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THE GRAND LODGE OF ANTIENT, FREE AND ACCEPTED MASON:
OF SOUTH AUSTRALIA
GRAND LODGE CENTENARY
CENTENARY CONFERENCE, 13 APRIL 1984

UNITING THE COMMUNITY
AUSTRALIA'S MID-LIFE CRISIS

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The Hon Justice MD Kirby CMG *

Chairman of the Australian Law Reform Commission

THE THINGS THAT UNITED

In Adelaide, indeed throughout Australia and the Old Empire, it is not difficult to see the symbols of the things that once united us. It is same in Sydney. It is the same in Simla. They are to be found in Harare (once Salisbury). They are there in Winnipeg, Bermuda and Rangoon.

Government House is still surrounded by a lovely garden. The guards still snap to attention as you enter. Indeed, in Australia, the Union Jack still flies over most of these Vice-Regal residences. Elsewhere, a President or, sadly, a self-appointed military 'guardian' occupies the rooms where once the Sovereign's representatives moved with fastidious ease.

The flagpole is still to be seen at the entrance of Government House. But Australians have never had the same attachment to the flag that their American cousins enjoy. Perhaps this is because we are a more diffident people. Perhaps it is because the Americans, lacking the physical reality of a human sovereign, have had to create more tangible symbols of unity : the flag, the Constitution, the Bill of Rights, the Declaration of Independence, the Congress, the Memorials.

If you look at our memorials, you will see on them the inscription, carved in stone not 70 years ago : 'For God, King and Country'. These were the things that united. Throughout the Old Empire, they were our symbols. But they had a special relevance in

Australia because we were the white cousins of one of the indubitably leading people of the earth. We were bound together by a generally accepted Christian faith. God, we were assured, was an Englishman. Certainly, he seemed to pay special attention to Anglican prayers offered up in Evensong. How else would you explain the fact that a quarter of the world's land surface, a quarter of the world's population and most of the oceans of the earth paid tribute to the English sovereign? These rainy islands off the coast of Europe, had produced navigators and traders who had taken the flag to dark and unknown continents. They were brave men and women. Even in my youth the school map was still dazzling in its crimson colours. We honoured God and served the King.

God. King. Country, it will be noted came third. In this hierarchy of loyalties the Almighty nudged the King aside. But the country came distinctly third in the race. And in Australia there was, from the start, a certain ambivalence about what the 'country' was. If it was Australia, the adopted land of the early settlers, why did the Union Jack fly everywhere? Even in my boyhood, at school in Sydney in the 1950s, we turned every Thursday at assembly to salute the flag. And the flag was the Union Jack. The 'country' we served was not a separate image of Australia — entire and distinct — but an image of Australia as part of a far-flung Empire, presided over by the King and almost certainly with the support of God. How else could this remarkable imperial phenomenon be explained, if it was not by divine providence?

There were always, of course, critics in Australia of these symbols of unity. Peter Lalor at Eureka Stockade, Ned Kelly, the Republicans in the Bulletin, the Anti-conscriptionists in the First World War. But certainly until the war in the Pacific, when our homeland came under direct threat, the majority of Australians were united as a white, British people in charge of a huge and nearly empty continent, spread wafer thin around the coast and clustering in a few cities on the edge of the great inland desert. They answered the call of the King and of the 'home' across the water. It took the events of Pearl Harbour, the Coral Sea, the Second War and its consequences to shake these seemingly eternal verities.

Against Churchill's wishes, Curtin brought the troops home to fight for the country — Australia. A separate foreign service sprang into life to forge a relationship with the United States. New alliances were made. New perceptions of potential enemies began to dawn. In the aftermath of the War, a desperate effort was made — partly for humanitarian reasons and partly because of the fear that emptiness might invite future dangers — to bring in a new type of migrant. They were not British. If they were Christian, and many were not, they were almost never Anglican. They spoke little English. They were often displaced, harkening to their 'home' which was more likely to be Poland or Italy than England or Scotland. For a time, through the golden years of economic

boom, hard questions could be avoided. But increasingly in the anxious decade of the 70s those questions were raised. What are the ties that bind the Australian people today?

Is it Christianity? The Census¹ shows that 78% still declare allegiance to a Christian religion. But 11% declared themselves agnostic and 11% failed to answer this question. The non-religious proportion of Australia is the fastest-growing sector of the community. The numbers of non-Christians — whether Moslems from the Middle East or Buddhists from Asia continues to increase. Professor Hans Mol² has said that Australia is the 'most secular' nation on earth. Church attendances are falling. Even in the Roman Catholic Church, so well disciplined until this generation, the evidence suggests that the Church's teaching on contraception is not being observed. The Church's traditions on divorce are being ignored. God, as a symbol of unity, at least as represented by the organised Churches — seems to be coming in for hard times. The humanists are legion. They are not unkindly or inprincipled people. They simply do not believe in God.

What about the King — now the Queen? In 1973, with Her Majesty's permission, Mr Whitlam announced an important change in the Queen's style and title. Henceforth she was to be the Queen of Australia. Significantly, her title was no longer to include, in Australia, 'Defender of the Faith'. In the view of Mr Whitlam, who confesses his lapse, Australia was a secular country. The Constitution guarantees it.³ So Henry VIII's proud title was dropped.

There is no point mincing words. The events of November 1975 did great damage to the cause of monarchy in Australia. It is not for me to blame anyone. I simply state a fact. Many people in the younger generation were incredulous that a democracy could permit an unelected, appointed person (who happened to represent the Sovereign) to dismiss an elected Government. Lawyers could understand how it happened. Many citizens could not. Even some lawyers questioned the apparent lack of candour on the part of the Vice-Regal representative in his dealings with the elected Prime Minister. This is an old wound, happily now healing somewhat. We have been fortunate in Sir Zelman Cowen and Sir Ninian Stephen to have, as Governors-General, two Australians who have worked hard to restore the office. Some of their efforts rub off to the advantage of the Australian monarchy. But the events of 1975 left a firm and committed minority, shaken in the view that the monarchy was a symbol of unity. To them, the monarchy became an antique and ideosyncratically powerful instrument for division. The republican cause in Australia was given an enormous fillip. Successive opinion polls have shown a steady majority in favour of the monarchy. Normally it is shown as more than two-thirds of the people. But monarchy is no longer the force that once it was to unite Australians. We can see

evidence of this. The Crown, I understand, is being removed from the front of Australian passports. The oath of allegiance which new citizens take will no longer be to the Queen but to Australia and its Constitution. God save the Queen is no longer our Anthem — as from this very week. Knighthoods are out — those quaint anachronisms. The Prime Minister, like Mr Whitlam, is not the 'Right Honourable' because he has abjured appointment to the Queen's Privy Council. The republicans are still distinctly in the minority. But they are more determined, more vocal and, since November 1975, more vigorous in our land.⁴ They face a seemingly impossible task to amend the Constitution to remove the Crown. Yet it must never be forgotten that only a century ago, when the opening of the Sydney/Melbourne rail link was being celebrated, commentators were then speaking of the 'far-off divine event' that would be an Australian Federation. History showed that political affairs moved quickly so that, within 18 years, the Commonwealth of Australia became a reality.⁵ Great changes can sometimes happen quickly.

So much for God and King. What of country? The last remnants of the British Empire are now being tidied up. By the turn of the century there will hardly be an island dot on the map still coloured crimson. Perhaps the Falklands Islands will be so. But the enormous cost of defending a handful of kelpers will doubtless ultimately persuade some British Government to negotiate for an 'honourable' settlement with Argentina. The messy business of removal from Hong Kong will be done with. On the centenary of Queen Victoria's Diamond Jubilee in 1997, there will be little left of the power of the British Empire. Most of us in this room have lived through its remarkable dismantlement. It has been as profound as it has been peaceful. It was not entirely voluntary but mainly so. It is idle to speculate on what might have happened but for the Second World War, the loss of British treasure and manpower and the insistence of the United States that Empire must go.

Certainly the consequence is that Australia and New Zealand are left as two English-speaking countries, still basically European in ethnicity and culture, in a non-European part of the world. The 'country' is now us. The Fleet has gone home. We are even told, admittedly in leaked documents, that the ANZUS pact is not a sure substitute. The last vestiges of our imperial connections are being removed. Privy Council appeals will soon come to a final end. State Governors will no longer get their commissions from Whitehall. 'British subjects' will no longer have the right and duty to vote in our elections — unless they are Australian citizens. There is much evidence that we are coming to terms with our place in the world. Our trading and intellectual links are increasingly with our region. Mr Hayden predicts that, in the long run, our White Australia policy will melt to the development of a Eurasian community of 50 million people. Another eternal verity with which the majority of Australians today grew up is shattered.

THE THINGS THAT DIVIDE

So this is Australia 1984. The most secular country on earth? Certainly a country still profoundly influenced by the Judeo-Christian traditions. But no longer a country clustering around organised religion. If there is still a belief in God, it is now a very private matter. And even this is probably in decline. Secularism and humanism are no longer dirty words. They represent an alternative framework for moral decisions. The belief that God was an Englishman is now doubted. Indeed, some even claim that God is not a man at all; but a woman! The monarchy survives because it is there in the Constitution. It is difficult to remove and even opponents of this remarkable historical institution have to acknowledge the high professionalism of the Queen. But though I am a monarchist myself, I cannot in truth say that this institution unites us as it did, say, in 1954. For some it is even a divisive institution — just as for the majority it is divisive to question it.

As for the country, there are things that divide:

- . There is the division about the Constitution and whether it is adequate to our needs today. Senator Evans has called for an entirely new Australian Constitution by 1988. Yet Mr Fraser described that as one of the 'most divisive' proposals that could be made. What is the other evidence of division?
- . We are divided about the flag. Sir James Hardy was forced to withdraw from the Ausflag Committee by pressure, including from the RSL. Personally, I do not favour change of the flag. But I think it is a sad day, in a free society, when economic pressure is applied to discourage genuine debate in our country.
- . We are divided about a Bill of Rights. The Cabinet has now postponed this Federal initiative. Some see it as an endeavour to put the things that unite us above the political debate. But others see it as a divisive transfer of power from elected politicians to unelected judges.
- . We are divided about the environment. The Franklin River dam was a vivid illustration of the competition in values between those who would preserve our natural heritage and those who urge the highest priority to economic development and job creation.
- . We are divided on employment. The endemic problem of youth unemployment eludes easy resolution. Yet our educational retention is less than half that of Japan and the United States. We are breeding an enormous long-term social problem unless we can adjust our social values to the realities of increased, enforced leisure and high levels of unemployment.

- . We are divided about migration policy. Professor Blainey's recent warning about community tolerance to ethnic change obviously struck a deep chord. Yet one of the lasting achievements of the Fraser Government may prove to be its embrace of principle of multiculturalism, so forcefully advocated by Mr Fraser and Mr Macphee and now by Mr Hawke and Mr West. Yet we would be deceiving ourselves if we were to say that Australians unite around this principle of ethnic and cultural diversity. Most Australians probably still adhere to notions of assimilation and integration. It takes a while for long-established attitudes to adjust to a radical new philosophy of diversity and tolerance.
- . We are divided about policies on Aboriginal affairs. Yet again, one of the reassuring features of government in Australia since the 1967 referendum has been the endeavour of successive Federal ministries to lead our country to a new and fairer accord with the indigenous people of this continent. They lived here in harmony with nature for more than 40 000 years before we came. Much has been accomplished in 17 years. But much remains to be done. It cannot be assumed that Australians acknowledge wholeheartedly the need to right the old wrongs of earlier generations. Many do not see that it is their obligation to act now with correctives to the disruptive impact of our civilisation on that of the Aboriginal people who were here before us.
- . We are divided about uranium. We differ about national and multinational companies. We are ambivalent about the American alliance. We are divided about equal opportunity. We differ on antidiscrimination — on women's rights, gay rights, the rights of the ageing. We divide into our neat political groupings and our religious denominations. We differ about industrial relations, though most will condemn industrial violence. Individually, we differ passionately about legal reform cigarette advertising, the Tasmanian Dams decision, State rights, tax avoidance, football teams and retrospective laws. The custody of children on the breakup of marriages, the Chamberlain case. The list is endless.

BUT DOES IT MATTER?

If I was invited here to present a magical solution for all these differences, then you have asked me in vain. There are some who urge that a general solution is the restoration of the acceptance of Parliament as the palladium of the people.⁶ Yet the erosion of the power of our democratic assemblies has surely now gone too far. Parliament has lost power to the Executive Government. The Executive Government, in turn, has lost power to the Prime Minister and to the judiciary. I will do nothing to damage the parliamentary institution. But there would be few in Australia who would believe that Parliament will now unite the community. The teams into which we

divide the players tend to polarise the community. By over-simplifying divisions and concentrating on divisive issues, Parliament is now an unlikely candidate for unity.

Is there hope in the new spirit of national consensus and reconciliation? Certainly, we have been through a decade of strong divisions in Australian society. There seems to be less divisiveness now. The prices and incomes accord has been relatively stable and enduring. The institutions of consensus are, notably enough, outside the Parliament. The ad hoc Summit has given way to EPAC and other new institutions to reinforce the consensus. In the wake of so much divisiveness, the nation seems to have responded well to the call for consensus. On many issues we are now out of the bunkers. There is discussion, dialogue and institutions to help the process along.

The Law Reform Commission itself contributes to the process. Governments of any political persuasion can refer to the Commission matters of the highest complexity and controversy. They can do so in the sure knowledge that we will consult all the experts, all the lobbies and a wide cross section of the community. We will endeavour to find common ground and identify important policy choices where commonality is elusive or even undesirable. Institutions of this kind are needed lest divisive issues are continuously put to one side as too difficult or potentially damaging to the political prospects of politicians in marginal seats faced by single interest political groups.

For all that, I would not wish to see the philosophy of consensus over-reach itself. The special mark of a free society is the privilege of difference. I am not talking of unconstructive difference which causes pain and injustice to fellow human beings. Difference of that kind, we must seek to resolve through individuals and institutions that promote consensus, or at least the resolution of hard questions. The sharpening of differences and the identification of consensus is the role of our accountable political process. The danger of consensus, if pushed too far (as if it were a national philosophy) is that it may sometimes come to obscure legitimate differences. It may sometimes hide important conflicts of principle behind vague, bland words of apparent agreement. It may sometimes suppress strongly held views, lest expressing them reveal a person out of line with the 'great majority'. Holding different opinions, and fighting courageously for the support of the community upon conflicting ideas, is the very essence of what it is to be free. There is no such privilege in the shabby dictatorships that rule the majority of our fellow human creatures. It is a precious liberty. We should preserve in Australia. We should beware of consensus that suppresses important conflicts.

So my conclusion is that Australia is in its mid-life crisis as a nation. The pillars of the old consensus — God, King and Country — are still there. But they are no longer enough. Humanists reject God. Republicans reject the Queen. Internationalists, in this dangerous nuclear age, reject Country. What will we put in the place of these things? Perhaps a new consensus will be forged. Perhaps we are seeing the process at work at this time. But we should at least reflect upon the possibility that the strong differences that exist in our national middle age are signs of a healthy and mature society living at a high level of freedom. If the 20th century has taught us anything, it should surely be that you can unite a country but sometimes at too high a price. By all means we should seek dialogue so that things in common can be established. But we should not be too embarrassed by differences. And we should certainly not endeavour to suppress them when they are important. That way lies the Corporate State. It is a social philosophy inimical to individual freedom and the progress of ideas.

The winds of change that swept away our Empire have become a tempest. That tempest will blow even through the Masonic Temples. The Masons of Australia should contribute to uniting our community. But they should remember that freedom includes also the right to differ — to differ peacefully, to differ vigorously, to differ constructively, to differ cussedly, to differ passionately. Diversity is the badge of freedom. We should never be embarrassed to proclaim its message.

FOOTNOTES

- * The views expressed are personal views only.
1. See Australian Bureau of Statistics, 1976 Census, 'Population and Dwellings'. Cross-classified table (CAT No 2426.0). According to the 1976 Census, 10.6 million people in Australia or 78.6% of the population indicated membership of a Christian denomination. 11.1 million or 76.4% so indicated in the 1981 Census. The responses stating 'no religion' were 1.1 million or 8.3% (1976) and 1.57 million or 10.6% (1981). Of those who did not respond to the question, 1.6 million or 11.8% (1976) and 1.59 million or 11.4% (1981). Approximately 1% were listed as non-Christian in 1976. In 1981 this had grown to 1.4%.
 2. Professor Hans Mol, 'Australia — the secular society' in The Leader, 25 March 1984, 12.
 3. Australian Constitution, s 116.
 4. D Horne, 'What Kind of Head of State?' in S Encell & Ors (eds), 'Change the Rules!', Penguin, 1977, 66, 70.
 5. DN Perry, 'New Zealand : A "New State" Under s 121 of the Commonwealth Constitution?', mimeo, 1983, Monash University, p 7. See J Quick & R Garran, 'Annotated Constitution of the Australian Commonwealth', 1901, 109.
 6. G Reid, 'Judicial Imperialism' in Quadrant, Jan-Feb 1980, 5.