

2676

QUEEN'S UNIVERSITY INTERNATIONAL
STUDY CENTRE

HERSTMONCEUX CASTLE, ENGLAND

CONFERENCE ON STATISTICS, SCIENCE
AND PUBLIC POLICY

THEME: EVIDENCE, EQUALITY AND
POLICY

*SUMMING UP: PARABLES INSIGHTS,
MAGIC*

The Hon. Michael Kirby AC, CMG

QUEEN'S UNIVERSITY INTERNATIONAL STUDY CENTRE
HERSTMONCEUX CASTLE, ENGLAND
CONFERENCE ON STATISTICS, SCIENCE AND PUBLIC POLICY
THEME: EVIDENCE, EQUALITY AND POLICY
SUMMING UP: PARABLES, INSIGHTS, MAGIC

THE HON. MICHAEL KIRBY AC CMG*

HISTORICAL SETTING

The XVIIIth session of the conference on Statistics, Science and Public Policy convened at the historic Herstmonceux Castle on 17-20 April 2013. Once again, the participants were inspired by the beauty and history of their surroundings. There were many reminders of the lessons of history crowding in on the conference's contemplation of equality and its significance in today's world.

In *The Times*,¹ the participants were vividly reminded, that exactly 70 years ago, an uprising broke out in the ghetto in Warsaw, into which thousands of Jewish victims of inequality were pressed by their Nazi oppressors. Symbolic of the plight of so many defenceless human beings was a photograph of a mother and a young boy, no more than 10 years of age, with his hands held up in submission as the oppressors' guns were trained on him. This photograph was reproduced in a report by Jürgen Stroop, the German SS officer charged with clearance of the Warsaw ghetto. The image is famous. A recent book, *The Boy*,² sought to trace what happened to the young boy oppressed because of his racial and religious difference. It had been thought that he escaped to become a medical practitioner in New York. However, the meticulous records kept by the SS showed that this was not so. Instead, he was probably one of the millions who suffered death because of immaterial and irrelevant differences.

* Former Justice of the High Court of Australia (1996-2009); Australian Human Rights Medal, 1991; and Laureate of the Gruber Justice Prize 2010.

¹ London, April 19, 2013, 36-37.

² *The Boy*, Hill and Wang, New York 2012.

Ironically, on the same page of *The Times* is a story of a contemporary struggle for equality, in France. The attempts there to secure equal marriage rights for gay citizens led to violence and threats against the proponents of change. A gay bar in Lille was attacked by skinheads and the owner of the bar was hit over the head with a chair after refusing to “lower his gaze when the extremists ordered him to do so”.³ The insistence upon difference, and the desire to isolate those who are different, lives on 70 years after the Warsaw Ghetto.

In one of his talks to this conference, Dr Alan Merry (University of Auckland, NZ) sought to explain the reluctance of hospital staff, in a case he described, to act on clearly inadequate and inappropriate treatment of patients. The lethargy of one senior staff member was explained by reference to his desire not to ‘rock the boat’, because he was in line for an award. Such trivial ambitions also motivated Stroop, the Warsaw commander. In the First World War, he had received the Iron Cross (Second Class) for valour in battle. He desired the promotion of his decoration to First Class. In that pursuit, he exhibited the grossest brutality towards fellow human beings. Eventually, he was awarded Iron Cross First Class, like his Führer, for his actions in war. Fortunately, he was apprehended, arrested, tried, convicted and punished after the War. In due course he was executed for his crimes. Even opponents of capital punishment will find it hard to shed a tear.

There were other contemporary reminders of history. As we met in the Castle, miles away in London, the funeral unfolded of Baroness [Margaret] Thatcher, one-time Prime Minister of the United Kingdom. Equality was not, perhaps, a major theme of her life. Yet, by becoming the first (and so far only) woman Prime Minister of the United Kingdom, she demonstrated a principle of equality of talent. The ceremonies of her funeral marked the end of an historic era.

Also as we gathered at Herstmonceux in 2013, a drama of a different kind unfolded in Boston in the United States of America. Two young men from Chechnya allegedly planted a bomb to injure bystanders, peacefully watching a community marathon event. In some disordered way, this appears to have been an Islamist protest

³ “Death threats to French MPs in Gay Marriage Clash”, *The Times* (London), April 19, 2013, 16.

against perceived religious and radical inequality. But the struggle for equality is not secured by irrational violence. It must be won, as the UNESCO Constitution declares, 'in the minds' of human beings.

Conscious of history and addressing our world as it is, the participants shared their knowledge and opinions. They were beckoned to their tasks by the convenor of the conference, Dr Agnes Herzberg (Queen's University, Canada). All of us who had been privileged to join in the dialogue owe an immeasurable debt to her. It was because of her dedication and the organisation of her team, that we experienced the stories, the insights and the magic of this XVIIIth Conference.

THE PARABLES

From Biblical times, human beings have sought to share insights by telling stories, sometimes in the form of parables. These stories illustrate values, so that facts illuminate moral instruction.

My own introductory talk sought to place the recent struggles for equality in the world in the historical context in which those struggles have happened. I recounted the response of the victorious Allies to the enormous losses in, and shameful discoveries following, the Second World War. How this encouraged President F.D. Roosevelt to work towards an international bill of human rights. How the *Universal Declaration of Human Rights* (UDHR) was adopted by the General Assembly of the new United Nations on 10 December 1948.⁴ How the first statement of the preamble to that instrument recited:

“Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.”

The first parable was written by a great Canadian, John Humphrey, who headed the Secretariat, working under the Chair, Eleanor Roosevelt, to produce the UDHR. How

⁴ General Assembly Resolution 217A (III).

every great statement of principle begins with a blank page. How human beings must fill those pages with the stories and the wisdom that springs from their lives.

Dr Mark Lachmann (University of Toronto) was the guest speaker at our dinner. He told the stories of his work, as a young physician, in remote areas of Canada. The vivid image of walking at night and coming upon a young man who had taken his life. And the equally vivid images of dementia and relationships, in the fine professional work he now performs.

David Hand (Imperial College, London) told the story of fraud in science. And how today, academics of questionable worth can secure publication of their dubious research, sometimes merely by paying the publisher. This is the real world of market forces impinging on scholarship and the spread of knowledge.

Sheila Bird (MRC Biostatistics) described the struggle in Britain to ensure that coroners in England will promptly report instances of questionable deaths. John Gerard (Manitoba Legislature), in a paper that was read, described the battles to clear Lake Erie of the sources of phosphorous. And how such urgent endeavours sometimes fall victim to populist politics.

Dr Alan Merry (New Zealand) described Zachary's story. A young man who died in circumstances of poor hospital treatment. Would naming the overworked staff responsible for inadequate treatment be a feature of honest disclosure? Or would it simply make the labours of hard-pressed health care workers more difficult.

Jim Beall (St. John's College), like D.W. Strangway (Quest University) later, was haunted by the vivid image of Ross Perot's proposed voting box on every suburban television. Would this ensure democracy in action? Or would it encourage ill-considered populism, destructive to our system of representative democracy?

Peter Calamai (University of Ottawa), in another paper that was read, conjured up the unsettling images of obsessive complainants, with their plastic shopping bags and reams of paper underlined in coloured ink. Every person in public office today knows these people. Yet they should also know that, occasionally, such people

have justifiable complaints. They cannot be rejected simply because of obsessive conduct.

Peter Milliken (former long time Speaker of the Canadian House of Commons) lamented the decline in standards of political reporting in contemporary media: a universal problem. Alan Merry told another story on the reform of the Mid Staffordshire Hospital. And how it took five reports finally to get to the truth and to justice. Bill Higginson (Queen's University) reminded us of T.S. Elliot's poem in which we are instructed that the apparent end may sometimes be a new beginning. It is a fine poem, but not quite in the class of the *Ode to Herstmonceux*, written by J.S.C. McKee (University of Manitoba), reproduced in the record of the XVI Conference of 2011. Taking them all together, the stories and parables illustrative of the themes of 2013, have been vivid and instructive.

THE INSIGHTS

Many fresh insights have been afforded to us this year.

Francis Zwiers (University of Victoria, Canada) described his work on climate change and the interface of scientists with legislators. The discovery of occasional flaws in scientific data does not, he insisted, demonstrate that the serious problem of climate change has gone away.

John Burris (Burroughs Wellcome Fund) offered a convincing analysis of the experience of post doctoral students in the United States; and how many of them remain in that country to enhance its economy rather than those of their homelands.

Orhan Güvenen (Bilkent University, Turkey) presented most interesting data on the changing influence of global economies and the steady decline therein of the economies of Western Europe. By 2050 the dominant trading economies of the world are likely to be:

India (85 trillion US Dollars)

China (80 trillion)

USA (39 trillion)

Indonesia (13 trillion)

Brazil (11 trillion)

Russia (7 trillion)

Mexico (6 trillion)

Japan (6 trillion)

Egypt (6 trillion).

What will be the consequence of this economic realignment for the respect for human rights and the rule of law? What will be the result for geopolitics and security on the planet?

Sue Wilson (UNSW, Australia) described the urgent necessity of tackling global poverty, especially as it affects children. About one third of humanity lives below the poverty line. This is a modern form of slavery and an impossible burden on equality. It is an impediment to the attainment of the principles of the UDHR, and the Covenants that followed it.

Dame Margaret Anstee (UK) described once again the problem of converting policy into action in the international community. She welcomed the development of a positive *Right to Protection*. Yet her own experience (and the common knowledge of us all) reveals the difficulty of converting such theory into real process.

Gerald Evans (Queen's University, Canada) described vividly the predicament faced by people tackling rare diseases. Can the community afford the treatments? How is a national triage to operate? William Allan (Michigan State University) displayed once again, his true devotion to the constitutional history of the United States. He recounted the writings of the great statesmen: Jefferson, Madison, and Lincoln. There is no doubt that American ideas were crucial to the formation of the UDHR and the United Nations treaties that seek to expound the principles of justice and equality for all humanity. Those ideas have their origins in the insistent ideals of the American Revolution of 1776.

Jim Beall described the difficulty of protecting privacy in the era of social networks, especially *Facebook*. Gerald Van Belle (University of Washington) explored the possibility of securing copyright protection in new compilations of familiar data. In a vivid phrase, he illustrated the challenges that the internet generation present to the attainment of old human values. Young people, like his grandson, can be led by depersonalised technology, into lives of essential loneliness. How is the human empathy, essential to respect for equality, to be attained in this new world?

Frank Berkshire (Imperial College) illustrated the changing world of university study. He listed the phenomena of tweeting university lecturers; invoking clickers to catch their attention; installing apps in personal computers; and subjecting the brain to constant stimulation and gratification by running multiple programs consecutively during instruction.

Chris Barrett (McGill University) described the MOOC – the massive open online courses now being offered interactively by several universities. Allan Merry discussed the need for new protocols to ensure the survival of human values. Even simple acts of empathy, such as encouraging surgeons at the beginning of their day to renew professional respect by shaking hands. Such a habit has long been a daily convention of the Justices of the Supreme Court of the United States, prior to sitting together to hear and decide an appeal.

Peter Milliken described some unhappy developments in Canadian politics that are sadly universal. The institution of negative political advertising and the copying of non-parliamentary traditions, derived from the distinctive institutional arrangements of the United States. Mary Thompson (University of Waterloo) explored the changing needs of statisticians and the work of CANSSI in Canada to promote collaboration and understanding.

THE MAGIC

The conferences at Herstmonceux would not be the same without good humour, good company and the magic of human relationships.

Sir David Cox (Nuffield College, Oxford) reiterated his previous declaration of intuitive secretiveness. He is not the only believer of this view; but today he is one of the few who publicly admit to it. He spoke in praise of statisticians. He pointed out that a discovery of fraud in statistical research would almost invariably result in the professional 'death' of the miscreant. Whereas the judges have lost the power to impose capital punishment, statisticians, it seems, still have this sanction in their armoury.

Dame Margaret Anstee gave us a topical description of her encounters with Margaret Thatcher. Intriguing was her story of a visit to a remote Republic in the Soviet Union where she was actually mistaken for the 'Iron Lady': an error she did not have the heart to dispel.

David Hand, in a story of scientific fraud, recounted how one perpetrator had pursued his conduct to win wealth which was then expended in purchasing expensive exotic sausages. Surely a novel motivation for statistical misconduct.

My question of Francis Zwiers as to the meaning of "forcings" was but one illustration of the tendency of each specialty to indulge in its own jargon. I declared the word to be of old Norwegian origin, at least in its pronunciation. Of course, lawyers are never guilty of jargon.

Chris Barrett, when he told Agnes Herzberg of the loss of his jacket on the way to the conference was met only with modest sympathy and the expression of the hope that he had also lost his computer and PowerPoint slides. But he had not. Alan Merry, on the other hand, could not retrieve his slides for his presentation, showing once again the enormous power that Dr Herzberg wields over cyberspace in the Castle.

Lewis Wolpert (University College, London) spoke of the charming attributes of suicide (its cheapness and frustration of legal prosecution) whilst making a good point concerning the human right to make final informed decisions over personal existence. Peter Milliken, rather surprisingly, urged that Canadian Parliamentary procedures should return to assigning the power to select questioners, to the Speaker, whose province it traditionally was.

Mary Thompson raised a smile when she declared that she had been forced to search the internet for a long time to find a photograph of a Canadian statistician at work. But the best humour of the XVIII Conference was offered, once again, by Frank Berkshire. His efforts this year ranged from his citation of Tom Stoppard who thought “media” was a convention of spiritualists; his description of *PowerPoint* as ‘weapons of mass distortion’; and his sombre reminder to us all: “You are only old once”.

Gerald van Belle declared that Agnes Herzberg was so precious that she should be cloned into three versions of herself. Certainly, it is astonishing what she and her team can do to organise these conferences. The gentle ambience of the conference dinner with its civilised address over fine wine and food and the uplifting performance at the concert given the next evening by Gerald Finley (a Canadian baritone) with Julius Drake (a noted pianist) showed once again that magic is possible when good minds secure the stimulus of fine artists. The encore rendition of “The Green Eyed Dragon” by Gerald Finley, took me back to the days of childhood when my father would sing that song to me in admonition. The dragon, I was assured, was coming after:

“... Puppy dogs, little boys and big fat snails”

It was rumoured that Gerald Finley once sang that song at Carnegie Hall, specially for Agnes Herzberg. In April 2013 in times of history and reflection, he sang it for us at the Castle. For me, it was a reminder of my father, who died unwillingly, with all his mental capacities, little more than a year ago. We do well to nurture and share our mental gifts. For the great lesson of Herstmonceux is that those who give their precious thoughts, receive great treasures in return.

To our colleagues, to the organisers and above all to Agnes Herzberg and her co-workers, we, the *alumni* of 2013, give our grateful thanks. We return to our homes. In our minds will be the memories of big ideas, of sunny days with daffodils as Spring burst forth in this Hemisphere; of the congenial friendships of the Castle; and of poetry, science and song.