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TO THE BEAT OF ONE DRUM?

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The Hon Mr Justice M D Kirby CMG
Chairman of the Australian Law Reform Commission

DIVERSITY IS MESSY

Reformers, whether they come in the fields of education, religion, social policy or politics, tend to be troublesome people. Law reformers are no exception.

I have noticed lately a number of suggestions that we should move towards greater 'consensus' in Australia. Such suggestions are often coupled with criticism of politicians for their tendency to divide society. Sometimes the religious cry 'reconciliation' is used. Sometimes there is talk of 'national goals and directions'. For example, a whole conference is being organised to identify Australia's national goals and directions. Papers prepared in the context of the development of our national multicultural policy urge the identification of 'fundamental and basic national policies', to which all Australians should subscribe. In the context of the celebrations for the Australian Bicentenary, moves are afoot to develop a statement of the basic principles of the Australian community. In short, attempts are being made, by well-meaning people, to identify and define the 'basic goals' of the Australian community. It is this attempt, sincere and well intentioned though it may be, that I propose to question.

Put shortly, it is my thesis that, although diversity is messy, there are dangers in any effort to define too closely the national goals and directions of our country. Either we will, in doing so, fall into the error of collecting an empty list of motherhood statements. Or, more dangerously, we could fall into the mistake of propounding a regime for a united society which is out of line with the diversity of individualism which we rightly cherish in Australia.

When I see programs which question whether there is too much political manoeuvring, I suddenly think of the societies where there is no political manoeuvring at all. Where I see a reference to the need for greater national unity, I immediately call to mind the unhappy examples in recent (and even contemporary) history where there has been enthusiastic national unity to the great peril of mankind.

Diversity is messy. Individualism is, however, necessary for the adequate pursuit of spiritual and personal goals. This need not be a mindless individualism, indifferent to the quality of life of other individuals or of the community in aggregate. It need not be indifferent to justice in society, including for minority races and groups of people. It need not be unconcerned about Australia's place in the world. But voice reservations about a too enthusiastic endeavour to identify national goals and directions. In a free and individualistic society, it is important that there be diversity in perceptions of national goals and directions and a competition to win the opinion of the majority to favour one's perception of those goals and directions as against those proposed by others. Indeed, that is the very definition of democratic freedom as we know it. Furthermore, we must be wary of the thrilling calls for national unity. Those calls have done more damage and caused more pain, death and sorrowing in our century than they have been worth. The call for a society united in its respect for diversity I can understand. The call for a society that marches to the beat of a single drum is a call backwards to the dictatorships of the Left or Right that have been the blight of our time.

A PHILOSOPHY OF DIFFERENCE

With all the problems of Australia in the past decade or so, I do feel it is possible to say that we have, as a country, moved closer to acceptance of the philosophy of diversity. We see this in so many ways.

- * Women are nowadays allowed to be women's liberationists or Women Who Want to be Women. Discrimination laws and practices discourage stereotyping of women. But that is not to the exclusion of those women who want to pursue a domestic life at home and believe that a women's place is still in the home.
- * Multiculturalism is one of the most important developments of the past few decades. In place of the stereotyping of migrants as 'wogs' or 'refos', we now perceive the value in their differing cultures. We feel sufficient self-confidence in the Australian community to believe that we can accept difference and even revel in it and derive strength from it. I will develop this point below.

In religion, we have become more tolerant. In part, this may be because of the decline of the influence of religion in contemporary Australia. But it is also because of the reconciliation of Christian religions. They have not dropped the competition for souls. But they have dropped the bitter antagonisms and even hatreds of earlier times. I still remember the Protestant anxiety with which I listened to the radio program of the late Dr Rumble. I am afraid he condemned mere Anglicans, who had rejected the Roman Church, to eternal damnation. Nowadays, there is, even in this vital sphere, a tolerance of difference and diversity and an emphasis upon matters we have in common. The stereotyping of Catholics as lazy gamblers and of Protestants as hard-bitten merchants, is no longer accurate. In religion as in other things, stereotyping is being destroyed.

There is also the issue of sexual preference. The law in New South Wales on this subject, like the law of other States, is in a mess. Employers may not discriminate against homosexuals. Yet the criminal law still punishes homosexual conduct. Generally speaking, the Australian community has moved away from stigmatising people because of their sexual orientation, over which most have no control at all. We live in a more tolerant society where the stereotyped hatred of the past is being replaced by a self-confident acceptance of diversity and difference and the right of people to be themselves, so long as they do not unjustly harm others.

Finally, I would mention Aborigines. For most of my life the indigenous people of this continent, who had lived in harmony with nature and with each other, were ignored or treated with contempt and indifference by most Australians. Now, at last, by changes in the law and government policies, reinforcing changing community attitudes, a new era has begun. Aborigines, so profoundly damaged by our culture, are being allowed to be themselves and to rejoice in their unique culture.

All of these developments represent moves towards acceptance of the philosophy of difference. Until quite recently, Australian society was precisely the opposite. Unless a person were a white, Anglo-Celtic English-speaking preferably male individual, who drank beer and talked sport, he was denied full membership of the 'Australian club'. It is only in the past 20 years or so that the acceptability of this stereotype has come under challenge. In part, the challenge is itself an outgrowth of the large post-War immigration program, with the consequent impossibility of imposing such a simple classification on a society which was increasingly seen to be more varied. In part, it is the outgrowth of the new media of communications which bring into the livingrooms of the nation, variety and

difference. In part, the decline of this stereotype can be traced to intellectual movements of revolt which probably grew out of the general prosperity that followed the Second World War, in which prosperity, liberal causes could flourish. In part, the restiveness of the 1960's, the development of alternative lifestyles, resistance to war and the growth in appreciation of the environment, of historical buildings and so on explain the enhanced toleration of personal difference and variety.

It is important that, in any effort to define our national goals and directions, we should not lapse back into an effort unjustly and oppressively to impose the goals and directions, even of the majority community, on minorities. Movements towards diversity which I have mentioned above must be seen in the wider context of tolerance of difference within Australia. This is a very important movement and the more we talk about it, the more we will understand and embrace it. A willingness to tolerate variety, lack of conformity and variance from stereotypes is relatively new in Australia. Multiculturalism, for example, is but one facet of the diamond. But this is the climate and the environment in which diversity can flourish in Australia. Diversity will be placed on a much firmer foundation if it is seen in this wider context than if it is merely perceived as a few tinkering changes with Australian laws and practices about this or that specific topic. Our modern concern with the position of women in today's society, with the position of non English-speaking people, with the unemployed, the intellectually handicapped, homosexuals, Aborigines and any other groups who form a minority — this concern is one founded on an acceptance that national goals and directions must make due allowance for the position of minorities, not seeking to regiment and oppress them within goals defined to suit the majority.

We are, I believe, seeking to build in Australia a kindlier society. At least within certain limits, we are letting people be themselves and realising that this does not undermine the necessary minimum of the political stability of society. On the contrary, it may even reinforce that stability because the result is a more contented, less artificial, more tolerant and less oppressive society.

A UNITED SOCIETY?

I have already expressed my reservations about any effort to build a 'united society' if that effort involves the reduction of the tolerant acceptance of variety and difference. For example, efforts to define an Australian identity by reference to such idiosyncratic features as a 'laconic sense of humour', a 'dislike of tall poppies', etc. might themselves contribute to the perpetuation or even revival of stereotypes. I

realise that the creation of a united society is an obsessive concern in some quarters. But it has always seemed to me to be misguided. If the 20th century teaches mankind anything, it should be that narrow nationalism, an obsession about national identity, racial purity, social cohesion, community unity and so on, are potentially very destructive forces. With occasional exceptions, such as during times of war, Australians have tended to get by without too much examination of or concern about their national identity and without tarrying to try to define it or national unity too closely. In part, this can be explained historically by a fact which is often nowadays understated. I refer to the indisputable phenomenon that, until the 1960s, at least during the 20th Century, Australia was a decidedly British country. Its national identity was as a Dominion of the British Empire around which its national unity coalesced. In such a situation, close attention to local cultural or individual factors was seen by many Australians to be provincial or irrelevant. Such was the power of the British Empire (real or perceived) in the first half of this century that it was a matter of pride and loyalty for most Australians (notable exceptions apart) to be part of that international identity. Identification with the Empire and with Britishness relieved Australians from the necessity to define more closely the features of difference which marked Australia out from other parts of the British Dominions. I realise that this historical fact is uncomfortable for many modern Australian nationalists. It is a source of embarrassment to many current Australian historians who search amongst the embers of the past for exceptions and local patriots. But even in the lifetime of people of middle age in Australia today, it is within their memory. What I now want to question is whether in post imperial Australia we should expend a great deal of effort seeking to define the features of the Australian national identity or aspects of national unity. It is at least open to argument that Australia, as a community with greater variety of ethnic membership than any other on Earth, is itself a microcosm of the future world order. It is my view that this approach should be preferred. We should be very wary about calls for the diminution of entirely legitimate divisions within society and for the creation of national unity. World unity -- the unity of mankind -- is a much more legitimate goal today.

Nationalism, patriotism, provincial concentration on national identity and unity may be seen by future centuries to be on the wane at the close of this century. I should not want feelings of defensiveness about multiculturalism in Australia, for example, to force the Australian community, against its past traditions, into too active a concern to define features of local national identity and national unity. In other words, multiculturalism and tolerance of individual difference in Australia may actually be

pointing the way for the future of mankind. That way may involve less coherence, less racial purity, less stereotyped national unity (comfortable and thrilling as all of these can sometimes be). It may, on the contrary, involve much vaguer national identity and a much greater willingness to accept variety and difference even within the one political unit. It may even involve what has been called 'a zest for differences' - a 'community not of sameness but of differences'. It is at least possible that in the age of nuclear weaponry, we cannot afford the luxury of sharply defined national identities. It is possible that a country of continental size and ethnic variety such as Australia can give a lead to countries of the world which still hold to a tight national identity. I am suspicious of looking backward to narrow nationalism. But I am afraid that that is what, all too often, calls for a united society and well defined national goals and directions has descended into.

CONCLUSIONS

This paper has not been written just to provoke. Many people in Australia are fiercely critical of our politicians and parliaments. They are tired of the differences and yearn for consensus and national unity. Doubtless we have had too much divisiveness. There may well be more things upon which we are or could be united. We are still in many ways a lucky country and our media does tend, by its traditions and technology, to play up to and dramatise points of difference and disunity.

But we should count our blessings. They include, amongst the most important, the blessing of the right to differ. They include the absence of sharply defined national goals which oppress the spirit and the will of individuals. They include parliaments through which we can (and do from time to time) change our governments and render our leaders and their public servants accountable to us. They include the right of every individual, through the political process and through free speech and the free flow of ideas, to make a contribution to the direction of the country.

We must beware of seeking to sink all differences in bland consensus about everything. And we must be equally chary of calls for defined national goals to which we must all subscribe and which do not make adequate allowance for the precious gift of intellectual freedom and the right peacefully but emphatically to differ.

By all means let us pursue a just society, a higher quality of life, a greater place for Australia in the world and deeper community reflection about purposes of life and our obligations during our lives. But let us beware of those who would have us march to the beat of a single drum. National goals and directions, if defined at all, must make plenty of allowance for individual variety and diversity. The last man who defined national goals and directions briefly did so in words that should never be forgotten: 'Ein Reich, Ein Volk, Ein Führer'. The warning of our recent history stands before us. We must not be condemned to relive the mistakes of the past. We should learn from them. And we should cherish the right to differ and to compete for the good opinion of society about our points of difference.