the critics are up to, which enables them to satirise fashionable theory so well. The wheel has turned full circle, with some novelists themselves now providing the best critique.

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*Patrick Morgan’s latest book, **The Vandemonian Trail: Convicts and Bushrangers in Early Victoria**, was published by Connor Court last month.*

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## ROBERT MURRAY

### We of the Next Era

*Daughter of the Territory*

by Jacqueline Hammar

Arena, 2015, 464 pages, \$22.99

**D***ughter of the Territory* is an excellent title for Jacqueline Hammar’s fine memoir—and valuable if informal social history—of the Northern Territory, but I wondered if “From We of the Never Never to Whitlam” might have been a good subtitle.

She captures the Top End in a way redolent of Mrs Aeneas Gunn’s 1908 classic *We of the Never Never* and takes it jauntily through to the present day, though racing and thinning towards the end, seemingly under the weight of change since about 1970 and the pages needed to cover a century.

The colourful and eccentric characters, black and white, the bronzed and laconic bushmen, the immensity of unpeopled distance, the clammy agony of the wet season, the heat and torturingly muggy time as the dry gives way, the loneliness, but also the gossipy, neighbourly sociability and world-class boozing, the fear when illness strikes; not too much seems to have changed since Jeannie Gunn’s time there more than a hundred years ago. Also, like Jeannie Gunn, she implies that the Territory is a great place where white and Aboriginal get along together pretty well, despite the bad press.

Jacqueline Hammar was born in Darwin in 1929 so she has personal memories going back well before the Second World War. She has taken the story back even earlier through her father Jack Sargeant’s journal and her talks with him.

Jack went to the Territory in 1919 as an eighteen-year-old linesman on the Overland Telegraph, fresh from being an under-age soldier in the First World War. He served with the Northern Territory

mounted police from 1921 to 1931 and then at various times was outback storekeeper, publican, buffalo hunter and much else. He went to the Territory early enough to know and talk to pioneers from the construction of the telegraph line and founding of Darwin (at first Palmerston) around 1870.

After helping in the pub and stores when she left school, Jacqueline worked on long cattle droves with the men while Germaine Greer was still at school. From the mid-1950s she and her husband Ken built up from very little the showpiece station Bauhinia Downs on the Limmen Bight River, which is about as outback as you can get—about a thousand kilometres south-east of Darwin, towards the Gulf of Carpentaria. Today her son Kurt is a big figure in the live cattle trade to Indonesia and Malaysia.

With next to no money, Jacqueline and Ken started by mustering wild cattle in the area, remnants of the abandoned leases of the old pioneers. They built their own bush hut for a first homestead, struggled with low cattle prices, but took up a grazing lease and over time developed Bauhinia Downs.

Often the story she tells of her own life and of others sounds like pioneer grazing in southern Australia a century or more before, including relations with Aborigines. Black-white relationships in the early period of contact are one of the most troubled aspects of Australian history. Not enough has been recorded for an authoritative account but what has been recorded suggests bewildering variation in Aboriginal responses to the arrival of whites. Hammar makes several points which might help broader national understanding.

This is not an analytical or argumentative book; the style is anecdotal, often with the quality of lively campfire yarning. As with most written about Aborigines, disagreement is to be expected, but she has lived among Aborigines, often where they have been the majority population locally, for more than eighty years. She has Aboriginal friends, including her wedding assistant at the lonely Borroloola mission, and mostly employed them on the station. Her son still does.

In recent times she told an old station hand city people said she should call him an Aboriginal person. “Can’t call you blackfella now,” I say. “Waffaw no more blackfella, you whitefella, ent it?” she is told; “and he is much amused by these people of a city he has never seen ... who have only seen him

pale skinned in city clothes on their television screens.” She has a bush candour about some sensitive subjects.

She does not suggest there was no difference other than colour. Whites ran the main industries, dominated the government, owned the language and offered a vastly greater range of skills. The Aborigines often had poor English and usually clung to aeons-old customs and superstitions, including fear of “debil debils”. Her main experience was with station hands rather than with remote Aboriginal communities. But she does indicate that the people all rubbed along together pretty well.

Northern Territory mounted police get a bad press, especially from that much-published photograph of a line of unclothed bush Aborigines being marched off to justice in neck chains, probably in her father’s day. The locked chain, she says, was the only safe way one or two policemen could travel with prisoners. She does not add that before adequate roads and transport foot was a common way of travel, or that neck chains leave the hands free to brush flies and attend to other needs.

The remote deserts of the 1920s saw the last flickers of violent resistance to the new order, especially by “small tight” desert clans. There were only about forty Territory mounties at the time, often assigned in ones or twos to tiny settlements where the police station was a furnace-like

iron hut. Locally they doubled up as protectors of Aborigines and general government officials.

Her father wrote: “Aborigines admired the uniformed troopers, respected their authority in the bush. One could ask, ‘who that man?’ and be answered, ‘That no more man, that policeman.’” He also remembered the ardour with which police trackers wanted to pursue “bad niggers”, and father and daughter seem to indicate that the prospect of a less violent and death-prone and better-fed life than of old began to seem attractive to the traditional people.

Jacqueline notes how rapidly spear-carrying near-nude people who came into their store at Newcastle Waters in the 1930s wanted to don clothes and the women to work indoors. They had a ready and grateful appreciation of her mother’s (“the Missus”) medical help, as an Adelaide-trained nurse. Only a few years earlier there would have been more ambivalence, a willingness to follow an anti-white rebel, or admire a warrior who killed a white.

Under the old rules, “full-blood” Aborigines were

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not allowed to have alcoholic liquor. It was a serious offence for a licensee to have them on the premises. Part-Europeans needed a licence to drink (the “dog act”) and could have it suspended for drunken bad behaviour. Officialdom published a list, and at the family’s pub mixed-race drinkers were asked their name rather than suffer the indignity of showing their licence.

The destructive days of Chinese-supplied opium had also passed by the 1930s. For better or worse, the old system stopped many present-day problems.

It was strictly illegal for whites to have sex with full-bloods other than in legal marriage (though it was far from unknown). She does not give the reason, but official policy then was to shield the tribal people from the ill effects of mainstream society. In particular, venereal and other diseases had long had a devastating impact and been the principal cause of the decline in indigenous population, which in the 1930s had just been reversed.

Unlike the present day too, when it risks a human rights offence to mention the subject, the lot of the part-European was distinctive. The tribespeople disdained them as “yeller feller” misfits and when—in earlier times—they were allowed to live

past birth at all, they were often mistreated or sent or taken away.

When Hammar’s Lutheran mother sent her at five to pre-war Darwin’s only boarding school, the convent, the other pupils included part-Aboriginal girls sent by their grazier fathers to be “educated as ladies”. And more recently there was the dignified city man who married a white woman and came back, amid much emotion, to meet the mother from whom he had been taken as an infant, only then to go home and not be heard from again. The last Chief Minister but one was part-European.

It would have been good if Hammar and other writers told us more about this distinctive, if greatly varied, middle nation that straddles the ethnic border, and now forms the majority of the 700,000 Australians who indentify as Aboriginal. The Northern Territory population in the post-war period was about 50,000, with 20,000 counted as Aboriginal and 30,000 as whites. People genetically less than 50 per cent Aboriginal were counted as whites.

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*Robert Murray is the author of **The Making of Australia: A Concise History** (Rosenberg).*

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## Can you write left-handed poetry?

The clerk at the *Schreibstube* produced samples on a paper pad:  
gutter rhymes, obscenities, filthy limericks.  
Eighteen year old Abraham Cykiert  
had written verse since fourteen,  
but, in Auschwitz, a good poem earned  
extra soup, bread. Even shoes.

Cykiert wrote the doggerel well,  
becoming a member of a group,  
that amused capos and SS at camp functions.  
The Nazis loved his filth, and laughed.  
At the end of the night, the entertainers  
were rewarded with party leftovers,

but after the war, Abraham Cykiert  
was so ashamed of the left-handed poetry  
he had written to survive,  
it took him twenty years  
before he could write  
anything  
else.

*Joe Dolce*

# Censoring the Imagination

## The Latest Enemies of Literature

An astonishing and—once its wider implications are recognised—deeply disturbing reaction to the increasingly progressive and liberal attitudes to literary censorship through the twentieth century (and particularly since the 1960s) has been the identification, for the purposes of censure and censoring, of the phenomenon known as “cultural appropriation”. In Lionel Shriver’s keynote address to the Brisbane Writers Festival in September, the American novelist confronted this issue critically, expressing the “hope” that it is “a passing fad”, and brought down upon her head, thereby, the now-familiar tsunami of personal denunciation for expressing a viewpoint out of lock-step with the enforcers of “correct” thought.

“Cultural appropriation” is the fancy phrase for the allegedly disreputable process by which a writer from one cultural grouping takes the “identities” of another group, in the process of creating fictional characters—essential components, obviously, of any story or novel. Those who would censure and censor such appropriation—regarded as “theft”, as “helping yourself to what doesn’t belong to you” (as Shriver points out)—focus particularly on the representations by such as white, male, heterosexual writers (that sole cultural group which it is routine to demonise today) who choose to present characters from “ethnicities, nationalities, races, sexual and gender categories, classes of economic under-privilege and disability” different from their own. Shriver cites the example of Chris Cleave, who in his novel *Little Bee* (2009), dared to write from the point of view of a fourteen-year-old Nigerian girl, although he is male, white and British.

Prohibiting such appropriation, Shriver argues, denies to novelists what is essential to the pursuit of their craft: “to step into other people’s shoes”. But the would-be censors of this exercise have brought into being “proliferating prohibitions supposedly in the interest of social justice that constrain fiction writers and prospectively make our work impossible”. What remains, she contends, if this position is taken to its logical conclusion, is memoir-writing: your life alone

is all you are entitled to appropriate. Imaginative excursions into other lives are forbidden. The prohibition would annihilate fiction:

Who assumes other people’s voices, accents, patois, and distinctive idioms? Who literally puts words into the mouths of people different from themselves? Who dares to get inside the very heads of strangers, who has the chutzpah to project thoughts and feelings into the minds of others, who steals their very souls? Who is a professional kidnapper? Who swipes every sight, smell, sensation, or overheard conversation like a kid in a candy store, and sometimes *takes notes* the better to purloin whole worlds? Who is the premier pickpocket of the arts? The fiction writer, that’s who.

That such a point has to be made, and so insistently—telling us what anybody who knows and appreciates anything about imaginative literature already knows—is in itself an indication of the rank idiocy of the position that Shriver nonetheless felt compelled to subject to a sustained attack. A critic of Cleave’s *Little Bee*, for example, was concerned that the “author pretends to be someone he is not, he does it to tell a story outside of his own experiential range”, as if this were a questionable, suspect procedure, rather than the routine practice of storytellers since the beginning of time. And this is true not only of novels (on which the novelist, Shriver, predictably focuses), but of drama and poetry too.

We need only to consider a few texts from the body of literature in English over the past half-millennium to see that cultural appropriation has been the lifeblood not only of the work of imaginative writers, but of the greatest novelists, playwrights and poets. Let us go straight to the top, to Shakespeare. In *The Merchant of Venice*, the dramatist appropriates the identity of a Venetian Jewish moneylender, Shylock, the play’s principal antagonist; in *Othello*, we are in Venice again,

but this time with a Moor (as another identity from a different racial grouping is appropriated); while in plays beyond number, the serial “thief”, Shakespeare, appropriates gender identities patently not belonging to him in such powerful characters as Lady Macbeth, Lear’s daughters, Desdemona, Portia and so on.

Speaking of Jewish Shylock reminds us that in the greatest of Modernist novels, *Ulysses*, the lapsed Catholic, James Joyce, appropriates the identity of Jewish Leopold Bloom (indulging this theft over several hundred pages, moreover), as his wandering Jew goes about a day’s business in Dublin; and the robber Joyce concludes the novel with a detailed, intimate appropriation of the quintessential female identity of Molly, in one of the great soliloquies of literature, beloved of numerous female solo performers. Unaccountably, in their regrettable failure to recognise that they are dealing in culturally-appropriated stolen goods, these women testify to the male author’s insightful representation of Molly’s thought and sensuality in those unforgettable, life-affirming pages.

Then, in opera, we have the Italian Puccini, in collaboration with his identity-thieving librettists, engaging in rampant cultural appropriation, with orientalism and femaleness abounding in his works—a double theft, if you please, in *Turandot* and *Butterfly*, but to the entertainment of millions. The censors of such cultural appropriation and gender-identity theft would require a modern-day Puccini to confine himself to *Puccini: The Musical*, bereft of any imaginative excursions into other lives, other worlds—his music reduced to the accompaniment of memoir. And, then there is the light-hearted operetta *The Mikado*, where orientalist-racist appropriation for mere amusement has been indulged for more than a century. The censors have their work cut out for them!

In poetry, the situation is equally dire. In the genius of the Irishman W.B. Yeats, we have a writer who trespasses—brilliantly, as it happens—on manifold identities and appropriated cultures which, in any right-thinking world, should have been prohibited to him. There are the oriental wise men of “Lapis Lazuli”, his many imitations of the Noh drama, and the “Crazy Jane” sequence, portraying a woman’s wisdom-in-madness. He should have confined himself to his own life in Sligo. His contemporary, T.S. Eliot, is another guilty gender-identity thief, with his Cockney women in

*The Waste Land*, his sortie into the Middle East in “Journey of the Magi” and—perhaps worst of all—multiple borrowings from Eastern philosophy and the Buddha’s teachings. Coleridge has Kubla Khan, purloined from China; Shelley has Ozymandias, stolen from Egypt; Matthew Arnold has “Sohrab and Rostum”, appropriated from the tenth-century Persian epic “Rostam and Sohrab”—the list of imaginative theft in poetry is endless.

In the English novel, the case of E.M. Forster is instructive in this matter. Not satisfied with having the temerity of taking his readers on a journey of cultural appropriation in *A Passage to India*, the novelist himself, while living there and in the position of private secretary to Tukoji Rao III, the Maharajah of Dewas—which provided

his material for the novel—got himself up in Indian dress and posed for an official photo, a sub-continental version of “blackface”. There is the great novelist, from top to toe, appearing for all the world as an Indian, somewhat exceeding the example that Lionel Shriver gives of some American college students being censured recently for proposing a culturally offensive, Mexican-themed party where sombreros would be donned.

But there’s more: as a homosexual, Forster repeatedly, incorrigibly, “stole” the heterosexual identity of numerous female characters, as

in *A Room with a View*. He should have confined himself to his worst novel, *Maurice*—the only homosexually-themed one—where reprehensible cultural appropriation and identity theft are kept to a reassuring minimum. As has often happened in the history of censorship, the least accomplished or expurgated work would be the approved one. In Forster’s case, the only novel in his corpus that would satisfy the enforcers of approved cultural appropriation and identity representation is his least imaginative and accomplished.

Unfortunately, this novelist-thief is long dead so is unavailable to be set up for execration in the pillory erected by the politically correct, so assured in their self-righteous judgmentalism. So his censors and censors will have to be satisfied with a burning of his books and the deletion of them from school and university curricula, with trigger warnings about racism, lest the young be corrupted by a misguided genius. Book-burning and banning are the standard procedures of the monocultural, totalitarian Thought Police, as the stormtroopers so

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efficiently demonstrated in their bonfires of profane writings that failed to toe the party line.

Forster and his good friend Virginia Woolf—both warriors against the scourge of censorship of thought and speech that has been progressively engulfing Western societies for the last half-century, and is now all but triumphant—spoke out against it, in a joint public letter, when the predecessors of our present-day censors were inveighing against the lesbian novel *The Well of Loneliness* in the 1920s: “The free mind has access to all the knowledge and speculation of its age, and nothing cramps it like a taboo.”

Now, with race-gender-class orthodoxies securely in command, there are more taboos on the imaginative faculty than ever. Rudyard Kipling truly is beyond the pale in this new world order. What with *The Jungle Book* and Mowgli, its feral Indian boy-protagonist, and the speciesist identity theft in the characterisation of the valiant mongoose Rikki-Tikki-Tavi, censors will need to be vigilant so that children of the future will not be exposed to stories that have delighted the imaginations of millions of them since the 1890s, lest any budding authors amongst them are encouraged by Kipling’s bad example to go and do likewise. Indeed, it is unlikely now that even James Finn Garner’s *Politically Correct Bedtime Stories*, which rewrote classic children’s tales in strict conformity with 1990s politically-correct thought, will pass the more rigorous tests of today’s self-appointed guardians of cultural appropriation and identity theft.

But let us not confine ourselves to male writers. A female novelist from the seventeenth century, Aphra Behn, much championed by feminists for emerging in a period of English literature dominated by such hetero-patriarchalists as Shakespeare, Donne

and Milton, and often cited as the first known professional female writer, penned the fiction *Oronooko: Or, the Royal Slave* (published in 1688). A classic text of cultural appropriation and identity theft, *Oronooko* tells (in the first person, to make the matter worse), the story of an African prince from Coramantien. The book has been appreciated as “a crucial text in the history of the novel”. But its most fervent defenders, from the feminist school, are faced with a serious dilemma. As they customarily submit to race-gender-class orthodoxy, from which the current “fad” for ferreting out and censoring cultural appropriation and identity theft directly derives, it will be interesting to see by what casuistry they reconcile Behn’s blatant committing of these crimes, in the free exercise of her imagination, and their ongoing appreciation and advocacy of *Oronooko*.

What Lionel Shriver has bemoaned may, in itself, prove to be a mere fad. But it derives from—and is another disturbing sign of—a much wider imposition upon the imagination and the curbing of freedom of thought and speech, not only of writers, but of citizens, at large, in the supposedly free world. This now has spread well beyond the universities that have been principally responsible for nurturing it. Mandated orthodoxy of thought and expression silences transgressive and counter-cultural discourse, demonises any who fail to submit to its strictures, and constricts and inhibits imaginative creativity, which is the lifeblood of artistic expression.

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*Barry Spurr was a member of the English Department at Sydney University for forty years and was Australia’s first Professor of Poetry. He has published numerous books and is a leading authority on the life and work of T.S. Eliot.*

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## Women and Blossoms

*Kiyomizu-dera, Kyoto*

1

### *Confidence*

See the confidence  
Japanese women have in  
their own appearance—  
posing unabashed before  
the cherries’ inflorescence.

2

### *Casualties*

Did you intend  
to diminish the cherries,  
pretty women,  
or are the blossoming trees  
incidental casualties?

*Andrew Lansdown*

# The Veranda as Metaphor

## Drawing on the Past to Build for the Future

On May 28, 1498, following an audience with the king of Calicut, Samoothiri Maharajas, the Portuguese explorer Vasco da Gama was caught in a violent storm which forced his party to seek shelter in the house of his Moor guide. This is the earliest mention in literature of a veranda:

By that time four hours of the night had already gone ... The Moor then took him [Vasco da Gama] to his own house and we were admitted to a court within it, where there was a veranda [*em huma varanda*] roofed in with tiles. Many carpets had been spread and there were two large candlesticks like those in the royal palace.

It has special significance in understanding the confused origins of the veranda. Da Gama's journal is especially helpful. The veranda he describes in Calicut, on India's south-western Malabar Coast, has many carpets and, since the time was around ten in the evening, was generously lit by two large candlesticks. We can infer it was a generous commodious space used by the Arab household and, on occasion, to handle casual visitors such as the da Gama party.

Arab merchants traded with Calicut, "city of spices", as early as the seventh century. Calicut was famed for calico, a fine variety of hand-woven cotton. Some ideas of the size of the Arab presence in the city can be gauged from the twenty to thirty mosques there at the time. Da Gama's description suggests the veranda consisted of a small recessed veranda or alcove off the inner courtyard, connected to the street by an entry vestibule. The layout of the Moor's house replicates that of a much more ancient form from Baghdad. This is not surprising: Islamic architecture took its models from diverse sources including Mesopotamia.

The Portuguese word *varanda* simply meant to surround with "*vara*" or rods. Exactly what the rods were is uncertain. It could refer to veranda posts that supported a tile roof in this instance, or

to rods that form the latticed screens prevalent in many Middle Eastern houses. The *veranda* spelling is to be preferred to the clumsy English *verandah* spelling since it connects, rather than obscures, the Iberian origin and meaning. The function of the veranda in the Baghdad courtyard house, and its later Arab derivative, was to isolate uninvited male guests from the women folk occupying the inner rooms. In that sense it was a specialised place for uninvited guests or visitors.

If etymology is a guide, the veranda originated in Portugal and was borrowed from the Middle East via North Africa. In most cultures, certainly where climate poses a challenge, a mediation device is engaged in the architecture to make a transition between the private and public realms. You might even go so far as to describe it as an intermediate decompression zone. Each culture has a word for its architectural means of achieving such separation. Hence, tracking down the actual source of the veranda is fraught, as there are so many shades of veranda around the world. Whether it came from Portugal, Spain or Persia, or from an Arab Islamic source, it is apparent that the form transmitted in the nineteenth century was connected to the colonial bungalow. This did not prevent its wider adoption on government buildings, courthouses, shops fronting main thoroughfares, pubs, hospitals, wherever climate necessitated some kind of protection from the sun or rain or both. In the tropics, where a midday sun could be to the south or the north, verandas were needed on multiple sides.

Clearly the veranda was not solely of Anglo-Indian derivation, but instead was brought to India well before the fifteenth century by Arab traders. The Portuguese established a fort in 1511, and the English landed in 1615, followed by the French in 1698 and the Dutch in 1752. The *Hobson-Jobson Anglo-Indian Dictionary* (1886), gives *veranda* a possible Arabic origin, meaning "a lattice, or anything latticed, such as a window,—a balcony, a balustrade". This would appear to indicate a space

typically with *musbrabiya* openings.

It has been argued that the ancient peristyle on ancient Greek temples predates the veranda. This ignores a fundamental difference between the two: a veranda is essentially a lightweight construction or fore-structure shading and cooling the interior of a dwelling, while the monumental peristyle of a Greek temple has a largely symbolic and architectonic function. The peristyle screen of heavy fluted columns around the outside of a temple demarcating the sacred from the profane is largely symbolic, whereas the veranda is a practical device. The peristyle symbolised the sacred wood—the columns represent tree trunks. The veranda has little in common with this, and by contrast, evokes a culturally remote, exotic Arab source based on climatic as well as social factors—in order to remove and shield women from the world of men outside.

The European colonial dwelling deliberately set itself apart from the surrounding native population, once the chief objective of trade changed to that of governing. After the East India Company was absorbed by the British government in 1813, the distance between the British and Indians widened, the change in attitude being reflected in manners, dress and lifestyle, as well as in architecture. The veranda is a symptom of the greater isolation between the British and the governed.

What typically distinguishes a veranda from a porch is its extent: the veranda can run around many sides of a dwelling, whereas a porch gives shelter over the principal entrance. In the northern hemisphere the porch is more often on the south side. In Anglo-Indian bungalows, the veranda commonly surrounds the house on at least three sides, since the sun in the tropics can be on any side of the house depending on the time of day and the time of year. The veranda allows inhabitants to move from one side to another according to the conditions, whether to seek shelter from tropical monsoons, or exposure to cooling breezes from the sea or from nearby mountains.

The veranda's occurrence suggests a European currency arising from colonialism, given its wide distribution in the Dutch East Indies, French and British India, the West Indies and South Africa before Australia, New Zealand and South America. In Hollywood westerns of the 1950s, gunfighters face off in streets lined by verandas. Americans use

words such as *piazza*, *porch*, *gallery* and *stoop*, each with its distinct regional bias. With some justification Americans can claim the veranda as their own creation—indeed, a current women's decorator magazine goes by the title *Veranda*. The chief difference in the veranda between Australia and America is its diversity in America, with its Spanish, French, Dutch and English background, whereas in Australia it is singularly English via India, though American influence creeps in later in the nineteenth century.

The veranda was present, if not at the beginning of settlement in Australia in 1788, then soon afterwards in 1792, when it supplied a welcome shaded platform to espy ships entering Port Jackson with supplies and merchandise, including rum, the unofficial currency of the day.

The first houses around Sydney Cove were crude structures with small windows and pitched roofs that failed miserably to deal with climate, being little better than ovens that cooked their inhabitants. Verandas were welcome additions that protected walls from drenching rain and shaded them, keeping the interior cooler through the day. Furthermore, a veranda helped to alleviate the cramped interior by offering an alternative, it connected people to their surroundings, and served as a place from which to look out for approaching villains or visitors.

The environmental advantages of a veranda are significant. Unlike London, Sydney was hot. Air-conditioning in Australia did not arrive until after the end of the Second World War. The American company Carrier, which had supplied the US military with air-conditioning units during the Pacific conflict, expanded its operations. For more than a century and a half, Australians had relied on the veranda as a passive form of air-conditioning which, helped by an adjacent garden, served as a shaded outdoor living room as well as a means of cooling. Trellis screens, climbing plants and the garden all assisted in enhancing this environmental operation. During the 1950s it would be challenged by air-conditioning and the motor car. Before this, the veranda also provided convenient hitching posts for horses.

Modern architecture, along with the growing presence of motor cars in towns during the 1930s, posed a direct threat to the veranda. Modern architecture had no use for it, and cars smashed the post supports. The veranda fell out of favour. To

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Harry Seidler verandas represented a backward step from the perfect machine image exemplified by Le Corbusier. At first he was criticised for his large unprotected glass fenestration facing into the sun but the new look soon took hold regardless. The Australian-born Sydney Ancher incorporated the veranda into Modern architecture; Seidler never accepted it. As he saw it, the veranda was part of a backward colonial legacy from the British Empire. Much later on, Seidler, at least in his office towers, did adopt a more sensible approach by installing sun shields, but even then he was taking a hint from Le Corbusier.

Although Seidler rejected Australian vernacular practice, Glenn Murcutt appreciated how sensible and practical many of its innovations were in resolving local climatic factors whilst, at the same time, not turning his back on Modern simplicity and explicit expression of function. Over time traditional vernacular building solutions had emerged—such as glass louvres, corrugated iron, and wind-driven turbines to extract hot air from roofs—that gained popularity because they solved the challenges thrown up by climate. Murcutt's most profound inspiration, one rarely recognised as such, was to transform the veranda into a long narrow dwelling. In effect, Murcutt elevated the veranda from its secondary role in the nineteenth-century as a passive version of air-conditioning, and made it the complete dwelling.

Possibly it was his childhood in colonial New Guinea: the impact of the tropics was so powerful it brought home the role of the veranda as a climate modifier and connector to landscape. Put simply, Murcutt straightened the veranda out, detached it from the nineteenth-century bungalow and discarded the house behind it. The result was something as unfamiliar as it was revolutionary—a long house, sometimes more than thirty metres long that was shallow, often not much deeper than five metres. It had a solid back wall, a survival from the facade of the bungalow, and an open front to capture breezes. In effect, it was a shallow dwelling resembling an extended veranda, which exposed its residents to the landscape and to vistas of distant scenery. It placed its owners in the landscape instead of isolating them from it. The veranda house locked them in an embrace with landscape. If you recall the etymology of *veranda*, that is precisely what it meant. The veranda is the architectural element that keeps us safe and protected as it brings nature forward for our contemplation.

The idea was not new. Murcutt was frequently criticised during the 1980s, if surreptitiously imitated, for designing houses more suited to the

Australian bush, and not producing urban houses. While his critics did have a point, they failed to see the excellent houses which he did design, not only in Sydney. A long thin dwelling such as his veranda house was eminently suited to the narrow city plots filled by the climatically unsuitable terrace houses that in the nineteenth and early twentieth centuries were the predominant dwelling type in the inner city. Murcutt had only to refer his critics to the Charleston house to make his point.

West Indian influence may account for the typical Charleston house plan: end to street; rooms strung out in a line, one room deep so as to afford cross-ventilation; piazzas shading the long side, generally to the south or west, and overlooking a small enclosed garden. One could easily be describing a Murcutt house of the 1980s instead of late seventeenth- and early eighteenth-century America. The big difference is obvious—the materials, corrugated iron substituting for clapboard walls.

Benjamin Simons's Charleston house of 1699 consisted of a single line of rooms, permitting cross-ventilation, with shading piazzas on each side. Each dwelling was separated by a garden and had the advantage of a short front that reduced the street frontage. The pattern is readily applicable in Australian cities today. It would also alleviate the obvious defects of the terrace house with its inadequate daylight and ventilation, not to mention its notorious smell of rising damp. All that is needed is reorientation to the northern sun so the house is aligned to the north-east.

Australians cannot claim to own the veranda; it resulted from European expansion into the tropics, which was a multi-national colonial enterprise motivated by trade and the quest for riches. To that extent, it is truly international and a by-product of nineteenth-century colonialism. The way it manifested itself and infiltrated so many aspects of life and culture in Australia is unique. Nowhere else did it reach so deeply, or inflect cultural expression so profoundly as to become a metaphor for the entire nation, whether the reference is to literature, theatre, or the visual arts during the 1950s. Mention of the veranda will induce an involuntary smile, such is its trance-like effect on people as they relive the innocent pleasure of being absorbed by nature.

The earth is warming. The climate across Australia will be hotter, there will be increased demand on power generation to meet higher air-conditioning loads in summer, and a greater bush-fire threat to settlements. Australian architects will of necessity have to rethink the design of buildings, and the planning of cities. To meet the challenge we may find it worthwhile to reconsider the role of

the veranda as a skirt that shelters walls and keeps them cool, while removing rain from buildings. We need to be open to lessons from the past.

More than thirty years ago, Glenn Murcutt demonstrated how versatile and effective lightly-constructed verandas were in coping with solar radiation. As Australia heats up such measures will become increasingly important. Australian architects should heed what the veranda can teach us and suggest innovative new variations.

Reacting to heritage protesters opposed to the demolition of the historic Bellevue Hotel in Brisbane, Queensland Premier Joh Bjelke-Petersen ordered the wreckers to destroy its glorious verandas. Bjelke-Petersen knew full well that with its veranda skirt stripped off and reduced to an uninteresting British shell, the Bellevue Hotel was no longer worth saving. Deprived of its verandas, the magic was gone.

Verandas have a mysterious power: even crooked broken ones with bits missing exude a nostalgic magic that takes us back to an older, slower Australia. In the past children did their lessons there, mothers hung out the washing, fathers spent their evenings smoking there and retired to the sleep-out. The veranda was a place where old friends chatted, where new friends were greeted, where the sunburnt swagman rested along the endless wallaby track, and the itinerant tradesperson stood and inquired about work. The veranda has lost many of its associations, but even so, it retains a potency as a repository of historical memory. In a much larger sense, it also suggests the geographical construction of Australia, of a littoral culture existing on the extreme coastal edge of the continent.

In the nineteenth century it was the inland that beckoned. The centre of this vast inland was Uluru. It was there that an ancient older Australian identity was posited. If we are truly honest, that is no longer true any more. Much as colonial society moved out of the hot box that was the English house onto the veranda seeking a more relaxed and

comfortable lifestyle, today, most Australians live within ten kilometres of the ocean on the extreme rim of the country—what I have termed the geographical veranda, looking out to the world beyond.

Embedded in the veranda is a lesson from the past. It suggests how we relate our private inner lives to the external world surrounding us. In the nineteenth century, settlers gazed out at the landscape framed picturesquely between veranda posts; these days people are more likely to receive the world outside via an internet connection as fragmented, transient and absurdly virtual. Humankind's future is threatened by surging population growth that will add further billions to the planet.

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How architects respond to climate change and population growth, whether grounded in common sense or with irrelevant sculptural excesses, will be critical. Verandas, whatever their shade, were cultural as well as climatic. From the outset in Australia, the veranda embraced what lay beyond the dwelling. For convict and emancipist, for officer and governor, it supplied a sheltered platform from which to gaze seaward for arriving vessels bearing news from the old world. Americans may lay claim to the veranda as a part of their national inheritance, certainly with respect to cinema, but only in Australia can it be said that the

veranda encapsulates the very culture. Australians by nature are expansive, open in many ways compared to Europeans. It could be geography. It is also suggestive of the veranda from where we embrace the landscape.

We have inherited a veranda culture and, up to a point, we are a veranda people. By this I would suggest, we came to Australia uninvited, and we have developed a littoral civilisation on the extreme edge of the country's continental veranda. The beach, not Uluru, is the truest symbol of the nation. The veranda says that. Only when we embrace Australia as a totality will we be fully connected fully with it.

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# The Australian Monuments Men

Aeneas John Lindsay McDonnell (1904–64) was born in Toowoomba and educated at Cranbrook School in Sydney, where he developed his early interest in art. In 1928 he joined in the partnership which ran the Macquarie Galleries in Sydney. He had a particular interest in French art and architecture, spoke fluent French and travelled widely. He later became private secretary to the Governor of Queensland. With the outbreak of the Second World War, he joined the Red Cross in April 1940, serving in Africa and the Middle East until 1943. In May 1944, he enlisted in the Australian Imperial Force and was commissioned as a lieutenant and then seconded to special duty with the British forces.

Owing to his expertise in art and his fluency in French, he was then assigned to the Civil Affairs Division of the Allied Armies as an Australian representative to the SHAEF Mission to France in early 1945. “At SHAEF Headquarters in London, McDonnell was tasked with creating the MFAA (Commission on Monuments, Fine Arts and Archives) Handbook for France alongside Monuments Officers Walter Hancock and Bancel LaFarge.” The MFAA was established by a directive of President Roosevelt:

to protect cultural artifacts and monuments from war damage [and] then afterwards, [to] repatriate cultural treasures stolen by the Nazis to their rightful owners when and where possible. [It] was comprised of about 350 to 400 men and women who were trained as museum directors, curators, art historians and educators. From 1943 till the cessation of hostilities, officers of MFAA saved and protected countless cultural artifacts, monuments and churches across Western Europe.

The MFAA’s work has been described in L.H. Nicholas’s *The Rape of Europa: The Fate of Europe’s Treasures in the Third Reich and the Second World War* (1994) and by Robert M. Edsel and Bret Witter in

*The Monuments Men* (2010). McDonnell’s service as a Monuments Officer took him throughout the American and British Zones in Occupied Europe. In May 1945 he was with Lieutenant Commander Charles Kuhn, Deputy Adviser to the MFAA, during the ten-day inspection of Nazi art repositories in Germany. At Altaussee, McDonnell examined the *Ghent Altarpiece* by Van Eyck and the *Bruges Madonna* by Michelangelo. He also saw the very large collection of looted French art stored by the Nazis at the Schloss Neuschwanstein. He headed the first conference of the Archivists of the British Zone held at Bunde in 1946.

McDonnell was appointed an Officer of the Legion of Honour by the French government and was awarded the Australian Service Medal, the British War Medal (with the Mentioned in Despatches Oakleaf), and the France and Germany Star. His decorations set is now in the collection of the Australian War Memorial.

After his discharge in January 1947 with the honorary rank of lieutenant-colonel, McDonnell was appointed to be the London adviser to the Felton Bequest for the benefit of the National Gallery of Victoria, in which capacity he served until his untimely death in 1964. He worked closely with Sir Kenneth Clark and other art historians in London and on the Continent, on the Bequest’s campaign to augment the collections of the NGV. Among the major works the NGV acquired through the Felton Bequest during McDonnell’s time as its London adviser were paintings by Poussin, Rembrandt and Gainsborough, as well as the collection of Albrecht Durer prints amassed by Sir Thomas Barlow of Manchester.

McDonnell was one of the two Australians who served with the Allied “Monuments Men” in Europe from 1943 to 1947. The other was Thomas James Dunbabin (1911–55) a classical scholar and archaeologist who served with SOE on Crete (alongside Patrick Leigh Fermor) from 1942 to 1945, after which he worked in Athens as the Director

of the Monuments, Fine Arts and Archives section of the Allied Forces in Greece. Later, he returned to Oxford University, becoming Reader in Classical Archaeology and All Souls Bursar in 1950. His best-known published work is *The Western Greeks: The History of Sicily and South Italy from the Foundation of the Greek Colonies to 480 BC* (1948). Dunbabin died of pancreatic cancer at the age of only forty-four on March 31, 1955.

Dunbabin was born in Tasmania, the son of the celebrated Australian journalist Thomas Dunbabin. He was educated at Sydney Church of England Grammar School and at Corpus Christi College, Oxford. As Derby Scholar in 1933, he travelled extensively in Sicily and southern Italy and by 1936 was already the youthful Director of the British School at Athens. With the onset of the war he:

was commissioned into the British Intelligence Corps where he worked in the War Office. He then volunteered for duty in occupied Crete in early 1942. He was well known among resistance leaders for the black shepherd's cloak and cowl he often wore. Dunbabin's reconnaissance missions included reporting on the construction of the Tymbaki aerodrome, which he observed from a tree overlooking the runway. His report enabled the RAF to complete a successful bombing run just before the aerodrome was to support German military operations in Libya. In 1945, Dunbabin was sent to Athens to work as the [Monuments] Director [and] after the War, he continued his study of Greek archaeology at Oxford under Sir John Beazley ... He was awarded the [Greek] Order of the Phoenix in 1947 ... He travelled widely giving lectures, including a trip to the Near East on a Leverhulme Research Fellowship in 1952.

During the war, Dunbabin held the rank of lieutenant-colonel and served as an SOE Field Commander on Crete, where he played a key role in organising the local resistance and was awarded the DSO. On Crete, he used the Greek codename "Yanni", and was also known as "o Tom".

The courageous doings of Tom Dunbabin during his SOE service on Crete have been described in more detail by his cousin, also named Tom Dunbabin, in the book *Tom J. Dunbabin: An Archaeologist at War*, which appeared as the sixth in the series published by the Society for Cretan Historical Studies, based in Heraklion. It is a worthy tribute indeed. Whilst Dunbabin had his postwar career tragically cut short and spent most of that period in the United Kingdom, he still remained well known to Australian scholars

for *The Western Greeks*, but memory of his contribution as one of the "Monuments Men" deserves to be brought into greater prominence as well; and this is starting to happen.

Aeneas McDonnell (usually known as John) also stayed in England after the war, but he became more widely known in Australia due to his role as London adviser to the Felton Bequest at a time—the two decades after the war—when the Bequest reached what its historian John Poynter has termed the "Apogee". Interest in the arts was beginning to widen and deepen in Australia, helped along by the post-war economic boom and relative prosperity, when Australians had encouragement from the federal government (especially in connection with the Federation Jubilee Year in 1951) and also some arts initiatives from state governments. One can see this growth of interest in the arts in, for example, the entries on such developments in *The Australian Encyclopaedia* (1958).

It is of some interest to see how McDonnell came to the post and how he had such an enormous influence on the augmentation and broadening of the National Gallery of Victoria's collection through the Felton Bequest. Whilst earlier London advisers, such as Frank Rinder and others, had benefited the NGV through great Felton purchases—for example, Tiepolo's *The Banquet of Cleopatra* from the Soviets when they sold off Hermitage artworks in 1933—it is clear that when Sir Kenneth Clark and then McDonnell came to the fore in the post-war period, some very great acquisitions came about, including the celebrated Melbourne Poussin, *The Crossing of the Red Sea* and others.

Dr Leonard Cox's history *The National Gallery of Victoria 1861–1968* tells how McDonnell was appointed as London Felton adviser. Sir Kenneth Clark, on accepting the Slade Professorship of Fine Arts at Oxford, resigned as London adviser, which he had been since 1945. NGV Director Sir Daryl Lindsay recommended McDonnell, an Australian already based in London and with impressive experience, from his early time in the Australian art world before the war and also from his exposure to the great galleries of Europe and the London art world, and his service as a "Monuments Man". These factors added up to a very positive recommendation and McDonnell was appointed, but with an arrangement that Clark would still be consulted and involved in an advisory capacity for major purchases. It was a useful arrangement, and it was to bear very fine fruit, quite soon.

Cox devoted about 150 pages to the period of McDonnell's advisership, and one whole chapter to "John McDonnell as Felton Adviser". Cox points to

highlights of acquisitions secured by McDonnell, including Lord Radnor's Poussin picture through Agnews in London in 1948, Murillo's *The Immaculate Conception* (both with Clark's advice) and Landseer's *The Earl and Countess of Sefton* as well as pictures by Paul Nash, Stanley Spencer, Walter Sickert and Duncan Grant and sculptures by Jacob Epstein, Henry Moore and Maillol. Of great importance also was McDonnell's successful recommendation of the portrait group by Jacopo Amigoni (1675–1740) depicting the singer *Farinelli and His Friends*. This was acquired for the reasonable price of 2200 pounds. It remains an important and popular work in the NGV collection.

McDonnell visited Melbourne in 1949 to consult with the Felton Committee and the NGV about the development of the collection. In 1951, when Sir Daryl Lindsay was about to retire, there was a suggestion that McDonnell be approached to come to Melbourne as Director, but whether McDonnell ever got wind of this, Cox indicates that in any event he had no interest in leaving London. It was nevertheless a measure of the esteem in which McDonnell was held. McDonnell continued to secure many fine works for the NGV through the Felton until he became seriously ill in 1961.

Whilst there was occasional disquiet from some quarters that McDonnell's purchases of works by contemporary English painters seemed to be of a selection of works of current "names", but not necessarily of the highest enduring quality, the fact was that McDonnell scored many triumphs over his nearly two decades of service as the Felton's London adviser. Whilst he may not always have adhered strictly to the stated Felton policy of "select the best and reject the rest", his judgments were on the whole good, and the NGV and the people of Australia owe him a great debt.

When McDonnell came out of hospital in December 1963 the Felton Committee sent him messages of support and good wishes for his recovery, but he died suddenly at the home of a friend in London on January 13, 1964. Sir Trenchard Cox said in an obituary notice in the *Times*:

His great charm of manner, and diplomacy, made him many friends, and he travelled widely in Europe, America and the Middle and Far East. He found in himself a love of art at an early age, which he satisfied by the purchase of fine books and pictures. This he developed into a connoisseurship in many fields of the fine arts. His taste was not only contemporary, but

in the art of all countries, at all periods of time, so that later in his flat in Lowndes Street, his friends might find modern French painting, sculpture, and examples of ancient Chinese and Japanese art, set in an arrangement united by some mysterious common quality ... John McDonnell put his gifts of perception and discrimination to great use in a variety of fields ancient and modern in painting, sculpture, furniture, textiles and oriental art. He had important friendly connections with numerous specialists and scholars, and with collectors and dealers ... His taste, general knowledge, connoisseurship, and gift of friendship, were all exceptional, and it will be difficult to find another with all these qualities.

It is worthwhile to reflect that during the Second World War, and well before the post-war explosion of interest in the arts in Australia, this country was able to provide two such fine examples of an officer-scholar in Tom Dunbabin and an officer-connoisseur in Aeneas John McDonnell, both of whom (along with the New Zealander Sir Gilbert Archey) served so effectively with the Allied Forces Monuments and Fine Arts service in the European theatre and also later made such contributions to their own fields respectively as archaeologist and as adviser to the Felton Bequest. In May 2014, the United States Congress awarded the Congressional Gold Medal to the MFAA unit in recognition of its work.

The sighting, on a recent visit to Rome, at the Mausoleum of Augustus, of the remaining traces of the UNESCO symbol intended to mark places of world heritage significance and especially as a marker against bombardment in wartime, is a timely reminder of the threat there is now to places and things of critical importance to the cultural history of the West. We have already seen the destruction of major cultural sites in the Middle East, in an age now when the fabric of all that is best in the achievement of the Western heritage is traduced and attacked by forces that receive the support of groups within the West who are what Sir Kenneth Clark in 1968 called "the bankrupt heirs" of the fruits of a tradition they want to deny, debunk and destroy. In Tom Dunbabin and John McDonnell we saw an entirely different spirit, one to be praised and valued in these precarious times.

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## Short Takes XXI

(from a journal)

### 3/1/15 Saturday makes review palaver

From today's reviews the poets get two reprimands. First I learn ...

... that our loveable envoy, Clive James, is unhappy with Australian poets because he finds them oafs regarding their expertise in prosody. Largely he's right, and certainly to practise poetry as a craft in Oz is to live on Torpor Mews. But I *do* live here and did apply myself to learn my numbers and echo-craft. So how can I not take Clive's unhappiness with us all personally? Who, after taking pains, can bear to be overlooked by an expatriate practitioner also adroit with his numbers? Staunch as Clive has been for the disciplined work of Stephen Edgar, could our envoy not have risked his ear abroad a little more to where feet and cadences pulse among us before consigning Oz poets as a class to the bin of lined-prose? The exuberant Kiplingesques of Alan Wearne, the internal rhyme-momentum of Jordie Albiston, the stylish sonnets and sapphics from John Tranter, why, even the metric and stanza versatility of Gouldilocks, for instances? For do we not know how versecraft has a DNA in Australian poetry *despite* the present infestation of our tin-eared wannabes who must sneer at what their Creative Writ'n courses have told them is an offence under The Sensibility Code?

Now look! How petty one becomes, nudging for consideration from those one hoped were colleagues but who The Press must turn into oracles!

In this same review (of Black Inc's *Best Australian Poems 2014*) Andrew Riemer tells us, *No! Clive is quite wrong in his complaint! Stress and drumbeat are actually too abundant in this anthology. If only it contained more EXPERIMENT!* What nonsense! All writing from imagination is experimental, sometimes circumspect, sometimes reckless, always subordinate to result. Experiment is a condition of the composing mind, not a badge to be flaunted by the exhibited work. Riemer, critics and readers broadly, look surely, not for what shows trial-and-error, but for what succeeds in charming attention and extending the presence of a given substance. If the writing has

been successful, the evidence of experiment should have quietly vanished at the moment the reader is taken in. But Andrew, bless him, must intrude the dreary fret of insecure literary discourse. *How can we believe we belong to a vibrant and authentic culture unless we are assured EXPERIMENT is flagrant? Are we not under constant surveillance from those centres of the sophisticated writing we envy and who we fear will deem us inconsiderable?*

This insistence that the experimentalism of our arts must be *showy* perplexes me. It appears to perpetuate a colonial diffidence in our sense of the things we have made from imagination. What happened to the self-possession of a literary culture containing, say, Furphy's *Such is Life*, Patrick White's *Riders in the Chariot*, or Ken Slessor's *Collected Poems*? Can such self-possession actually go into reverse to become fretted about how the thing it offers will measure up against the innovations of elsewhere? What is it declines in us? The vitality of our poetry or the calibre of the readership available to us? What, for instance, accounts for today's crude and common view that if formal prosody is at one end of a spectrum, experiment must necessarily be at the other? It has nothing to do with actually enjoying poetry, I reckon, nor even reading it, in the engaged sense of that verb.

### 29/3/15 The Christian challenge

Over the past twenty years I think I have become Christianised without becoming Christian, for I cannot repeat the Apostles' Creed and believe it, and yet I have no doubt Christ's life and counsels brought about the most profound reevaluation of human values in our history.

So what is this challenge? I take it as two-fold. First, clearing away the distractions, I *cotton on*, which is to say I isolate the *warm idea*, of mindfulness of The Other, whether Deity, Caesar, Neighbour, Peacemaker, or Lily-of-the-Field, because this mindfulness animates Christ's counsels and lifetime insofar as the historical record have

them, and the rest is extrapolation or clutter.

Second, and harder, I *sustain* this in the everyday of my mind, knowing how native to mind are both the reasonable challenges and mind's reptilian provenance.

And an Afterlife? Christ and Darwin chatting usefully.

## 24/4/15 Gallibly

For weeks now, rampant along every conduit of dissemination, Gallipoli, Legend of Nationhood, by its very hype being transformed into a National Disease!

## 10/5/15 Larkin's days

What are days for, asks Philip Larkin, whose *Collected Poems* I have just read through. Bad day, good day, dull day, vibrant day, things happen and involuntarily we accord the day a character.

Today, all day, an icy wind impels cloud across our roof, while horizons south and west bruise with momentous snowcloud. I woke, fretted by my responsibility to clear the furniture from my father's coast house as settlement day for its sale approaches rapidly and contingencies prevent me taking effective action. My ute misbehaves, on the telephone the coastal pick-up agencies are unwilling. My sister rings me, also fretting at this task, and suggests the expensive option of hiring a Canberra truck firm to bring the whole caboodle back over the mountain. *We could do that; they'll eat our profit whole.*

Impossible to get warm. I go to my workshop to do some soldering for the copper fittings on the bowsprit of my latest ship model. Delicate work, but with my six-inch metal rule that could measure the diameter of spiderweb, I make my measurements, apply the smoking solder, still botch it and again botch it. Geysirs of Wrath! Is this really me who foams? What is it spites me? What is a Gremlin? Answer, a malice in inanimate things that can convert a human into a vulcanological curiosity. I destroy my imperfect handiwork, storm from my workshop.

Come afternoon, I sit down to my present essay because a day is not a day unless it attends a result. My room is glacial. Fetching the heater, I roll it through the house on its little wheels where it must catch on every carpet and be freed by grind-and-

flex of my bone-on-bone hips. Installed, I find the apparatus has a defective plug. In the old days one could replace plugs, but now they come plastic-sealed. I have resource; if somewhere I have an old plug, I'll cut, bare wires, reconnect. I have no old plug so Gremlin insists I write my essay in glacial conditions. *Today has taken a fierce dislike to you,* Gremlin tells me.

Late afternoon, too disconsolate to write anything requiring the serene mood for thought, I hear the phone ringing. Recent phonecalls have disclosed Asian voices masquerading as officials of the Taxation Office trying to spook me with tax irregularities. I deal them geysirs ... *You are telling me lies. You know this! Leave your office now and get a job for which your mother might respect you.* But the calls have persisted.

Hello?

It is my sister. She tells me her quiet, good-natured son and his mate have offered to hire a truck, go to the coast tomorrow, clear the house, distribute to Salvos, recyclers, tip. No probs.

Dissolution of fret in humans is a palpable sensation. And look! The snowcloud bruise has warmed to steady good rain. What are days for? This one could have seen me eat my hot soldering iron and drink down the toxic flux to spite a self seemingly repudiated by all fair fortune. Instead, I have been shown that days also exist to display how mutable fortune is, no priest or doctor in their long coats running across the fields proving necessary.

## 18/7/15 Behold the lilies of the field

My author job, when considered as work, can nonplus me. If for a given month I examine the quantum of work I put into my livelihood, then measure this against the livelihood that actually comes in to me, can I say I've earned what I get in a world where builders, treeloppers and nurses must graft their long shifts, where the ants on our bridle path and the mynahs among our trees are never seen to be still?

Of course I know the necessary daydreaming that attaches to a finessed book, and the slight unease of that idleness. How is an armchair a shopfloor? How is a woodland walk shiftwork? How is phantasmagoria quantified? But I also know the fever of last draft when the life-in-words goes from crude to *comme il faut*. Too often poets make many plaints

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against their livelihood, and I've made my share. So, what follows will be a species of anti-plaint.

At sixty-six I scribble away wherever scribble still affords me an opening to try words on a readership response, and I take the long furloughs of reverie this composing seems to need. If I assess my fortune over four-plus decades I can say I've had sufficient encouragement to *persist* with scribble as a worthwhile life's work, but not sufficient to thrive. Were I a Tudor glove-maker or a Victorian engraver I'd live in penury. But in the lit-biz you charm or you don't, that is its condition and it is not moral.

Yet scribble and reverie over forty-plus years find me today debt-free, co-owning a house on a pleasant hillside, having never been seriously hungry, and with some whisky usually in the cupboard. I *do* indifferently, yet I *prosper* sufficiently well. There is more that sustains me than I have worked for.

### 10/8/15 The tuba

Can non-verbal music be droll? Is a tuba inherently more comical than an organ? Does the violin have quicker wits than the cello?

I listen to Vaughan Williams's *Tuba Concerto*. How delightfully the big instrument makes synaesthesia, placing its big feet circumspectly as the orchestra crashes around it like a school playground. How tentatively, like a kindly giant aware of his power to scare, it looks for its melody, its very uncertainty emphasising its brassy plumpness and complexity of pipes and stops. How its basso notes will trip and pause with "Should I?" and "O, it seems I did!" So shy and a-dream, someone's overgrown brother at the edge of company, not sure quite how to be witnessed, nor quite wishing to be. Jumbo-trumpet, its vibrations of air finding exquisite tunes so close to eruptive flatulence, comic and heartrending, bless old Ralph Eyebrows for finding music here.

And while we are in this wonderful composer's company, what is the *eye* that non-verbal music sees with? I take his *London Symphony*, where, in the first movement of that work he brings the great city awake, alley by alley, shop-awnings, omnibus and barrow boy, the cellos trailing colliers and their sacks in the pre-dawn, a glint on some cobbles, a melody furrowing light on the old river, then full orchestra for the city-map on its spindle of Thames. Here is the *Now* innate with *Then*. I was born in this town, as was my father, and now my younger son has moved there and likes it so well he is likely to stay and thus be remote from us. London-born, I had hardly given the matter a thought until I listened again to this sound-fabric, and then could sob for complex gladness.

### 29/8/15 The mynahs

My darling has shown me where the Indian mynahs are building a nest in one of the olive trees of our garden. These small, invasive birds have been constructing home from whatever has been available, twig, tissue paper ...

"And look! That's dentifloss!"

Yes, indisputably. Some of the engineering of this treetop home did appear to be some woven dentifloss. Where did they obtain dentifloss from?

"No idea," says Anne. But encouraged by the resource of these little birds in recent days, she has taken to leaving scraps of wool and other detritus in the vicinity of this nest.

"And Goulie," she briefs me, "we shall leave them your hair when I trim you next week."

"Some people consider mynahs a menace," I offer.

"Well, I think it is fascinating, how they alight on what is available," she retorts, her face both enthused and self-consciously amused by her own outlandishness.

### 6/11/15 Good cheer

There is celebrity, and there is demi-celebrity. Our local shops were still buttery with daybreak and few people about when I came from the baker's with scones and croissant, my newspaper underarm, and heard myself hailed.

"Alan! Mate! How's it going with you these days?"

My caller was a gingery, bespectacled fellow on the plumper side of burly and I was dubious I had ever seen him before. But if he was confident he knew me ...

"Good, mate. And yourself?"

He assured me he was good, then fired me a question I did not quite catch, so he repeated it, and it came to me with the same indistinctness, something like, "Still in the same old hole?" Was there a barb in this? I could not quite match the seemingly boorish question with the affability that shone from his spectacles. Ha! I supposed I was, I offered guardedly, and with a "Good to catch up", escaped towards my venerable ute.

"Love the hair-do," he called after me. And I thanked him for the compliment, not doubting throughout our exchange his splendid good-will, whatever it was that smudged question had truly wished to learn.

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*This is the twenty-first in a series that began in the September 2004 issue. Alan Gould's ninth novel, a picaresque titled *The Poets' Stairwell*, is published by Black Pepper Press in Melbourne.*

NEIL McDONALD

# Eastwood and Hanks in Control

## Old-Fashioned Film-Making at Its Best

“Films these days move from one spectacular action scene to the next,” Martin Scorsese observes in the *Hitchcock/Truffaut* documentary that has been going the rounds of the art houses recently. Many of us yearn for the days when Alfred Hitchcock could build up the suspense with one deft touch after another until audiences were literally gasping with the tension. Hitchcock was not alone in this, even if his suspense sequences were rather special. At its best, traditional American cinema can be defined by its finely honed narratives where the big moments, such as a long-anticipated action sequence or a dramatic confrontation, arise out of the characterisation and a carefully structured narrative. More and more modern films have become assaults on the audience’s sensibilities and not much else. Gone for now is the subtle playing with the viewer’s expectations found in the works of William Wyler or Howard Hawks; or at least that was what I thought until I saw one recent release.

*Sully*, Clint Eastwood’s new film, has all of the craft we have come to expect from the world’s oldest living director. Eastwood was eighty-five when he worked on the movie and shows no signs of slowing down.

*Sully* is based on Captain Chesley B. (“Sully”) Sullenberger’s memoir *Highest Duty*, now retitled *Sully* for the inevitable film edition. Sullenberger is famous for having on January 15, 2009, glided US Airways Flight 1459 onto the Hudson River after both engines were put out of action by a bird strike. It was an extraordinary feat of flying by a consummate professional.

The book, co-written with the late Jeffrey Zaslow, a columnist with the *Wall Street Journal* and a best-selling author, is not the usual celebrity autobiography. Certainly there are affectionate portraits of his wife and their two adopted children and a guarded description of his father and mother and their family life—understandable as Sullenberger senior committed suicide. The narrative doesn’t dwell on this, but Sully has said, “I am

willing to work hard to protect people’s lives, to not be a bystander, in part because I couldn’t save my father.”

The core of the book is about the art of flying, and between them Sullenberger and Zaslow make the regular domestic flights the pilot has made in his long career fascinating in themselves, even though the reader always knows what is coming. In addition Sully has served as an investigator at crash sites and paged through transcripts from cockpit voice recorders of the last exchanges of pilots who did not survive. The most harrowing passages in the book are the descriptions of these disasters.

More positively there are Sully’s analyses of pilots who managed to pull through. Perhaps the most famous is that of Al Haynes, captain of United Airlines Flight 232, a DC10 flying from Denver to Chicago. After taking off from Denver and flying for eighty-five minutes the crew heard an explosion. The centre engine had failed. Then they discovered that the hydraulics necessary to control this type of aircraft were losing pressure. At the controls Haynes found he could only turn the plane to the left. This type of disaster was so rare there was no training, no checklists. Sullenberger gives Haynes high praise for abandoning the captain’s traditional authority and soliciting opinions from the crew, even from an off-duty pilot flying as a passenger who was invited into the cabin when he offered his assistance. Haynes, in Sully’s words, “relied on his decades of experience to improvise and lead”. The only way they could control the plane was to manipulate the throttle. It was “a hard landing” at Sioux Airport. The wing hit the runway and exploded and there were 111 fatalities but 185 passengers survived “because of the masterful work of Captain Haynes and his crew”.

Haynes’s Flight 232 was made into a telemovie, *Crash Landing: The Rescue of Flight 232*, in 1992, directed by Lamont Johnson with a script by Harve Bennett and starring Charlton Heston as Haynes and with Richard Thomas as Gary Brown, the

co-ordinator of the rescue. When I saw it on its first release it seemed a welcome change from the *Airport* disaster cycle, with Heston giving a nicely understated performance and Thomas, happily free of *The Waltons*, projecting a no-nonsense professionalism. Particularly effective was the incorporation of actual footage of the landing. The film goes under several titles, one being *A Thousand Heroes*, which Haynes himself found appropriate. According to Sully it was the example of men like Haynes that shaped his own response to the crisis over the Hudson.

How could the screenwriter, Todd Komarnicki, turn Sullenberger's story into a film narrative? The bird strike, the landing and rescue took, in all, about twenty to thirty minutes and they are shown in the film in real time. The description in the book that explores all the factors Sully had to take into consideration takes longer to read than it takes to view the sequence in the cinema. How then to dramatise at least some of these factors? Komarnicki hates flashbacks. Actually there is one, a splendidly shot flying sequence, but it doesn't work.

The key for Komarnicki seems to have been when the landing was investigated. Sully doesn't discuss this in the book but Komarnicki persuaded him to open up about at least some of his emotions during the hearings. Komarnicki then collapsed the events into four days (in reality the National Transport and Safety Board investigation dragged on for over a year). This becomes a courtroom drama. There are no false dramatics, and some of the best lines come from the transcript, but the exchanges with the investigators are riveting and help to portray some of the complexity described in the book.

The film begins as a nightmare, with Sully dreaming about what could have happened in New York if he had failed to land the plane. There is no explicit reference to 9/11 but the events of eight years earlier haunt the film. We move back in time to Sully and First Officer Jeffrey Skiles boarding

the aircraft on January 15, 2009. Even though most viewers know the outcome, the re-creation of the events using the same model plane and some scari-fying low flying through New York is at once suspenseful and exhilarating.

Eastwood has always been good at managing complex narratives, most recently in his brilliant handling of the seemingly unrelated sub-plot in *Changeling*. Here he weaves together the true-life experiences of the passengers; Sully's anguished calls to his wife in California that tell us all we need to know about the tensions in the marriage; and a documentary-style re-enactment of the rescue using real-life participants. Eastwood caps it off by repeating the landing sequence with more intimate shots of the pilots when the sound from the cockpit recorder is played at the hearing. All in all it is old-fashioned film-making at its best. Eastwood's cinematographer Tom Stern may be using a new digital camera but the formal compositions and the overall visual fluency are a pleasure to watch.

For the real Sully, watching Tom Hanks enact his experiences was an "out of body experience", as he recognised his own mannerisms subtly recreated before his eyes. The real-life Sully has considerable presence on and off camera and could have played himself in a docudrama but he could never have achieved the multi-layered performance Hanks does in the film. Judging from the documentary footage on YouTube, Hanks has captured the essence of the real man. Aaron Eckhart as Skiles reminds one of the great buddy performances of the past—

Clark Gable and Spencer Tracy, John Wayne and Dean Martin—but is far less theatrical. As Mrs Sullenberger Laura Linney is, as usual, splendid.

Inevitably *Sully* will remind film-goers of my generation of the celebrations of professionalism in Howard Hawks films such as *Only Angels Have Wings* and *Rio Bravo*. But these are fantasies, and the characters do talk too much about it. Eastwood has given us "the thing itself" embodied in yet another masterpiece.

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# Family Secrets

ANG CHIN GEOK

**W**ell-shaped gutters are running counter to the incoming tide when we arrive early at Hat Rock. This looks good for whiting. Ben, my thirteen-year-old, bait-box strapped to his waist, fishing rod in hand, scrambles barefoot out of the ute. His schoolmate, Simon Heng, has the plastic buckets for holding our catch. It's taken complex negotiations to reach this point before Simon's parents could bring themselves to allow Simon to sleep over last night. Where the Hengs come from, it's unthinkable that their child could enjoy the hospitality of the Deputy Mayor and not have to reciprocate in some unpalatable way. A Deputy Mayor is a big-shot to them and the Hengs avoid officials if they can possibly help it.

I'm not the Deputy Mayor, my wife Tania is, the first female non-Anglo person to reach that position in our town. We surmised that the Hengs were afraid we might learn the truth of their Australian visas. Our Ben thought he'd been adroit about glossing over Simon's background. Won't he be surprised to discover that his Mum deals with so many illegal immigrants she doesn't need verbal cues.

We want beach worms for bait, so we drag stinkies (panty hose stuffed with kipper heads) in the first waves crashing on the sand. Stinkies are unbearably seductive to beach worms. Up pops a little head within minutes, tiny reddish feelers vibrating, a pink mouth fastened on my stinky. It has a comical face like Oscar the Grouch, its body the thickness of a pencil. Ben runs over, whooping, as I draw out a metre, two, of the worm's length. "Hey Dad, a whopper!" He holds open the bait-box. It's great fun. I turn to Simon. "Have a go, Simon?"

He doesn't look like someone raring to have a go. He speaks briefly in Ben's ear. "It's quite safe, Simon," I say. "They won't hurt you. A few more of these, then we'll go over to the gutters to catch some fish. Your Mum and Dad would like that, wouldn't they, when you bring home a nice fish for dinner?"

The kid smiles. "Thank you, Mr Martin, but if you don't mind, I will look for pipis."

I'm keen to impress him on his first outing. "Pipis aren't as good bait for whiting. Worms are better. Pipis are good bait for bream, but we haven't got the right gear for bream today. Bream have really hard mouths and they do like to tear away once they've got hold of your bait. This beach isn't bream territory. To get bream, we'll need to take a boat out past the heads, under the old railway bridge."

Simon listens to this little tutorial with a patient, attentive expression. I believe he's accustomed to an authoritarian system in which children pay a great deal of respect to their elders. Ben interrupts with elaborate "Ah ... ahem, ahem, Dad. Simon wants to take some pipis home to his Mum. They're good fried with garlic, chili and lemongrass. Right, Simmo?"

Simon beams. “We like fresh pipis a lot but you can’t buy them in the shops. My Ma will soak them in fresh water to make them cough up the sand in their stomachs. She will stir-fry them with rice vermicelli and bean sprouts. If I can collect enough.”

Arrrggh—I need to back off—forget trying to initiate this migrant kid into the Aussie way of life. I should learn to tune into the intricate survival strategies that migrants devise for adapting to life in this country. Come to think of it, an Italian friend liked pipis too. Luigi’s Nonna made *linguine alle vongole*. You’d think I’d have a better handle on this situation, seeing as Tania and I have been married for over fourteen years. “You know how to spot pipis, do you?” Simon is eager to learn. Is this kid on a mission or what?

Simon scoops some wet sand into our blue bucket as we sight along the line of waves frilling and breaking. I point out pairs of bubbles as the waves recede. “Pipis open their shells as the waves bring in plankton and other bits of food. See that? They’re squirting excess water out through their siphons.” I show him patterns, corrugations in the wet sand, and teach him to bounce lightly on them. “If pipis are underneath, sometimes beds of them, they’ll squirt.” The kid looks so happy I feel embarrassed. So much gratitude for so little effort. Such joy for a kid whose parents work two jobs each.

In the afternoon, I’m putting seven hundred dieffenbachias in eight-centimetre pots for Bunnings. Kev, my new offsider, shovels crushed peanut shell and sugarcane bagasse into an old twin-tub washing machine which we converted for turning our potting mix. My old gardener, Eric, introduced us. “Known Kevvie since he were a little kid,” Eric said. “Do the right thing by yer. Give yer his bum and shit through his back for yer.”

Around four I’m thinking of a cold beer when I see our housekeeper, Cath, hurrying towards us. As she passes the paperbarks with their white raggy trunks, the narrow leaves sprinkle shadows like a shoal of little fish on her. Hair that had once been coppery now sports a fancy swatch of silver across her forehead. Cath is twisting her apron. “The Chinee kid,” Cath says. “Simon whatsisname.”

“Cambodian, Simon Heng.”

Cath nods quickly. “He come home with his own pushbike and Ben’s.” She brings a corner of her apron to her lips. “In a real state he was. Ben’s been taken, he says.” She chokes on her fear. My pulse slows.

What? *Taken*? *Taken* by what? A snake? No crocs in our waterways; not enough water with this drought.

“You go,” says Kev. “Take care of the kids. I’ll fix them dieffs.”

Fear drives all things from my mind. Was I wearing gloves? I must have been, because dieffenbachia sap is a bugger, terribly corrosive. I’m aware only of willing my body to move faster. Simon is slumped against the verandah post. He doesn’t want to face me: his elbows are on his knees, his forehead is pressed into his arms. “What happened, Simon? Ben’s not hurt, is he?”

Simon shakes his head. “Ben was alive.” Simon’s spectacles are all fogged up. “Two men captured him, put him in a wagon and took him away.” His voice is drying up into a gasp, as if a stone has risen in his throat. Cath brings a jug of water and a couple of glasses with ice-cubes. She pours, hesitates, wanting to hear Simon’s story, but says instead, “I’ll be out the back doing the ironing if you need anything.”

I hand a glass of water to Simon and am surprised that my hand is steady. “Tell me what happened.”

“We rode back across the old bridge after school and down Middle Creek turn-off like we always do. On Wednesdays I don’t start my shift in the Emporium until four-

thirty.” The Lucky Dragon Emporium is in all likelihood flouting Australian child labour laws and possibly minimum-wage legislation as well. Simon rubs a graze on his elbow. Cath brings a bowl of water, a cloth, a bottle of antiseptic and a packet of Band-aids. She dips the cloth in the water, puts a drop of antiseptic on it and washes Simon’s elbow.

Simon lets out a big blubbery sigh. “I saw an echidna, a big one, must have been old, but it was fast. It started digging itself in. Threw up dirt, zoom zoom, so only its snout and quills were showing. It was, like, only a few seconds.”

“Was Ben with you then?”

“I thought he was. I was concentrating on the echidna. I pushed a stick under it. Didn’t hurt it, just wanted to stop it going underground completely. I told Ben to get another stick, only he wasn’t there.” Simon turned his head left, right, blinked, re-enacting his memories. “I looked all around. Ben’s bike was on the ground, wheels spinning. His legs were sticking out under a clump of bushes, thrashing like crazy.”

“He didn’t yell?” Simon’s description doesn’t include sounds. Surely there must have been sounds?

“No, Mr Martin. I mean, if they crash-tackled him, something like that, I would’ve heard. I ran over. Two men were putting him into the back of a wagon. Holden Commodore, 1988-89 model, blue metallic paint. Ben was wrapped in a thing, like a blanket. A bit of the blanket flopped loose. I could see Ben’s head. His eyes were wide open. He blinked at me. Blood on one side of his face.”

“And the men? Could you identify them?”

“No, never saw them before, not local guys. Funny clothes, not cool.” Simon clenches his fists and raises them to his chest in an attack posture. “I wanted to stamp on their feet, push my fingers up their nostrils, gouge their eyes. We practised all these things zillions and quintillions of times at Adventurers’ Club and at taekwondo, but ...” He wipes his eyes with the back of his hand. I give him my reasonably clean handkerchief. “My legs just wouldn’t move. They were, like, they belonged to a robot with nearly-expired batteries.” He rubs his arms and slaps his legs. “I can’t believe how my legs—they went paralysed—nobody ever tells you that in martial arts classes.”

“Wait, wait. Pause. Rewind.” The boy mustn’t blame himself for not rescuing Ben. He could have put himself in serious danger and then we’d have two kids to worry about. “This is important. You couldn’t take on two grown men.”

The tension eases a fraction from his shoulders. He says, “I kept wishing Ben would say something to me.”

“Was he gagged?”

“That must be it, Mr Martin. I didn’t see the lower half of his face. The men threw a greyish something, a tarp I guess, over him. I tried to read the rego. I didn’t know what else to do.”

My face feels like a sack of wet sand. My mind wants to shut down, wants this thing to go away. Something, though, stirs in a fold of my brain, Ben saying he’d been followed by persons unknown a few nights ago. Tania had made light of it. Maybe I shouldn’t have let it slip by so easily, but it didn’t strike me as important then. I take out my phone and tap the number of my wife’s direct line.

“Hi sweetheart. How’s it going?”

“Bloody terrific. Our son was abducted today while you were out solving everybody else’s problems.”

A sharp intake of breath, then silence. When her voice comes back, it is over-careful, defensive, not the usual tone of the slant-eyed Boadicea I know, who is far more likely to be belligerent than reticent. She asks: “What are you saying? Has something

happened to Ben?”

“You mean you don’t know? Two men were seen throwing our son into the back of a station wagon. There was blood down one side of his face. Is this crap to do with your Chinatown mates? I won’t have your job messing up my life and putting Ben in danger.”

“My job messing up your life? Don’t start throwing accusations around.” Her political nous kicks into gear. “Careful, don’t say anything we may regret later. This line isn’t one hundred per cent secure.”

“Didn’t he say he was being followed? You did nothing! You promised me the problems of your Chinatown electorate are being dealt with outside of our domestic life. Now this!”

“Stop, David, stop. These wild accusations are not helpful.”

“Wild accusations? If you weren’t always busy cosying up to your shady Chinatown mates, counting votes ...”

“I’ll come home. Give me fifteen, twenty minutes.”

“Don’t bother. I’m leaving right now. I’m going to get my son back.”

I drive to Middle Creek, visualising the boys cycling along the track, their excitement at spotting the echidna. Were no other children around that time of day? I find marks of tyres, of the pushbikes, lots of shoe marks but can construct no coherent narrative out of my observations. I lean against the ute, feeling as disappointed as Simon. Do I report this to the police? When? Maybe I should try getting some answers from my wife first.

When I walk in and throw my hat on the kitchen table, I come up against a wall of steel and frost. I assumed I knew Tania, but now, looking at her face, it’s like a mask—am I an open book to her, whereas she has sub-plots in her character and her life of which I know nothing? “Give me the lot, Tania.”

“What, no foreplay?”

“No bullshit. I want answers.”

“To which questions?”

I hate the bloody supercilious tone. She is hiding something, playing for time. I demand the whole story: who has my son, why do these men want my son. I’m entitled to know if my wife’s job, activities, associates, whatever, are causing strife in my household. I want my son back unharmed. My internal monitor notes the adversarial tone: my life, my son, your job, your mates.

She looks through me and past me. I see fabrications forming behind those dark Oriental eyes. Surely she is not going to refuse to answer my questions. I’m his father. I shouldn’t have to beg while she doles out information with an eye-dropper. Like a match on petrol, my anger flares, brilliant yellow, red, hot, hotter. “Tania! Look at me! I can’t make out your attitude. It’s like you don’t care. You know something I don’t—where Ben is, maybe you even know who’s got him—you won’t tell me what’s going on. Now come on, Tania, talk to me!”

“I’m not sure I can.”

“That is not the answer!” Doesn’t she see I’m trying to be reasonable here? Even the way she taps the table-top with a pen seems callous. It’s irritating. I bang a fist into the wall. The pain clears my head instantly.

This stone-walling has got to stop, otherwise—what? Do I threaten to go to the cops, report Ben as a missing person? The consequences? It will hurt her for a start, and her standing in this town, and Simon, his family. Tania has some explaining to do, now.

At last she says, “Give me a chance, I’ll sort this out.” She makes lots of calls, tapping in numbers, barking, cajoling, switching from one dialect to some other. I recognise Mandarin, Cantonese, maybe Vietnamese. She seems to be tugging at strands in some Gordian knot of obligations and calling in favours.

Enough of this crap. I can’t sit still. I knock my chair over and grab my hat. “Tania, if you don’t care to get Ben back, at least don’t stand in my way.”

“He’s my son too, you know.” She closes her eyes. “Stop yelling and threatening like a fuckwit and I’ll answer your questions, but not till you stop yelling.” She opens the fridge and hands me a beer, looks into my eyes for a heartbeat longer than necessary. She says Simon’s parents, grave, bespectacled Walter Heng and his wife Linh, wraith-thin and stooped in an osteoporotic way, had been Khmer Rouge, years ago. “They came to Australia on forged passports. A lot of people left Cambodia that way. Passport forgery is a lucrative industry, growing too.”

“Okay, I get that, but what’s that got to do with Ben?”

“Not much, as it turns out.” Another pause, stylishly long. “Remember the Victor Chang case—how the would-be abductors botched the job—attempted extortion that tipped into manslaughter? This is a botch too. Rookies from Yangon stuff up their first attempt to get a slice of the Australian market. No photograph, bad mistake. Lifted the wrong kid. It never occurred to them that the Asian-Australian boy could be smaller, with darker hair, than the Cambodian kid.” We both laughed then, too loud, too raucous, a meniscus breaking. God, the tension.

“The kidnappers want to coerce Simon’s parents into becoming distribution agents. They want to demonstrate that they can pick up Simon any time his parents try to be cute.” Her face goes blank with concentration as she moves pieces on a chessboard in her mind’s eye. She nuts out the case: “If we can convert this mistake into an opportunity for the Hengs, a plea bargain with the Australian Federal Police ...” Tap, tap—her pen strikes the table-top with points for and against—the perils, double-dealings, unintended consequences. She catches my eye. “But we need your agreement to keep the police out of this for the time being.”

“So we’re operating outside the law?”

“Look, try stepping outside your narrow Anglo-Celtic mindset and accept that some things can’t be done the way you’re accustomed to doing them, by the book.” That hurts: an unwarranted barb, vicious. She gives me no credit for how hard I work at adapting to our cultural differences. And she has more. “Like it or not, things are done differently in some cultures. Some rules that you don’t know.”

“Such as?”

“Triad rules.”

“Stuff the Triads. Why should they have anything to do with Ben or me?”

I’m standing at the window, looking at the native pink finger-lime we planted when Ben was born, now finishing its flowering. Alongside, the seed-capsules of the *Banksia brownii* have split. Edges are curling like a grin, revealing seeds like small shiny eyes. This was her plant nursery. When she embarked on her political career, I resigned from my job as a senior public servant and took over the running of what’s become the family business.

As I turn to face her, my heart goes into free fall, slips from its familiar warm anchored spot and descends like a cold fist towards the pit of my stomach. “Oh. My wife is a Triad?”

“Was.” Her reply is crisp. “Years ago, a different version of the Triads, which are now more like criminal gangs. My father and his father and his grandfather, and generations back, were all members of secret societies, such as the Tiandihui, the

Heaven and Earth Society, who supported the Taipings, the Boxer Rebellion, and the first Republican revolution from 1900 to 1911. Triads are everywhere and not all are criminal gangs, though some undoubtedly are.”

How destabilised I feel, how uncomfortable. A disquiet, a tightening of tendons, ripples beyond this moment. Something passes over my skin like a touch, like a spider-web enveloping me, cold. Frames are shifting. I sit down. My eyes ache from staring at her as if she may change shape. There seems to be a stutter in perception between my eye and my brain.

Then I jump up and sprint after her as she races out the kitchen door. The sensor lights are shining on Ben as Tania throws her arms around him, sobbing and laughing and calling his name over and over. Our son looks surprisingly well. He struggles to disengage from suffocating parental embraces because he wants to recount his adventures. He had a great time, he says. “Wait till I tell Simmo.”

Tania croaks, “Let me see, let me see—the blood—down your face ...”

“Nothing much,” says Ben, turning his face for his mother’s inspection as he reaches out to draw me closer. “A small cut, see, doesn’t hurt.”

Ben sleeps in his bed, in his room. Outside his window, the midnight cactus embraces the water-tank with serrated green limbs, the innocuous organic perfection of its creamy blossom signifying only itself. Today, the edge of something and something else brushed, recoiled, never to be the same again. When we wake tomorrow, our world won’t be what we used to call “normal”. In our new “normal” the Hengs will agree to co-operate with a network of drug dealers, to be pawns in a sting. At some stage, the authorities will receive a tip-off.

No need to look so surprised, Tania says. It happens all the time. Whenever the authorities claim they’ve made a large drug-bust, it’s nearly always a tip-off from a rival narcotics dealer. The global trade in narcotics is second in dollar value only to the buying and selling of military technology, over 800 billion in US dollars. Like all global trade, it requires shipping, clearing customs, land transport, distribution, warehousing, and being available to their wholesalers and retailers, every stage involving corrupt officials at every level.

If their plea bargain succeeds, Simon’s family may avoid deportation, though not tough interrogations and painful disclosures. After what Asians called the American War, the Hengs sifted the ashes of their ruined world and reinvented themselves. In the interstices of this country, they reassembled the fragments of their lives to build a new unobtrusive shadowed existence. This is now the only life they have.

Preventing the Hengs’ deportation is only one of the items on Tania’s to-do list. The Deputy Mayor’s electorate describe her, by way of a compliment, as someone who’d be in anything but a shit sandwich. Tania’s macro-agenda is no less than to white-ant the predominantly white male system, to disrupt it from the inside, to recycle the dead wood, make Lego-like blocks of them, multi-coloured, multi-racial, multi-faith bricks. Building this new edifice requires not only bricks but a powerful idea and lots of determination.

She began by dismantling the racism barriers that migrants experience. Not just recent migrants either, because migrants are still subjected to racism even after many years here. Her views about race relations in marriage can be hard to take. Australians marry Asians, she says, because they consider Asians a lesser form of being over whom Australian superiority will always prevail. I bridle: that’s a nasty insult and I won’t let that level of jingoism pass unremarked. But she points out how easily she became the *Other* in our row over Ben’s abduction. It’s hard not to sag under that argument.

Ben shows signs of taking after his mother, adopting her dangerous propensity for going about looking for nettles to grasp. Like his mother, he is apt to practise an agile rather than a strict relationship with veracity. Even as he pursues an innocent wish for adventure, larger things will happen while he is looking the other way. He'll need to save himself by means of that ability to think laterally super-fast.

So much for my previous convictions. If they haven't been turned to dust, they're not more than confetti. I'm learning that convictions aren't adequate foundations for moral standpoints: maybe some questions are always going to stay with us.

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*Ang Chin Geok, who lives in Queensland, is the author of the novel *Wind and Water* and *Aung San Suu Kyi: Towards a New Freedom*.*

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### I was a child who loved parrots

everything my mother ate and drank  
 passed on to me as I lay curled inside her  
 still only the size of a small bat  
 comforted by darkness

I like to think I remember  
 the days she soothed us both  
 in the waters of a hot spring meadow  
 as we listened to cows all around us  
 pulling on the cool grass  
 that would be translated into milk  
 into the first sinews and nerves of my body  
 till I was bound so tight into the landscape  
 she swears I was born with a stamp on my forehead  
 "made in New Zealand"

my mother loved to tell  
 how southern sun poured down on her  
 how one day she forgot to turn  
 the sign on the wicker gate  
 to read OCCUPIED  
 and a stranger came  
 and lay beside her in the hot spring water  
 told her that clouds  
 floating up from the horizon  
 were snow babies born in southern mountains  
 told her the birds of the islands would bless her child  
 the kakapo the yellow and red-crowned  
 and orange-fronted parakeets  
 the kiwi the bellbird and even the long dead moa

*Caroline Carver*

# Habitats

CHRISTOPH KELLER

## *New Mayor*

Except on New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day and Christmas Day, when the tow lots are closed, the new mayor's efforts to tow illegally parked FBI cars has led to longer lines at the precincts and a spike in privacy.

## *Birthday*

I don't know how many people drowned today. Without warning, the Hudson burst its bed and flooded Manhattan. It's Edie's sixth birthday. Nothing happened to her, mind you; nor to Matt, who's secretly glad the water ruined his little sister's birthday party; Joanna, my wife, is fine too. We're on the twenty-third floor; the water stopped rising at the twelfth. The Carringtons, our friends on nine, probably didn't make it. For a while, we were all watching the water recede. Matt spotted the first rescue boat, Edie, her neck bent skyward as usual, saw the first helicopter. The kids are now playing in the living room. Joanna is in the kitchen, preparing sandwiches with whatever will perish first. I keep watching the water.

## *Blind Date*

Writing is my search for God, he said on our second date, at The Library, a bar on Avenue A. So how's that working out for you? I said. I'm not sure, he said. I keep finding myself. We agreed on a third date, again at The Library. I wonder whether I'll show up.

## *Habitat*

We live underground. We go as deep into the earth as we can. Depending on the territory we cover, we use the groundhog or subway tunnels. Underneath the old cities, there are still wooden pipes, which makes some of us feel nostalgic, others nervous. Moving through roots is hard: they're sticky. Caves make us merry and frisky. They are our playgrounds. It takes time to get used to life underground but it's worth the effort; not that we have a choice. The sewer can be humiliating. It doesn't bother me. I've bonded with many an affable rat and even the occasional cockroach. They know their way around. Some I now consider friends.

*Windows*

**H**ere I am again, I thought. Hiding again. For how long? An hour? More? Expecting what? The concrete walls, the darkness, five porthole windows: five faces without lips or eyes or even a nose, yet staring at me with predator intentions. Someone turned the lights on, and five rays were slicing through the dark, creating a five-fingered spot for me to stand on.

*Voice Mail*

**I**n this book you left in my place tonight it says the Koyukon believe the caribou sings when it's ready. The hunter wakes up with its song in his mouth and knows where to find it. The caribou is the only creature that does that. You highlighted that. Ever since I read this I'm wandering the streets. I'm exhausted but I can't stop. Where are you?

---

*Christoph Keller lives in New York. A collection of his stories, **A Worrisome State of Bliss**, was recently published by Birutjatio, of Santiniketan, West Bengal. Several of his fiction pieces have appeared in **Quadrant**.*

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**Playground Triumph**

I dreamt I couldn't choose which arm  
To bowl with at recess and send  
The rusty stick-propped battered bit  
Of tin flying across the yard,  
Miss Smith's grip hurting my right wrist  
During Transcription till she'd swung  
Me from the left and I'd knocked down  
My father's middle stump, betrayed  
The cack-handedness he'd bequeathed,  
Which she said was how Satan wrote.  
I woke distressed, recalling that  
I'd answered back, when he, beside  
Himself yelled "you're to give up sport  
And help me make ends meet, as does  
Your brother's bursary", with "my  
Hat-trick today at school's worth more!"

*Graeme Hetherington*

**The Hall**

After Grandma died  
the hall became a skeleton,  
stripped and cream.  
With the hats and coats  
gone, the pegs exposed  
rib-like,  
I see their detail:  
two knobs  
like porcelain eye balls,  
the others with the expected  
swell of necks.  
The only colour in the cream  
is an old red iron  
holding back a door.  
Even the kitchen through the  
door frame is milky.  
A mustard cup  
and painted flowers on a jug  
quiet on the dresser.

*Marion Lucy*

# Up and Down with Technology

“I don’t know what happened,” said the girl at the checkout desk. “The system is down. We’ll have to process you offline.”

“Yes, of course,” we say soothingly. “Computers have minds of their own, don’t they?”

Indeed they do. The experts keep talking about the wonders of AI (artificial intelligence). But there is surely some sort of computer-based intelligence there already, a bit sulky, and prone to strange behaviour at times, but when in a good mood, a most useful ally.

At their best, our various devices empower us. On the train, the carriage clicks, dings and carols to the sounds of mobile phones. “I’m on the train—just going past Woolies ... now. Love you.” How else would we have found out that other people routinely say that they love each other? I am shamed by my relatively inhibited discourse.

Provided we remember to re-charge them, with a laptop or even just a cellphone we can work from just about anywhere. And where would we be without Google, the universal search engine that many credit with almost oracular powers? With its help, the vast network of computers known as the internet is capable of transporting us into worlds of—what exactly?

I was going to say “information”, but that is far too broad a term. Google may not be offering to predict the future (although I am sure the boys and girls at Google’s many labs are working on it). But provided you can formulate a more or less intelligible question (and even if you can’t) it will give you a reasonably clear answer, or even hundreds of answers. Admittedly, even if you Google yourself to the edge of blindness, most of the websites will say much the same thing, but many people will find that reassuring.

Indeed you can ask Google any sort of practical question, like how to remove coffee stains from your jeans, or when Elvis was born, and provided the cyber-traffic is not too intense, you will get an instant answer (interspersed with ever-increasing

numbers of ads).

Beyond a context that you know, though, matters get a bit trickier. It’s a bit like asking for directions when you are in an unfamiliar place (clearly I am assuming that your global positioning system is not available). It’s usually only after you have blundered into the thing you were looking for, that the “you can’t miss it” directions make any sense.

Context is all. GPs talk drolly of competing with “Dr Google”. But if you are prone to hypochondria, Dr Google is not necessarily your best friend. Beyond the very basic stuff, anxious trawling of the internet for information on assorted symptoms is not recommended. We think we know what is going on, but many conditions have similar signs and symptoms. Even if you do self-diagnose accurately, you are soon placed in a human system that is programmed to work in certain ways, one of which is always to charge you more than you were expecting.

When I was teaching, I would try to get students to run their own reliability tests on the sundry internet sites they would plunder in their search for essay material.

“As with any information,” I would intone, “we must ask who is putting it before us, and what is their motivation in doing so?”

Wikipedia is good for an initial orientation, but after that, you have to find out stuff by yourself. Searching has been made much more intuitive—then comes the hard part of making some sort of sense of it all.

What—actually—do we know about technology? We know that it can be truly transformative. Printing, for example, was almost certainly the single most significant and also possibly the most benign technology ever invented, as it multiplied many times our power to communicate. If the monks and scribes who laboriously copied out documents by hand complained about being done out of a job, we have yet to hear of it.

It is no accident that the first thing ideologues,

anywhere, try to do is to dramatise their rightness by destroying the other lot's ideas. The Nazis burned Jewish books. Protestants and Catholics burned each other's books. Islamists attack libraries. In the age of the internet, the Chinese government restricts access to websites it regards as subversive.

The business press is full of excited reportings of disruptive technologies. My son tells me we will, perhaps quite soon, be whisked from A to B by autonomous vehicles that will take us to our destination without any apparent human intervention. Even Uber, the so-called ride-sharing service that has decimated the taxi industry, will soon be able to do without its human contractors.

Computers never tire, they never get bored, and they never forget. With appropriate programming, they bring together vast amounts of data and the best decision-rules we can muster. As a result, we have information systems whose performance at specific tasks exceeds that of even the most sensational human practitioner. Computers routinely beat the best human chess players. Recently a computer beat the world's best Go player.

Young entrepreneurs with high IQs who hang around Silicon Valley tell us that someday soon we will have solved the problem of intelligence itself, thereby ushering in a future in which humanity itself will be redundant. What price education, then? Will our children, or our children's children, simply abandon the grim task of programming an organic robot (namely, ourselves) to do stuff, when there will be an app somewhere that will do it better? I saw an ad recently that was somewhat ominous. "Don't just Google how to get a promotion," it said, "come and do our MBA."

Or will we continue to want to interact with other humans, rather than with machines? We are strange creatures. We already have the means for most of us to work from home, but we crave the human contact of work. And our bosses cannot bear for us to be out of their sight, so we continue dutifully to show up at the office where, surrounded by the latest gadgets, we work longer hours than we

need to, to show our dedication.

Technology may enable us to do new things, but a good deal of it helps us to do more of the things with which we are already familiar. The impact may not be quite as labour-saving as we think. I remember my father telling me that the invention of the petrol-powered lawnmower was a mixed blessing, as it meant that hard-pressed suburban blokes like him had to mow much bigger areas of grass than previously.

Washing day used to be a symphonic occasion of boiling, banging and mangling. Thank goodness the old coppers were replaced by washing machines. I suspect, though, that one result is that clothes are washed far more frequently than they would otherwise have been.

The Greeks, as usual, foresaw it all. Prometheus stole fire from the gods, but was punished by being chained up while his liver was eaten by a giant eagle. And poor old Tithonus's goddess girlfriend petitioned successfully for immortality on his behalf, but then forgot to stipulate that ageing should be delayed. Science is one thing, but when dealing with technology, you really do have to make sure you read the fine print.

We should be careful what we wish for. Thanks to modern medicine and improved nutrition, most of us can expect to live longer lives than our forebears. Yet we still want more. With gene-based therapies, it may be possible to prepare individualised treatments that will slow down the ageing process to the extent that most of us will live, in reasonable health, to well beyond a hundred. I am not altogether sure, though, that this would be a good thing. Imagine childhood and adolescence lasting forty years. The kids would never leave home.

One of the saving graces is that the nasty people eventually die. Having them around for even longer does not bear thinking about.

But of one thing I am certain. When the rest of humanity has long since disappeared up its own app, and the earth is about to be engulfed by the sun, there will still be blokes wearing hi-vis vests, digging up the roads.

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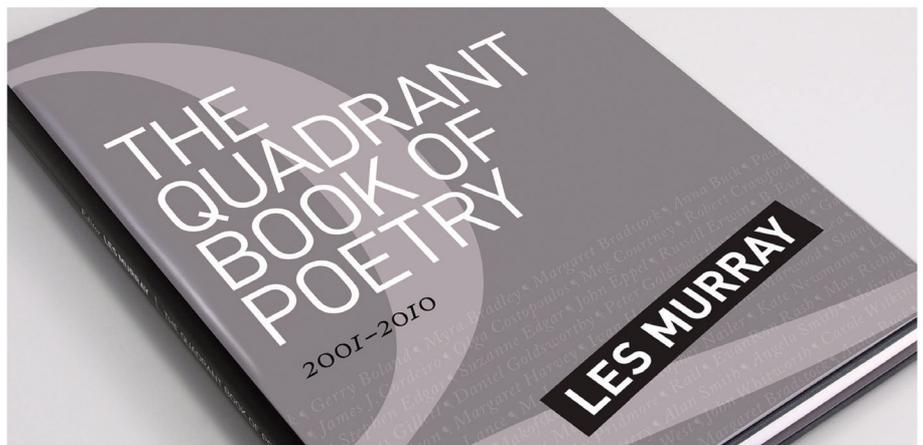


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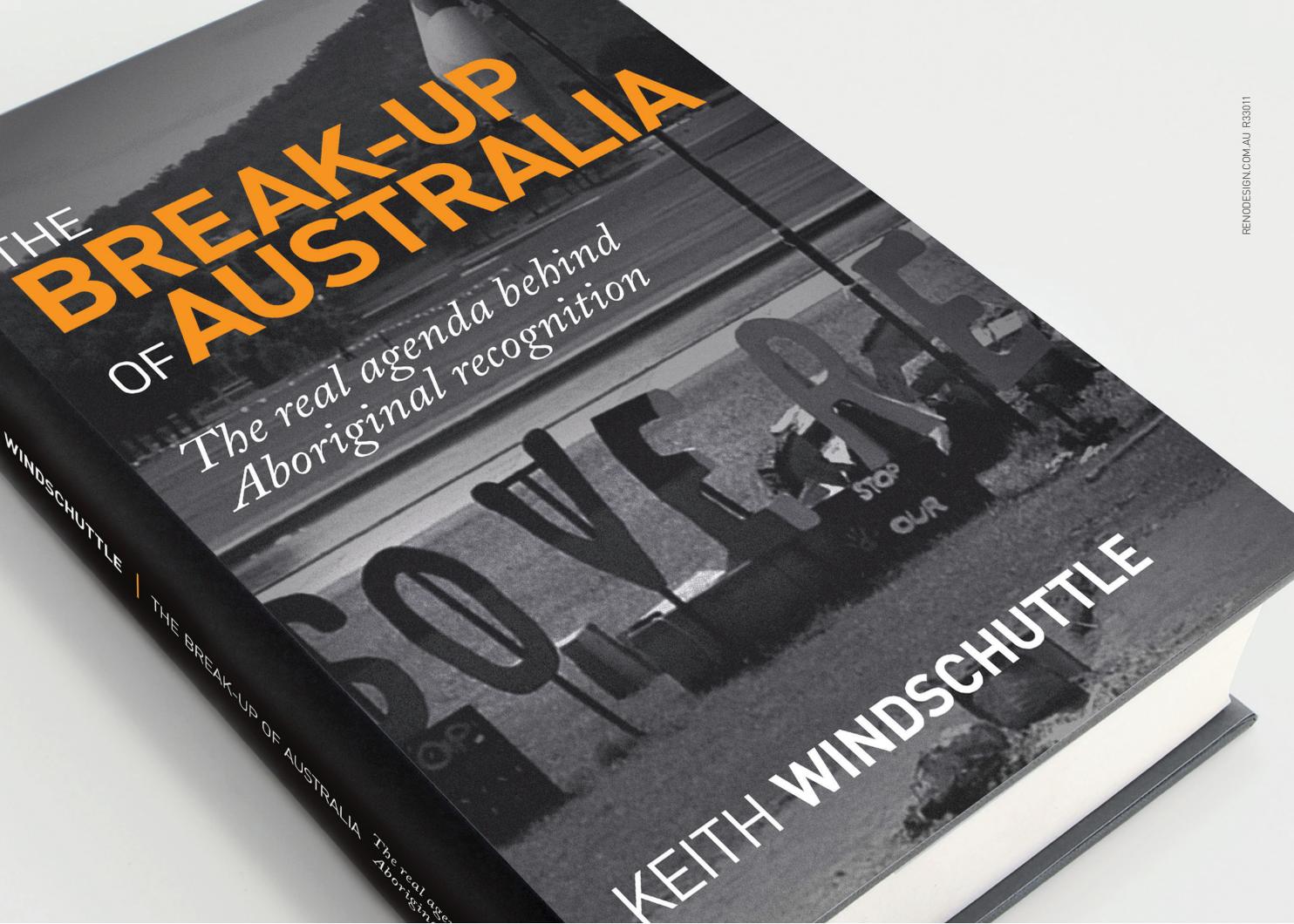
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