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**I Was Only Following Orders:
When to Speak Up, When to Pull Out, When to Shut Up**

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Presentation by

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Natasha Cica:

Thank you so much, Carol and Denis, for giving me the opportunity to be here. It's a great privilege to address so many of you.

As Carol said, currently I work in a university. I also currently have a lofty sounding academic title. Both these things mean that when I'm asked by people outside the university to speak publicly, they often expect or assume I will serve up a solid dose of theory and abstraction, in a way that has no obvious or useful connection to the challenges faced by ordinary people in everyday life, or indeed in situations of exceptional challenge and unusual difficulty. At the risk of repeatedly ensuring disappointment, I always try not to do this – for three reasons.

First, abstraction and disconnection are not my job. As the director of the Inglis Clark Centre at the university, my work ranges across the faculties and business units of the University of Tasmania. As Carol mentioned, my brief is to improve our community engagement and thought leadership initiatives.

Key to this, of course, is developing partnerships with people in government, in professional bodies, in industry, in philanthropy, the NGO sector and the community sectors – all people I enjoy meeting and talking with.

I will start with some background about Andrew Inglis Clark, after whom the Inglis Clark Centre is named. Because outside Tasmania not very many people know about him – indeed, too few people inside Tasmania seem to know about Inglis Clark, and if I had to pick one mission it might be that every Tasmanian school child, by the time they are six years old, will one day be taught about him.

Andrew Inglis Clark was a nineteenth century Tasmanian democrat and a polymath. His lovely home Rosebank still stands in Battery Point in Hobart, not so far from the still male-members-only Tasmanian Club, where his portrait still hangs today.

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Inglis Clark was an engineer. He was a lawyer. He was a parliamentarian and essayist and an enthusiastic poet. He was also an early Vice-Chancellor of the University of Tasmania and one of the founding fathers and key drafters of the Australian Constitution.

He advocated, unfashionably, for the inclusion of some kind of bill of rights in our Constitution – partly because he was strongly influenced by ideals of American Republicanism.

Unusually for a nineteenth century gentleman, Andrew Inglis Clark travelled to America to talk with leading movers and shakers. These included jurist Oliver Wendell Holmes, with whom he maintained a correspondence, and also leading American feminists, in whom he seems to have been interested because he had an intelligent wife whose company he enjoyed.

Along with South Australian woman Catherine Helen Spence and the Englishman Thomas Hare, Andrew Inglis Clarke was one the brains behind the system of proportional representation via a single transferrable vote which, since the early twentieth century, has governed state elections in Tasmania and which we later exported to the Republic of Ireland, Malta and the Australian Capital Territory, curse us as they may.

According to political scientist Judith Homeshaw, Tasmania's Hare-Clark system – named after Andrew Inglis Clark and Thomas Hare, but not Helen Spence – was supported by Inglis Clark to overcome corruption, to allow equity in representation and, less successfully for a while, the enfranchisement of women.

Few people, even academics, fully understand the intricacies of the operation of the Hare-Clark and I do not pretend to be one of them. But Judith Homeshaw does and she says this:

It was chosen by the people of Tasmania as the electoral instrument which most closely reflects public opinion and choice. Its adoption was controversial and has remained so. Its defenders see it as the closest that any electoral system has come to pure democracy. Its detractors deride it as encouraging regionalism, party factionalism and unstable government.

Sound familiar?

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It's said that most voters favour Hare-Clark, and most political parties continually advocate its replacement with a system which produces 'stronger' government.

To electors, the Hare-Clark system delivers the capacity to vote for people regardless of party affiliation or how parties think candidates should be rated. As I see it, electors in Tasmania do cling tenaciously to its original principles of fairness and choice – the *people's* choice. Perhaps today's talk should be renamed *The People's Choice*.

So that's the first reason why I don't hyper-abstract.

The second reason why I lean against abstraction is that before working in the university sector, I worked in a range of other jobs, as Carol has flagged. What she missed was I started my working life working as a check-out operator in a supermarket when I was at school, then part time in a range of clerical roles to support myself through university. These jobs taught me important things about service and perceptions of status.

After university I worked as a corporate lawyer, which taught me really useful things about the structures of power and argument. Law, power and argument eventually led me to a job in a parliamentary department in Canberra advising Federal parliamentarians in an independent and non-partisan way. We worked for the Parliament, not for the government of the day. That taught me useful things about independence and impartiality.

I was seconded to two parliamentarians when I was in that role, first to the staff of Petro Georgiou when he was the Liberal Member for Kooyong. I worked for him in 2000 supporting principled opposition to the mandatory sentencing laws then in operation in the Northern Territory, under which an imprisoned Indigenous teenage boy had suicided.

The following year I was again seconded from the parliamentary department, this time to Duncan Kerr who was the Labor Member for Denison, and Shadow Minister for Justice and Customs. That year was 2001. Many of you in this room will remember that 2001 was a very difficult time in Australia, particularly in relation to the questions about our national approach to asylum seekers, which aroused considerable controversy. This included questions about conditions in Woomera detention centre, which I visited with a parliamentary delegation in

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mid-2001. It remains the day in my life where I have been most ashamed of being an Australian, an identity I'd never associated with negative emotions up to that point.

The source of that shame was that I believe very strongly in our need and obligation to do a better job in the way we treat asylum seekers.

My response to that reaction on my own part was to work to try and craft – and indeed ‘sell’ – to the then-party leadership a more humane asylum seeker policy predicated around getting children out of immigration detention, with their carers, and also on making the security assessments done by ASIO as efficient and effective as possible.

We nearly got that one over the line, but then the Tampa sailed in. Overnight my job turned from trying to move the Labor Party, as a ‘hired gun’ policy and media adviser, to what I considered to be a better, decent and more humane place, to publicly defending the Labor Party’s evolving position on Tampa. I very frequently disagreed with the lines the leadership was endorsing, lines it was my job to be ‘selling’ to the media and the wider public.

A difficult year got ever worse for a whole lot of people when on 11 September 2001 the twin towers were destroyed in a heinous terrorist attack. The Justice portfolio also included responding to the national security crisis which followed.

Returning to the blurb advertising my talk today: *“Few of us can escape some sort of chain of command and uncomfortable situations challenging our understanding of what’s right and wrong. Where should we draw the line? How do we know when to speak up, when to pull up, when to shut up?”* They’re great questions.

Today I look back on 2001, in particular, and the Tampa episode, and the range of uncomfortable situations it presented. Speaking very frankly to you, my only regret is I didn’t speak up more.

I did eventually pull out of that job – because I wanted to speak up more. I couldn’t do that as a public servant, which I still was, nor as a member of anyone’s political staff.

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Which leads me to the third reason why I prefer not to abstract and disconnect from people.

My coalface experience through the Tampa episode, in particular, was a kind of moral crucible in terms of considering better ways of examining applied questions about right and wrong, line drawing, speaking up and pulling out.

That experience didn't break my faith in working inside the tents of parliaments and the tents of political parties – but it did make me realise that those efforts wouldn't and couldn't work unless they were really connected with and to the people outside those tents, and to their options and choices.

All that experience showed me that theoretical and professional abstraction is only useful, as I see it, if it's in regular exchange and dialogue with 'on-the-ground' application.

For me, having thought and wondered and pondered and done a whole lot of things that didn't work and some that did work quite well, and some that were somewhere in between, for me storytelling – especially storytelling which encourages reflection in people – has become a much bigger part of what I do. I'm not so interested anymore in didactic or lecture-style argument.

I do this storytelling in a range of places. I do it, where possible, in the mainstream media. I do it in university classrooms, professional development sessions, at conferences, on the speaking circuit. I do it through social media and I do it in more intimate conversations.

Most satisfyingly, I've done it in my first book, *Pedder Dreaming*, which was published last year. The book tells a story of a Lithuanian émigré. He was a resistance fighter against the Nazis and the Soviets in World War II, and his name was Olegas Truchanas.

He arrived in Tasmania as a refugee in the late 1940s after spending time in displaced persons' camps in Germany and in Bonegilla at Albury-Wodonga. In Tasmania, Olegas met and married a local woman, built a home, which later burnt down in the 1967 bushfires, had three children, and became a wilderness photographer.

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He also befriended a circle of Tasmanian watercolour artists, the oldest of whom, Max Angus, is today almost 98 years old. That circle of watercolour painters, including Max, Patricia Giles and Elspeth Vaughan, has painted together almost every Sunday for the past 50 years.

With them, Olegas worked to save an exquisite glacial lake with pink sands in south-west Tasmania, Lake Pedder, from inundation by a hydro-electric scheme in the 1970s. They failed to save the lake, and indeed Olegas himself drowned prematurely and tragically in an accident on one of Tasmania's wild rivers before he was 50 years old.

Yet his and their remarkable legacy was to open a sense of possibility in people in terms of dreaming, doing and democracy in Tasmania and beyond. That's the story in my book.

Olegas and the Tasmanian artists were individuals who came together to stop something they considered to be wrong. Others disagreed. But they drew a line, they spoke out. They came together to be actors in civil society. You can nitpick about theoretical definitions of civil society all you want, but to my mind it simply means un-coerced action around shared values. Civil society experts from the London School of Economics have explained this more fully –

Civil Society is the arena of un-coerced collective action around shared interests, purposes and values. In theory its institutional forms are distinct from those of the state, family and market; though in practice the boundaries between state, civil society, family and market are often complex, blurred, negotiated and evolving. Civil society commonly embraces a diversity of spaces, actors and institutional forms, varying in their degree of formality, autonomy and power.

Back to Olegas and his collaborators. Their actions weren't political with a capital "P", as we'd understand it today, but they were part of action in civil society which led to the formation of the world's first Greens political party in Tasmania in 1972 – and in turn to the subsequent saving of the Franklin River, the election of Greens parliamentarian Bob Brown, and more.

How did they make this change? They did it through their art and a kind of storytelling. Quoting from my book:

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By 1971, the Hydro's Pedder scheme was proceeding apace ... Olegas was a Hydro employee and had visited Lake Pedder over thirty times on his various expeditions to the south-west ... between April and July 1971, he presented a slideshow called 'Tasmania's Unique South-West' to audiences in Hobart's town hall, featuring a montage of his photographs of the threatened lake.

Olegas worked with Ralph Hope-Johnstone, a friend and photographer who worked for the Hydro as an engineer ... Earlier, Ralph had been inspired by a visit to the Adelaide Festival in the 1960s, where he'd seen a performance featuring hand-operated audiovisual projectors by artist Stanislaus Ostoja Kotkowski ... two years later, Ralph had put his engineering skills to novel use to invent an automated device that faded images in and out between two slide projectors, at varying speeds to match recorded music on a triple-track recorder – 'Brigg Fair', by Delius.

According to art historian Tim Bonyhady, Olegas's eight town hall shows played to 4500 people, raising over one thousand dollars for charity and people were turned away at the door. The Mercury reported that 'something rare and strange' was happening in Hobart.

I'm really interested in that story – which may seem inconsequential today – in part because Olegas spoke out publicly, despite being an employee of the organisation that was proposing the project he opposed. When he did that, he was the only breadwinner in his family and had a wife and three children to support. Beyond that, he was also only ever employed on a temporary contract at the Hydro, because as a matter of principle he refused to become an Australian citizen while that meant swearing any kind of allegiance to Britain, because of his view that Winston Churchill had sold out his beloved Lithuania at the Yalta Conference.

I don't believe that many people would expose themselves in that kind of way, including risking their livelihood, to make a point of principle in contemporary Australian society.

Another point that's made almost in passing in the book is that the head of the Hydro, Sir Allan Knight, had enormous respect for Olegas – despite the public stance Olegas was taking against the scheme to flood Lake Pedder. In another episode of civil society around that time, all the artists had gone to Lake Pedder to make lovely photos, lovely art, and bring it back to Hobart

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to show the people of Tasmania what we were going to lose. They put on exhibitions of these paintings and photographs, to raise money for their cause.

Sir Allan Knight came to one of those exhibitions and asked Olegas which painting he should buy. The painting he bought, by Max Angus, is still in the Knight family and they very kindly allowed me to reproduce it in *Pedder Dreaming*.

So that's the story in my book. Its front story is about a refugee and a lake and some dreaming artists, and dreamy images. But there's a deeper back story.

That's all very lovely, you might think, but who really cares about a bunch of old Tasmanian painters, a dead Lithuanian refugee and a drowned lake? What do they have to do with bigger questions about right and wrong, the subjects of weightier moral tomes or the stuff of everyday life today here and now in contemporary Australia?

I plan to make that clearer in my next book. Meanwhile, I think we have to keep telling all kinds of stories about the choices real people make. I'll share some words from another story that I've not yet had the stomach to finish reading. It's a book called *The Kindly Ones* by Jonathan Littell and it was originally published in French in 2006. Here is a quotation from the dust jacket.

Oh my human brothers, let me tell you how it happened. So begins the chilling fictional memoir of Dr Maximilian Aue, a former Nazi officer who has reinvented himself many years after the war as a middle class family man and factory owner in France.

He's an intellectual, steeped in philosophy, literature and classical music. He's also a cold blooded assassin and a consummate bureaucrat.

Now I'll read from the actual book. This is from the mind of the fictional Dr Aue.

Another example, taken from the abundant historical literature rather than from my personal experience: the program for the destruction of severely handicapped and mentally ill Germans ...

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Here, the patients, selected within the framework of a legal process, were welcomed in a building by professional nurses, who registered them and undressed them; doctors examined them and led them into a sealed room; a worker administered the gas; others cleaned up; a policeman wrote up the death certificate.

Questioned after the war, each one of these people said: What me, guilty?

The nurse didn't kill anyone, she only undressed and calmed the patients, ordinary tasks in her profession. The doctor didn't kill anyone, either, he merely confirmed a diagnosis according to criteria established by higher authorities. The worker who opened the gas spigot, the man closest to the actual act of murder in both time and space, was fulfilling a technical function under the supervision of his superiors and doctors. The workers who cleaned out the room were performing a necessary sanitary job – and a highly repugnant one at that. The policeman was following his procedure, which is to record each death and certify that it has taken place without any violation of the laws in force.

So who is guilty?

Everyone, or no one?

Why should the worker assigned to the gas chamber be guiltier than the worker assigned to the boilers, the garden, the vehicles? The same goes for every facet of this immense enterprise. The railroad switchman, for instance, is he guilty of the death of the Jews he shunted toward the camp? He is a railroad employee who has been doing the same job for twenty years, he shunts trains according to a schedule, their cargo is none of his business. It's not his fault if these Jews are being transported from Point A, across his switches, to Point B, where they are to be killed. But this watchman plays a crucial role in the work of extermination: without him, the train of Jews cannot reach Point B.

The same goes for the civil servant in charge of requisitioning apartments for air-raid victims, the printer who prepares the deportation notices, the contractor who sells concrete or barbed wire to the SS, the supply office who delivers gasoline to an SP Teilkommando, and God up above, who permits all this.

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As I've indicated, Littell's remarkable book is a stomach-turning read. It prompts the very big question – how, today, can and should we interrogate all those people in that extract about telling the difference between right and wrong? Where should they have drawn the line, spoken up, pulled out?

It's easy to dwell on Nazi Germany, because it's so difficult to make any arguments about the right or the good in those situations that I've described. In hindsight, the lines do look shining bright.

Here's another fragment of a story for which I believe you also need a strong stomach. It's from another remarkable book. This one's by South African Albie Sachs, an anti-Apartheid activist who in the 1960s was imprisoned and exiled. He was also physically maimed by a car bomb planted by security agents. Sachs returned to his home country in the 1990s to support its transition to constitutional democracy, and serve as a judge on its new constitutional court.

You might have heard him speaking on Radio National recently about his book *The Strange Alchemy of Life and Law*, which interrogates many of these questions about right, wrong, drawing lines, speaking up and pulling out.

Here I'll read the book's introduction by South African artist Judith Mason. It's called *The Man Who Sang and the Woman Who Kept Silent*.

The work on the cover of this book commemorates the courage of Phila Ndwandwe and Harald Sefola whose deaths during the Struggle were described to the Truth and Reconciliation Commission by their killers.

Phila Ndwandwe was shot by the security police after being kept naked for weeks in an attempt to make her inform on her comrades. She preserved her dignity by making panties out of a blue plastic bag. This garment was found wrapped around her pelvis when she was exhumed. 'She simply would not talk,' one of the policemen involved in her death testified. 'God ... she was brave.'

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Harald Sefola was electrocuted with two comrades in a field outside Witbank. While waiting to die he requested to sing Nkosi Sikilel' i Afrika. His killer recalled, 'He was a very brave man who believed strongly in what he was doing.'

I wept when I read Phila's story, saying to myself, 'I wish I could make you a dress.' Acting on this childlike response, I collected discarded plastic blue bags that I sewed into a dress. On its skirt I painted this letter: 'Sister, a plastic bag may not be the whole armour of God, but you were wrestling with flesh and blood, and against powers, against the rulers of darkness, against spiritual wickedness in sordid places. Your weapons were your silence and a piece of rubbish. Finding that bag and wearing it until you were disinterred is such a frugal, commonsensical, house-wifely thing to do, and ordinary act ... At some level you shamed your captors, and they did not compound their abuse of you by stripping you a second time. Yet they killed you. We only know your story because a sniggering man remembered how brave you were. Memorials to your courage are everywhere; they blow about in the streets and drift on the tide and cling to thorn bushes....'

Justice Albie Sachs saw [this art work and a painting [I had made] in memory of Sefola and his friends. He suggested I combine [them] into a commemorative work. Eventually [they] were placed in the South African Constitutional Court.

Having the opportunity to honour the man who sang and the woman who kept silent has been a privilege, but it leaves me with an abiding sense of shame.

Contemporary Australia is, of course, a prosperous and a peaceful country. State-sponsored cruelty of this nature is not practised. We do not torture and murder people en masse in the way that the Nazi and the Apartheid regimes did.

Contemporary Australians, however, lest we ever forget it, are among the 'human brothers' addressed by the fictional Dr Maximilian Aue in Littell's book. We are also people who can and should be moved by that blue South African dress made of plastic bags, swinging on its hanger in the breeze.

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In the midst of our peace and our growing prosperity – we’re told we now boast the wealthiest woman in the world among our number, and unfortunately that’s not Carol Schwartz because I think we’d be a more flourishing nation if it were – we do have a continuing responsibility to not avoid uncomfortable situations challenging our understanding of right and wrong.

We do have a responsibility to reflect on where we should draw our lines, when to speak up and when to pull out. We do have a responsibility to ask what is really ‘the people’s choice’ – and to answer and act. (For those of you interested in further reading on this general question, I also strongly recommend a very new book called *Beautiful Souls: Saying No, Breaking Ranks, and Heeding the Voice of Conscience in Dark Times*, by New York-based writer Eyal Press).

I won’t provide a definitive list of the situations that I think most profoundly challenge Australians today on this front. For me, two of the gravest relate to the way we treat children in immigration detention and the way we treat our Indigenous citizens. Other Australians may have different concerns and priorities.

As an educator, I won’t give you fixed answers today either, certainly not easy ones. Except I will say that when we do stare these responsibilities in the face – in a human sense, a connected sense, and a very applied sense – I personally have found that the answers turn out to be remarkably clear.

Thank you.

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