

YEMAYA

Sydney University Law Society Women's Journal Issue 6



INTERSEXTIONS

YEMAYA 2011 ISSUE 6 INTERSEXTIONS

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ABOUT *Yemaya* is the Sydney University Law Society's interdisciplinary women's journal. It has been published annually since 2006 under the auspices of the Women's Portfolio with the generous sponsorship of Mallesons Stephen Jaques and this year has a print run of 300 copies.

Marianna Leishman The name *Yemaya* refers to the African-Yoruban, Afro-Brasilian and Afro-Caribbean Goddess of the Ocean, whose waters broke and created a flood that created the oceans. While she can be destructive and violent, *Yemaya* is primarily known for her compassion, protection and water magic. Often depicted in the form of a mermaid, and worshipped as a moon goddess in the Haitian Vodou, *Yemaya* is also known as Queen of Witches, the Constantly Coming Woman, the Womb of Creation and *Stella Maris* (Star of the Sea). Associated with female mysteries, fertility, childbirth and shipwreck survivors, it is said that new springs of water appear whenever she turns over in sleep. In Cuba, she is referred to as *Yemaya Olokun*, who can only be seen in dreams, and her name is a contraction of *Yey Omo Eja*: Mother Whose Children are the Fish. Canonised as the Virgin Mary, and appearing as river goddess *Emanjah* in Trinidad, *Yemaya* rules the sea, the moon, dreams, secrets, wisdom, fresh water and the collective unconscious. In Brazil, crowds gather on the beach of Bahia to celebrate Candalaria: a Candomble ceremony on 31 December. Candles are lit on the beach while votive boats made from flowers and letters are thrown into the sea for Yemaya to wash away their sorrows.

SPECIAL THANKS Natalie Stafford from Mallesons Stephen Jaques

MALLESONS STEPHEN JAQUES

FOREWORD

This engaging collection of writing and art invites us to turn away for a while from the dusty tomes of the law library, in which human lives are seen through the constraining lens of legal concepts, as victims, plaintiffs or defendants. Instead, these stories, both real and imagined, ask us to consider the realities of women's lives in places far and near, and tell us of their hopes, fears and heartaches in a world too often experienced as hostile. They tell of the many women who have endured domination, and of how, true to the spirit of *Yemaya*, they have resisted and have searched for freedom and independence.

Some of these stories challenge us to consider and question the response of law. How well has it served women? Has it advanced the cause of equality and justice to which it should aspire? If not, can a better approach be found? Such questions arise in many contexts, in stories of violence, in differing views about how to make international human rights more effective in the domestic context, in reactions to laws about the wearing of the burqa or hijab in western societies.

The aim is not polemical, however, and there is much to enjoy in these stories, poems and art works, both serious and more whimsical. A practical response to some issues is found in the positive support given to the work of legal centres.

This collection is witness to the wide ranging interests of the contributors. The Sydney University Law Society is to be congratulated for encouraging the creativity and imagination of its members through this journal, and for recognising how important it is for lawyers to question the world and to reflect on its varied cultures and value systems. It speaks of a lively consciousness of the human story, especially that of women, and of commitment to law as an instrument of justice.

The Honourable Elizabeth Evatt AO



Ancestor Dreaming Kerrie Kenton

THE CONTRIBUTORS

Pip Abbott is a first year Juris Doctor student at Sydney Law School. A nomad to the core, she spends most of her time planning where she would like to move to next and when she was about fourteen years old, Pip decided she wanted to know more about those places she couldn't find on a map. Ten years later, Pip has studied, travelled, lived and worked in the Middle East and ended her Bachelor of Arts by writing a thesis for the Arabic and Islamic Department on women's political participation in Lebanon. The process opened up a whole new can of worms for Pip who now, more than ever, believes that the global female movement is far from over.

Melanie Becketl is a second year Juris Doctor student at Sydney Law School. She travelled to Nepal in February 2011 with Sydney University's Himalayan Human Rights Field School.

Matthew Willem Blome is in his final year of a combined Bachelor of International Studies and Law degree at the University of Sydney. His photography has taken taken him around the world including documenting the disputed presidential elections in Iran in 2009. Matthew won two Sydney University Palm Awards for his photography in 2010.

Lisa Cantlon is in the penultimate year of her Bachelor of International Studies (Hons) and Law degree at the University of Sydney.

Juan Carrera was born in Buenos Aires, Argentina but now works as a freelance photographer in Japan. Juan and Xi Bing Su met in 2009 in Tokyo and out of their friendship grew the collaboration that resulted in the SPACES / INCOMPLETE / BODIES photographic series appearing in this issue of *Yemaya*.

Jen Chen is in the final year of a Bachelor of Science and Law degree at the University of Sydney.

Ryan Doherty is in the final year of his Bachelor of Arts (Honours) and Law degree at the University of Sydney. He is currently finishing his last semester on exchange at Vrije Universiteit Amsterdam.

Feng Guo is in her penultimate year of a Bachelor of Commerce and Laws degree at the University of Sydney. Through her artworks, Feng explores the dynamism of being a first generation Chinese born Australian and the impact of cultural heritage on individual identity. The particular artworks from her *Pencils to Pixels* series published in this issue of *Yemaya* depict portraits of her relatives in China, as she attempts to capture the change from the formal rigidity of tradition, to a colourful construction of postmodern identity. Her preferred mediums are pencil, paint, and photography. Feng's artworks have been selected for University exhibitions and for display in the Manly Art Gallery.

Isabelle Ho is in her fourth year of a Bachelor of Arts (Government and International Relations) and Law degree at the University of Sydney. Last year, she was an editor of the fifth issue of *Yemaya*. This year, her

THE EDITORS

Anita Connors is in her first year of a Juris Doctor at Sydney Law School, having completed a Bachelor of Arts (Honours) at the University of Sydney in 2008. After beginning a Doctorate of Philosophy in Film Studies, she decided to pursue a career in her primary interest, Law.

Alice Deng is in her third year of a Bachelor of Commerce and Law degree at the University of Sydney. She volunteers weekly at Macquarie Legal Centre, where the interviews for her contribution to *Yemaya* were conducted and does financial planning for her dad. She hopes to pursue a career in law as she is not particularly taken by the prospect of a lifelong engagement with interest rates and balance sheets.

Anissa Ho is in her penultimate year of a Bachelor of Commerce and Law degree at the University of Sydney. After finishing her college of law she hopes to continue her study abroad and complete an MBA in the US. In the future, she aspires to work in a large financial institution or ASX listed company on the board of directors and contribute to corporate policy making.

Celeste Li is in her final year of Graduate Law at Sydney Law School. She has previously completed a degree in Design Computing, and aims to specialise in the field of intellectual property law. She is currently

contribution to the publication is in the form of an essay addressing how the rhetoric of human rights obfuscates women's rights movements as, at its core, a political movement.

Jeanne Hu is a second year Juris Doctor student at Sydney Law School. Prior to moving to Sydney, Jeanne worked for the Advocacy department at Oxfam, Melbourne, and before that she was a Ski Instructor at Mt Buller in Victoria. Having completed a Bachelor of Arts at RMIT University, Melbourne, majoring in International relations and Migration studies, Jeanne hopes to one day combine her two degrees and work for an organisation focusing on Migration law reform.

Zhi Wen Liu graduated from the University of Sydney with a Bachelor of Science and Law degree in 2010. She is currently working in the area of intellectual property law at a commercial firm but is (seriously) thinking of a career in picture books for children learning French, or perhaps softcore pornography for sentimental people.

Sophie Maltabarow is in the first year of her Juris Doctor at Sydney Law School. Her poem *Sentress* is about the elderly women, the *babushki*, who sit in small booths inside the Moscow metro and watch the world pass by.

Rosalind McKelvey-Bunting has recently graduated from the Australian National University with a Bachelor of Arts in Art History and Curatorship. On top of this degree, Rosalind also undertook studies in traditional portraiture and figurative painting techniques both overseas at the Charles Cecil Studios in Florence, Italy and in Sydney at the Julian Ashton School of Art. Based in Sydney, this year Rosalind is focused on developing a substantial body of work, and also taking portrait and special commissions for a number of different publications and public patrons.

Amila Perera is a journalism student, art lover, grammar enthusiast and general gadabout. She delights in telling stories of both fact and fiction. Her pursuits in daily life include testing the theory that if you 'high five' someone while looking at their elbow (and vice versa), you will never miss.

Courtney Tight is in her Honours year of a Bachelor of Arts in Gender and Cultural Studies at the University of Sydney. She is writing her thesis on the Golden Girls and television discourse.

Donherra Walmsley is in the fourth year of a Bachelor of Arts degree at the University of Sydney and is majoring in English and French

Kenneth Yates is a research student at the University of New South Wales working in health sociology, illicit drug use and blood borne viruses. He is also interested in urban anthropology, mass transit as a democratising force of social and geographic mobility, and processes of social stratification.

interning at Sydnovate, the intellectual property arm of Sydney University's Office of General Counsel.

Justin Penafiel is in his second year of a Juris Doctor at Sydney Law School. On top of his day job at a NSW Government bureaucracy, in his spare time Justin pursues his interests in international migration, Southeast Asian affairs, and is currently producing policy advice for the Seoul office of the International Organisation for Migration. He (tries to) maintain(s) a blog on Asian Australian identities and Sydney cultures.

Laura Smith-Khan is in the final year of Graduate Law at Sydney Law School. She previously completed a Bachelor of Arts (Languages) at the University of Sydney, majoring in French, Spanish and Government and International Studies, including an exchange semester at the University of Geneva. Her passion is for languages and she has also studied Italian, Greek, German, Arabic, Urdu, Hindi and Pashto.

Serena Wong is currently in her fourth year studying a (very extended) Bachelor of Arts and Law degree, with a major in Chinese Studies, at the University of Sydney. Unfortunately for her, she has no plans, career-wise, as yet, but after studying in Beijing, China for a semester last year, she may return to that wondrous city and country for further study or maybe even work.

EDITORIAL: ON INTERSEXTIONS

In this sixth issue of *Yemaya*, we offer you the concept of '*Intersextions*' as a lens through which to consider each work of art and writing that has been so generously shared with us.

By celebrating gender, in particular the female sex, this journal, together with its namesake, pays homage to the diverse experiences of all women. Whether indignant, optimistic or tragic, they are afforded a deservedly potent and compelling, sometimes whimsical, voice through each turn of phrase, the exposed grains of a photograph or sweep of brush, each precisely drawn line.

With '*Intersextions*', I enjoin you to seek beyond the solely gendered dimensions of this feminism, and to understand the intricate interplay of every other element involved. The mere fact that a protagonist or the subject concerned is female, never means that a matter is confined to women. And so, although in her essay Isabelle Ho examines the women's rights movement, it is ultimately relevant to all rights movements that the rhetorical nature of the human rights discourse is properly comprehended. So also, it must be remembered that the triumphs and continuing challenges experienced by the Nepalese feminists in Melanie Becketl's article, *The Quiet Ascent*, have repercussions for the entire country.

Women are unfortunately the most obviously affected by questions such as the protection of sexual assault victims (see Lisa Cantlon's opinion piece on page 23) and domestic violence (see Alice Deng's interview on page 13 and Jen Chen's character study on page 63). They are also the most obvious subjects of public

controversies such as the 'burqa debate' (see Kenneth Yates' opinion piece on page 67 and Celeste Li's interview on page 71) as well as private dramas, such as those of the personas in *The Play Date Diary* and Feng Guo's *Pencil to Pixels* series. As Laura Smith-Khan reminds us in *Zarmina*, these women are all heroes in their own right: for never failing to confront and fight against their predicament, for nevertheless finding the strength to give of themselves in ways both small and abundant.

Without detracting from this recognition, however, '*Intersextions*' urges you to refrain from marginalising these issues as purely women's issues. Their gendered nature is by no means essential or necessary, but itself a symptom of their location at intersections with broader, more multifaceted problems.

Take your time to immerse yourself in and engage with *Yemaya* 2011; and when you fold the covers close, I hope that you leave with the concept of '*Intersextions*' firmly in mind as an instrument with which to deconstruct and reinterpret the myriad paradigms that you might encounter from here on.

Julia Xi Bing Su is the Editor-in-Chief of *Yemaya* and the Sydney University Law Society Women's Officer. This is the sixth and final year of her Bachelor of Arts (Spanish and Latin American Studies) and Law degree at the University of Sydney. You can find out more on her website: xibing.su.

She thanks Calista Mak for the inspired take on the spelling of this issue's theme.



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ACID

Jennifer Chen

She'd always thought that to suffocate properly you must acquiesce to some degree. When she imagined someone suffocating it was never the person trapped in a mine scrabbling to move rocks too weighted in their history to move, but it was always that person lying down with their hand over their stomach as they felt the air grow thin, as they watched thin streaks of oxygen slipping into nothing.

He had never laid a hand on her of course; that would have been much too pedestrian for his liking. Instead, after their child flew the nest, he carefully orchestrated productions for them to act out together, small closed-circuit games of the impossible kind.

He stopped her from going shopping for a whole month but expected the same three course dinners; by the 28th they were having single kidney beans for entree and the whites of watermelon skin for mains. He'd dab his handkerchief on the side of his mouth and arrange his cutlery just so when he was done, a flawless delivery. He'd cut the telephone wires when she was calling her mother, but only in stormy weather; he'd drench her bed sheets in her most expensive paints so she felt like she was lying in a coffin of her own colours. On his 50th birthday he made her drink half a litre of red food dye so that her lips and tongue were stained a deep, mesmerising crimson. He'd made her take the right pills straight afterwards of course; had she gone to the hospital it would've been his colleagues treating her and that just wouldn't do.

She resolved to kill him the night he burned her photos. He'd kicked them into the fireplace one evening when she went to open the door for their guests. The smell of it seeped into the carpet and crept up the walls of their living room as they sat there with the near-senile couple having a nightcap. She knew instantly that they couldn't smell the poison, couldn't feel the acidity of five years worth of work curling and unfurling in the fire.

She made the decision quite calmly, without regret but with a touch of frustration. For years she had self-medicated on the fiction that suffering fed creativity, that she was in fact quite cleverly bottling her trauma in neat jam jars to one day show to someone else with a detached brilliance. She had doggedly sustained this reverie throughout the years, despite rotating seasons of desperate entreaties to world-weary apathy from her friends and family. And now it was her husband himself who was breaking the illusion, the very centrepiece of her tapestry.

She contacted an old pharmacist friend and ordered a particular colourless, odourless powder, only dimly surprised by the fact that he asked no questions.

She chose an unremarkable evening, but dressed tastefully. Her husband had put down his napkin and it was her cue to fetch the dessert wine. It was five past eight, to the minute. She stood up deliberately, and before heading into the kitchen she turned for one last look, an unexpected sign of sentimentality or, perhaps, justification. Then she noticed it – his fork. He had placed his fork with its prongs down on the table, leaving the smallest spots of sauce on the tablecloth.

She moved anxiously in the kitchen, acutely aware of the little satchel between her left breast and her bra. Why had he done that? Did he suspect her? Was it a calculated chess move, a warning perhaps? She drummed her fingers against the benchtop. But how could he know? She'd arranged for Jeff to put the powder in a card in a bunch of flowers on her birthday and told her husband it was from one of her photography subjects. She'd even asked Jeff to buy the bouquet from the local florist where she knew many of her models went. She had managed the entire affair meticulously, just as her husband would have liked.

In the slim minute that she had to decide, she rubbed the nape of her neck and blinked twice. What was another day? She had waited thirty-seven years, and she could wait a few weeks more. It would be a final, delicious season, she decided. She would savour every small detail and memorise every line of his face.

She brought out the wine and casually commented on his fork. 'Oh', he said, 'why yes, you're right' and turned it the right way up. That was the first sign.

The second sign was the window. He had left the window open when they left for their annual picture perfect trip to visit their son. It had not been opened wide enough for the gardener to notice (nor did he have much to prune or weed near that corner of the garden in any event), but just wide enough to let in the rain to blister and bloom faint trails of mould throughout the room and its many canvases. She was not shocked so much as disappointed in herself for failing to double-check the window on her return, and promptly informed him of the new lock she'd installed. A fortnight later, however, she spied him struggling irritably to push open the window. She realised that his usual

cruelty was mixed with something much more alarming – *confusion*.

Finally, the unflushed toilet. It was disgusting, of course, too disgusting even to leave to the cleaner, but as she scrubbed her hands rigorously in the sink after the clean-up, it struck her as the type of punishment that involved such exposure. She recalled his blithe condemnations of the squalor of distant slums and the people, if you could use the word so generously on beings so clearly puppeteered by bodily needs, and realised that something was brewing that could no longer be ignored.

Stony-faced, she took him to a discreet but well-respected medical clinic. There were scans, ridiculous questions about cats, horses, capital cities and instructions to fold paper 'from corner to corner'. The younger doctors, she could sense, were slightly flustered at having such medical royalty in their midst and she could clearly envisage them inconspicuously, one by one, thumbing through his patient file after closing hours.

The doctor saw them again a few weeks later and delivered the news without his practised and preened compassion. With any other patient he may have warmed them up with plaques and tangles, held their hands through the landscape of language breakdown, long term memory loss and withdrawal before the final destination. But fully aware of her husband's reputation in his field of surgery, the doctor dropped the diagnosis with a no-frills pragmatism. Alzheimer's.

She watched her husband closely, too shocked for hate. He set his mouth in a thin line, raised his head slightly, and said, 'Of course it is. And in your opinion, Dr Koch, what is the life expectancy?'

To which the doctor replied off-handedly, 'Seven years'.

When they got home, there was no discussion. In the car they had sat in dense silence, and there was an agonizing moment where she felt that they should pause their ridiculous game and spoil themselves with just one moment of humanity. She opened her mouth to speak, however, just as he pulled into their driveway. He was still looking ahead and said abruptly, 'I am going to call our lawyer. I'll take dinner in my study.'

Over the next few days she half expected immediate deterioration, and eagerly anticipated sensory decline, but he retained his usual unpredictable sharpness. He wanted no one to know of the situation, of course, and began arranging his affairs with characteristic attention to detail. He started ghost writing speeches he anticipated being invited to give in two years' time, graciously bowed out of the Boards he sat on, and drew up a regimented exercise regime and diet. He made enquires and signed on excellent, foreign, live-in nurses. But she knew.

She knew, as he knew, that in the end it would be just the two of them. She had planned the powder in the dessert again on the night of their anniversary, but as she went to inform him that dinner was ready she noticed him sitting on the edge of his desk, facing a framed photo of his own stern father

on his bookshelf. He held an old leather-bound diary in his hand and his legs swung unconsciously, in that childlike looseness of limb. He was loathe to sit on tables and had drummed it out of their own son, so she felt like she had stumbled in on something inexplicably embarrassing. She retraced her steps soundlessly and threw the crême brulee into the bin.

She grew hateful of his vulnerability. As the months slipped by his defences fractured in ways that infuriated her. He would cry out in his sleep in the next room, or be caught in a storm of rustling newsprint as he tried to refold it the right way before balling it up and throwing it into the bin petulantly. He spoke to her less and less although, increasingly, he would look at her with unreadable expressions on his face.

It was irrational, she knew, but she grew convinced of an intentionality, ambiguously grounded in his medical career and an understanding of the body. In procuring her clever little satchel of powder she may have won the battle, but he would win the war. It infuriated her that he was even willing to sacrifice his very mind in spite, willing the holes to slowly form and thereby methodically shutting down all systems so that she would be left with a husk to look after, someone not quite him but looking in every way exactly like him.

She couldn't kill him anymore, of course. It wouldn't be the same. It wouldn't be as grimly satisfying and more significantly, her unshakable sense of fairness wouldn't allow her to. He had always understood her so well; her weakness for romanticised tragedy, her maternal nature, her incredible powers of perseverance. He would slowly allow her to be trapped in her own compassion as he slipped off into a safe oblivion, one achingly small step at a time.

She faithfully ironed all his shirts, his bedsheets and pillowcases, his pyjamas long after he could no longer feel the creases. She conscientiously wrote out their address and multiple contact numbers to slip into his pocket when he went for short rambles down their street. She mimicked his tone and style of argument perfectly as she continued his letters to the editor.

At times she convinced herself that she was rising above her simmering rage, that long tally of pent up wrongs. Other times she felt a hopeless sense of complicity and saw her failure to execute her plans as a sign of a covert collusion in the history of their torturous poker games. As she prepared nutritious and balanced meals to slow his decline and made arrangements, as per his instructions, to move to their retirement estate in the country, she felt she was polishing the gun and laundering the blindfold at her own death sentence.

Practise makes perfect, and in his ineluctable old age he had chosen to exact one last, degenerative, incurable punishment. He had refined his tactics to the point – and it was beautiful in its simplicity – where he set up a game in which both players were herself.

As she went about an increasingly laborious routine of chores she would explore these endless labyrinths of her own plaques and tangles, swinging between dead ends and endless corridors.



Fahad Tariq

ZARMINA: A FRESH VIEW OF WOMEN IN WAR

Laura Smith-Khan speaks with short-film director Saliha Wazirzada to gain further insight into her views on the intersections between East and West, man and woman and fact and fiction

In 2009, I made my onscreen debut in what would be an award-winning short film. I was lucky enough to know an amazingly gifted young woman of Afghan-Pakistani origin who was working on her major work towards her Master of Media and Arts Production (Film and Video) and was in need of volunteers. Saliha Wazirzada took on an entirely amateur cast, made up mostly of student friends, relatives and family friends. Working on an extremely tight budget and schedule and, at times, filming in the pouring rain, she performed a miracle and created a cinematic gem.

Zarmina: A story of hope gives us a fresh angle on war and the roles women adopt during times of conflict. Saliha hoped to convey the message that far from being neutral or submissive, women are the ‘real heroes’ of war. Left behind when their husbands, fathers and brothers go off to fight or fall victim to the violence, they must raise their families without any assistance and simply fight for their survival. ‘Not only that,’ Saliha states, ‘but they have to put aside their own trauma of having lost their loved ones and be strong in the face of adversity.’

The ten-minute short film follows the lives of one woman from a war-torn area between Afghanistan and Pakistan and another from a completely different

part of the world, working at an American UN crisis centre. While their meeting stirs up many difficult emotions and painful memories in both, they end up discovering that in many ways, they have a lot in common: Zarmina lost her husband to NATO bombers and her American friend had lost her partner in the 9/11 attacks. So while the two women initially react to one another with emotional discomfort, they manage to overcome this with a realisation of their common ground, serving as a starting point towards mutual tolerance and understanding. The two no longer see each other as being part of an ‘Other’, but being, in a way, the same. This is a simple yet insightful conclusion easily applicable to conflict and ethnic tension on a broader level.

The very production of *Zarmina* itself reflects an important theme of the film, demonstrating that the willpower of a strong woman can overcome unlikely odds. Saliha had a dream to create a film in the Pashto language (spoken in parts of Afghanistan and Pakistan), but it was to be filmed in Australia by an Australian cast. While many doubted the likelihood of success, Saliha stood by her belief that this was the story she wanted to tell, and was eventually rewarded for her bravery and persistence. She found a willing, albeit amateur, Australian Pashto-speaking cast,

including a ten year-old to play Zarmina’s son. She also found a location in Castle Hill that could easily pass for a village in the hilly area between Pakistan and Afghanistan. Combined with a beautiful soundtrack composed by a Pashtun songwriter especially for the film and featuring a Persian lullaby sung by the director herself, this film is poignantly real and touching in its rich simplicity. *Zarmina* went on to win first prize at the inaugural Colourfest Film Awards 2010 in Sydney last year.

Saliha’s inspiration for the film grew from a desire to search for her own sense of identity by returning to her country of origin and helping displaced women and children by giving them a voice in the male-oriented area they lived in. ‘In a culture where men go to war and are glorified, I wanted to show that it’s the women who are left behind who are the real heroes’, she explains. ‘These women have to bring up their children and run their households all by themselves in a culture and a class where the man is the main breadwinner. Not only that, but they have to put aside their own trauma of having lost their loved ones and be strong in the face of adversity’. Saliha sees film and the media more generally as having an important position in shaping the way people see the world ‘by what they show and don’t show’. She sees *Zarmina* as important in this respect as it provides a different point of view to the perception of mainstream Western media (and perhaps also that of Western society) that ‘Afghanistan or Pakistan is a Man’s world and we don’t see women there’.

While *Zarmina* was a success, Saliha maintains her preference for documentaries as she feels that they are ‘close to reality’, and are more suited to her love of human-interest stories. She also sees documentaries as ‘a way of looking at ourselves in context with the world we live in’, leading to a deeper understanding of self and exploration of identity, as well as to an understanding of others. ‘I believe we are able to find out so much more about other cultures in the process of making and watching documentaries’, she says.

Washed Away, her latest endeavour, clearly reflects this passion. Saliha filmed this documentary in coordination with SOS-Pakistan Feed the Children, an organisation set up in reaction to the devastating floods in Pakistan in 2010. She sees herself as blessed for having been able to travel to Pakistan and meet the victims of the floods, and having the chance to tell their story, with the hope that this would help them in their plight. ‘It is actually when you go in the camps and sit with them and talk to them, when you actually feel the devastation, see the despair, tears in their eyes; that is when you actually come close to realising the enormity of the situation.’ The documentary will serve not only as a means for developing greater public empathy, but will also directly support the recovery, with all proceeds being donated to assist the millions of people affected by the floods.

Saliha understands the fundamental role the media plays in shaping public perception and despairs over the potential that the commercial nature of mainstream media has to undermine the



Fahad Tariq

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ
 بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ
 بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ
 بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

stories that make the news headlines or those that grace the screens of cinemas. What is on offer to viewers in the way of factual and fictional portrayals of the world is, for the most part, determined by commercial interests, with certain stakeholders carrying much weight in deciding what should be shown and how they are to be shown. Voices that do not align with the interests of these stakeholders may not be heard.

This is thus the most important role that independent film-makers like Saliha may have to play: providing a medium for getting across the messages that other stakeholders consider important. If the media does indeed have the ability to shape what we consider is important, then the opportunity to create dialogue on otherwise under-considered or arguably misunderstood issues is a way of developing alternative viewpoints and hopefully encouraging



Fahad Tariq

more open minds and broader understandings. Further, Saliha feels that there needs to be more women making films and telling their untold stories.

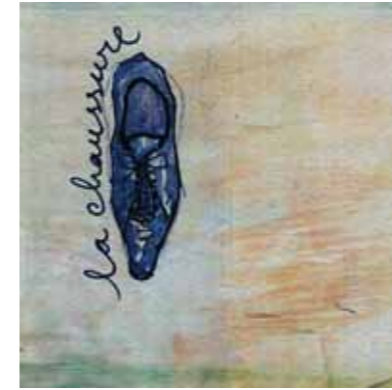
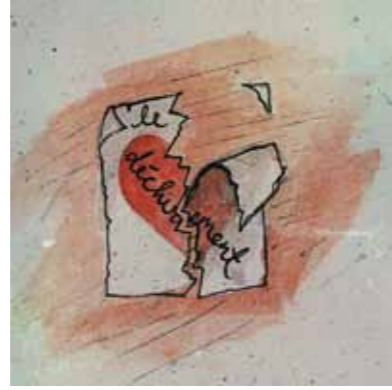
So what does the future hold for this promising young filmmaker? A perfectionist, Saliha hopes to fine-tune her film-making skills in order to be able to continue telling new stories as a way of championing human rights, thus making a positive contribution through her work. While it seems that Saliha will go on to tell the stories of the lives of many interesting individuals, I personally am looking forward to hearing the next chapter of her own story.

Find out more about SOS Pakistan – Feed the Children at sospakistan-feedthechildren.org.



...there needs to be more women making films and telling their untold stories.

Fahad Tariq



LA/
LE

Zhi Wen Liu illustrates the *féminin*
& *masculin* of French nouns



La ou le? Ou la la.

This artwork is made in the early 21st century. The artist tries to depict the classic battle of the sexes, by providing different French words and drawings that go with them. When you ask the artist to elaborate she will deny all this and say she just likes French words and drawing.





Out Near Coney
Courtney Tight

SENTRESS

Sophie Maltabarow

the musty smell of stale sweat
vaulted in marble,
a not-quite-century of
secretions and secrets
and *babushki* sitting as sentries
in aluminium and glass minarets -
sitting poised above the hurtle
of time and people with places
to rush to and pasts to forget.

the *babushki* sit,
their flabby certainty and sour gaze
holding the city together like sexless cement.
outside their temples of listless
calm all chords of reason are
crushed by the roar of trains and the
great jutting of elbows as the people,
agitated,
dischordant,
push forward
and steel doors slam shut.

a youth hurdles the turnstile -

the lone *babushka* blows her whistle,
sighs,
then reapplies her coral-pink lipstick.

sometimes she dozes off and
dreams of a winter night
and a city muted at last
by a building-high blanket of fresh-fallen snow.



FAMILY LAW, TENANCY & DOMESTIC VIOLENCE: Dive into work at Macquarie Legal Centre

Alice Deng interviews three staff members about their field of work

From the top: MLC tenancy advocates: Bridget Kennedy, Jessica Abi Khattar, Shelley Alvarez, and Linda Grady; Shelley's desk; tenancy section of the MLC office



After announcing during a Macquarie Legal Centre (MLC) staff meeting that I would be involved in putting together a piece for the Sydney University Law Society Women's Journal *Yemaya*, Clare invited me into her office and suggested that I interview staff members for my journal submission. The idea clicked in my mind, and I was quickly back in Clare's office the next week to conduct my first staff interview.

Family Law: Clare Mangiokas, 26 May 2011

Clare's desk was approximately in the middle of her room, facing the doorway and away from the window. I sat in one of the two chairs on the other side of the desk, across from Clare. There were surprisingly few papers, books or other objects in the room, and definitely no mess to be seen. We jumped straight to business.

I began by asking Clare to tell me about the work she does as a family law solicitor at Macquarie Legal Centre (MLC), and the sorts of legal issues that she faces on a day to day basis. She replied that she advised and acted for victims of crime, almost all of whom were women. They were often marginalized, very vulnerable and were at a disadvantage. She and the other two solicitors of the team gave victims advice on how to apply for counselling as well as victim's compensation. If the team is able to, they take on the matter themselves. This means that they would prepare for the client, the applications and all documents for the matter to be determined by the compensation assessor at the Victim's Compensation Tribunal.

I prompted Clare for some examples of the clients she advises. She replied that her clients often hadn't finished school and were not working, meaning that they were on low incomes or casually employed. Clients were often referred from a counsellor, youth scheme or domestic violence scheme.

I then asked her what the advantages were for victims seeking help from the solicitors at MLC. Clare's initial response was that the successful clients come out financially better off, receiving a lump sum payment as compensation. She emphasised the importance of this, given their often difficult financial situations. Then Clare pointed out, that for many victims of crime, the benefit of

seeking legal help lies in the satisfaction of knowing that the State acknowledges what they went through and trauma suffered when acts of violence happened.

The realist side of me wanted to know how the clients actually fared after attaining victims compensation, whether their lives did improve for the better. But unfortunately, Clare informed me that her team was not involved in any follow-up, so my curiosity remained unsatisfied.

She also told me about the Women's Domestic Violence Advocacy Service, a team of three advocates with their office at the MLC, who give procedural advice to victims of domestic violence in the context of Apprehended Domestic Violence Orders. I realised that, in my eagerness to know about results, I had skipped over the sorts of issues that clients seek advice for. I quickly asked Clare to

For many victims of crime, it is the satisfaction of knowing that the State acknowledges what they went through and the trauma suffered when acts of violence happened.

sketch a picture of issues she deals with. She said that in her twelve years of being a family lawyer, most claims were domestic violence, sexual assault and child abuse. Advice requested by clients mainly concerned divorce, parenting, children arrangement and settlement.

Tenancy: Shelley Alvarez, 9 June 2011

In closing, I dived in and asked Clare for a personal perspective on working in family law. Clare shared with me that her work was challenging, but also rewarding and satisfying when she achieves good outcomes for clients. There is also the satisfaction in knowing that clients can get a sense of closure, having gone through the process, and this helps them move on with their lives.

At a MLC staff meeting, I listened to the tenancy team share stories about their success in running a public housing seminar at Silverwater Women's Prison, and was enthralled to know more. A couple weeks later, I popped my head through the doorway into the tenancy team's office space and found Shelley alone at her desk. Shelley is one of four tenancy advocates at MLC. In each corner of the room was a corner desk, but it seemed that the other three advocates were out for the time being. I explained to Shelley that I was composing a submission for *Yemaya* and asked if I could

interview her about the seminars which the team had run at the women's prison. She was quite happy to oblige.

I started by shooting off a few checklist facts questions.

Where were the seminars?
They were conducted at the prison library.

How many had been run?
Seminars were two hours each, with two being run each day that the team went in. The team had visited one day per month for the past three months.

Who attended?
Whoever was interested. Flyers were posted around the prison and the Welfare Officer would personally recommend the seminar to some inmates. And some attend just because of word of mouth. Four inmates attended the first seminar MLC ran, compared to the latest seminar where they pretty much reached the maximum capacity of the room with nine attendees. Evidently, the women who initially attended had spread positive reviews to others and there was a growing interest.

With the basics out of the way, we then moved on to talking about the what the prison seminars were actually about. Shelley said that the scheme was called *Prison Community Education* and was a pilot project in partnership with Legal Aid and the Department of Corrective Services to prevent homelessness in ex-prisoners. The MLC tenancy team were invited by Legal Aid to run a tenancy session as part of the seminar. The team would show a DVD followed by a presentation on the inmates' rights and responsibilities. Also present were a financial counsellor for debt and the prison Welfare Officer.

At Silverwater Women's Prison, anywhere between five to ten women at a time would sit around a table to watch the DVD play on a television. They would follow with questions about the Department of Housing and Renting, and the team would give relevant forms to some.

In terms of what the inmates thought about the seminars, Shelley said that they were really interested and found it very helpful. The team received positive feedback. Shelley explained that at the end

of each seminar, each attendee completed a survey where they'd stick a happy or sad face sticker, and it would always be a happy face.

Some inmates were on remand whilst others were on long sentences. For the inmates who were on remand, the seminars appeared to be very helpful in giving them information and advice as to how to keep their tenancy. For those serving longer sentences, the team would help them apply for housing now, so that the process of obtaining housing when they were released would be a lot less daunting. Many of the inmates did not know that they could apply from prison and that a Legal Aid Officer would assist them with developing debt management skills at this stage.

I was really curious about what the women inmates were like and asked Shelley how her face-to-face contact with the prisoners compared to any preconceptions she had before going in. She instantly answered that the inmates were very respectful women. Shelley admitted that she had expected more rough, hard women. But contrary to her expectations, they were lovely. Some did have attention span difficulties, and would get fidgety. But others were average women who had made a mistake. They were very appreciative of the MLC team's services.

As to the inmates' daily activities in the prison, Shelley shared that inmates worked at the prison factory making ear muffs for airlines. They also worked as library assistants in the library, earning \$30 per week, which they could spend at the canteen on Friday.

She then continued to tell me more about the women at the seminars. She reflected that women on remand often ask 'do I tell my landlord that I'm in prison?', and similarly regarding the Department of Housing. The answer is that they are required to inform the Department of Housing but not their landlord. However, it is always recommended that they make sure the landlord is not given an impression that they have abandoned the property. The team's approach is to inform the inmates of the law and encourage them to make their own decisions, unless they ask specifically for advice.

Shelley summed up by saying that the women asked lots of questions and were very engaged on the subject of housing. One lady asked so many questions that Shelley had to talk to her after the session instead.

I was quite satisfied with the insights Shelley had given me and convinced of the value of these seminars. But before wrapping up, I sneaked in one more curiosity-stimulated question. What did the prison interior look like? She described its layout as looking very much like a university (an analogy which I found quite amusing). The prison was also very modern with lots of landscaping. She somehow also knew that the new CEO of the prison was more interested in security measures, but the previous one was quite into aesthetics and keeping up to date so most parts of the prison were pretty new.

So not your stereotypical grey dungeon? There were still big gates and fences of five metre high steel, Shelley offered. And it was partitioned into many sections, so the escort had to use keys to get us through. But no guards. However, from what Shelley knew, the mens' prison was cold and old, so perhaps the portrayals of prisons we're familiar with aren't completely unfounded.

Finally, I asked Shelley how she personally felt about the seminars she had conducted as part of the prison education project.

'It makes me feel... what's the word... I feel that they're needed. It feels satisfying to be meeting a need. And enjoyable because they're so receptive. These sorts of women would not normally get this sort of information in a prison. It's helping them with their access to justice. This is a one off project, but I'd like to do this sort of stuff permanently. But it's up to Legal Aid and funding. I was surprised at how enjoyable I found it, I was a bit nervous to begin with. But I found it very worthwhile.'

Domestic Violence: Christine Smith, 13 July 2011

Christine is one of the advocates of the Women's Domestic Violence Court Advocacy Service ('the Advocacy Service'). At the start of my interview, she asked me what it was that I wanted to

know, and I said I didn't know! I was really unsure about the work of the the Advocacy Service, so I suggested she fill me in on the basics. She started off by stating that the Advocacy Service was funded by Legal Aid (like the rest of MLC, I commented), and the team worked at Parramatta and Ryde courts on their respective Apprehended Violence Order (AVO) days.

AVO day is when women go to court to get apprehended domestic violence orders (ADVOs). When an incident happens and police are involved, the police issue a provisional ADVO until the woman attends court for the first time on an AVO day.

Continuing on, Christine talked about each court having a safe room where the advocates interview victims. Their role was to explain the court process and go through the application with the women. Christine then pulled out an application document, skimming over the content with me. Most importantly, there was a mandatory order (no assault) and a list of additional orders (e.g. restrictions on residence or contact) which the police decide on with the woman. But the woman often changes her mind at court and is reluctant to take out additional orders, wanting her partner home for financial or other reasons.

I wondered, why did the women change their minds? Or rather, why did the PINOP change their minds? In the world of domestic violence advocacy, victims are called PINOP: Person(s) In Need Of Protection. Christine said it took her a while to figure it out too. The PINOP are very stressed when Christine meets them. For most, its their first time at court. They're scared and unsure of whether to go through with the ADVO. Reasons include pressure to keep the family together, due to culture or children or both, and being financially dependent on their partner. I was prompted to ask then, whether PINOP were often jobless women supported by their partners. Christine and another colleague in the room adamantly rejected this supposition. They came from mixed walks of life, from every nationality and every income level.

However, there were typical characteristics attributable to PINOP. They want to give their partner one more chance. They say 'I still love him, I just want him to stop hitting me'. The emotional connection to their partner is still there, and since the violence doesn't always happen, the women want to believe their partner when they say that they will change. Another common saying is

'He's a great father, he only hurts me', at which Christine would pull out a copy of *Effects of Domestic Violence on Children* (and in fact does so in front of me too).

Especially for young girls for whom the abusive relationship is their first relationship, the partner will make her feel guilty. Christine used the example of a man smashing the woman's phone and then saying 'sorry, I didn't mean to do it, *but*' – there's always a but – 'if you had let me look at the phone, it wouldn't have happened'. Over time, women believe it and they feel shameful and embarrassed. Christine pulled out another list, *Red Flags for Abusive Relationships*, which she gives to girls to stick on their fridges and tells them to leave their partner if they start exhibiting the noted traits. She gave me a copy too and told me to show all my girlfriends (I would go on to highlight points like 'Doesn't Have A Job' for their benefit).

It seemed that the Advocacy Service's workers were well prepared to counter reluctant AVO applicants. I asked for confirmation that it was part of an advocate's role to convince PINOP to go ahead with AVOs, to which Christine gave me the affirmative. She explained that she can instantly tell which women want to withdraw. She would directly ask them, 'you want to withdraw, don't you?'. But if there was physical assault involved, the AVO definitely cannot be withdrawn. Only if the woman has applied for an AVO without charges being laid, will the advocate then tell police that the PINOP wishes to withdraw. Ultimately, it would still be the at the discretion of the police. It used to be at the woman's discretion to withdraw, since AVOs are a civil matter, but that was changed because it was found that partners would intimidate women into withdrawing. Now, defendants are told that the woman wanted to withdraw but police did not allow it. But short of withdrawal, provisional orders could still be added to or taken off on the day.

My next question was naturally, how did advocates recognise the women who want to withdraw? Christine and the other team members in the room repeatedly answered, 'experience'. To satisfy me, however, they did vaguely cite mannerism, demeanour and body language as potential indicators. What I found most interesting was that the giveaway was not anything that the women themselves *say*.

We backtracked to my previous question regarding advocates' roles. Christine's personal practice is to always tell PINOP the best and worst case scenarios. The worst case is if police withdraw the application, whilst the best case is when police do not withdraw but only request for the mandatory order or no assault. The women are usually quite happy with the best case scenario since they usually do want some protection but still want to carry on with everyday life. The remainder of an advocate's role is to inform police of the particular conditions which the woman seeks to include in the order, to sit in court with the woman, to explain what happened afterwards, advise them of the best way to communicate their story and answer questions in court, attend the hearing to support them and then to refer them to counsellors, social workers at Centrelink or public housing, Victims Compensation or any other appropriate person/body.

I thanked Christine for detailing for me her work under the Advocacy Service and walked away with a profound insight into how our legal system deals with domestic violence, a long shot from when I had sat down 20 minutes ago with almost no knowledge.

In addition to the services offered by Community Legal Centres such as the MLC, refuges and drop-in centres also provide crucial assistance to women in need. For example, Lou's Place, a daytime drop-in centre in Kings Cross supports women in crisis by providing, *inter alia*, temporary loans of suitable clothing for women attending court.

For more information visit the websites macquarielegal.org.au and lousplace.com.au.



Shelley at her desk

Photographs: Celeste Li



INTERSEXTIONS BETWEEN THE RHETORIC OF HUMAN RIGHTS AND WOMEN'S RIGHTS

Isabelle Ho considers the clashes between law, politics and culture

International law reflects the rhetoric of human rights; it presents rights as absolute, universal and indivisible. Yet the weakness of Australia's human rights record highlights the failure of this rights rhetoric to shape a vibrant, fluid culture of rights within Australia's political regime. Ultimately, the rhetoric has failed to encapsulate the powerful political forces that direct the rights movement within Australia. The case of women's rights is particularly illustrative in the Australian context. This is because the development and protection of human rights is contingent on two interlinking networks: the law and policy machinery. The progression of Australian women's rights illustrates the inherently complex and sometimes arbitrary workings of these networks. Moreover the effectiveness of rhetoric to instigate a proliferation of institutionalised rights movements is disputable. This article will thus explore the more complex operations of politics and the law, and women's policy machinery within Australia that transcends the rhetoric of women's rights. In both cases, the power of the executive to facilitate the development of this regime is pervasive, and can be seen as the reason for the fragmented regime present today.

In order to explore the extent to which human rights is essentially political, it is important to first define the term. The definition of 'politics' will stand in the traditional view of the discipline: it is a movement within the personnel and machinery of government; it is also the exercise of authority and the various processes through which government responds to pressures from the larger society, in particular by allocating benefits, rewards or penalties.¹ This approach is taken in order to avoid what is often a confusing junction between society, bureaucracy, governance and NGOs, where more often than not, common usage of the word 'politics' is assumed to describe almost any organizational machinery or institution.² In this sense, 'politics' is embraced in a highly restricted sense, bound by state activity. But its use will enable a declaratory conclusion to be drawn from this paper.

Absolute Rights

The language of human rights declares that 'every human being everywhere, regardless of features such as race, gender, class, or ethnicity, has human rights simply by virtue of his or her humanity'.³ Thus, this rhetoric declares that human rights are universal, equal and inalienable.⁴ The strength of rights as a 'rockbottom of existence' has led to a tendency to assume their naturalness and universality, rather than argue it.⁵ In this way, the regime is a powerful philosophical product of three centuries of struggle by the individual against the state.⁶

The history of human rights shows that rhetoric, and indeed, language, is insufficient to prevent human rights violations. This has precipitated a need for entrenchment of human rights within public international law as a method of protection, prevention, and dialogue. One of the first legal human rights doctrines, the *US Declaration of Independence* simply asserts that such rights are self-evident;⁷ the history of human rights shows this statement to be meaningless. The rapid expansion of public international law, NGOs and domestic rights networks all indicate that there is a need for normative rights to be institutionally realised. It is only through rules, regulations, discussions, and remedies that human rights can be given a practical, tangible manifestation.

The Law and Politics

But how strong is the power of rhetoric in translating women's rights into legal force? In the international human rights regime, the culmination of rights language has resulted in the entrenchment of its legal status through the *Universal Declaration of Human Rights* (UDHR), the *International Covenant on Civil and Political Rights* (ICCPR), and the *International Covenant on Economic,*

Social and Cultural Rights (ICESCR). All three international legal doctrines are considered customary law and indivisible.⁸ Women's rights, in particular, has been articulated through the *Convention on the Elimination of All Forms of Discrimination Against Women* (CEDAW) which is considered the key international women's rights convention.⁹ The presence of these legal documents as cornerstones for the emerging jurisprudence of public international law posits a strong argument towards the strength of human rights language among all member-states of the United Nations.

Human rights are universal, equal and inalienable ... (yet) women's rights have been institutionally differentiated from human rights.

In this section, two problems are identified. Firstly, women's rights have been institutionally differentiated from human rights. CEDAW divides women's rights into three branches: the legal status of women,

reproductive rights, and formal recognition of the influence of culture and tradition on restricting women's enjoyment of their fundamental rights.¹⁰ The implementation of the Convention is monitored by the Committee on the Elimination of Discrimination against Women, unlike UDHR which is monitored by the Human Rights Commission (HRC). CEDAW is therefore set up in a structurally different format to the mainstream human rights regime within the UN. The structural distinction has both theoretical and practical implications. The gender specificity of CEDAW has rendered it marginal to the human rights core of UDHR, ICCPR and ICESCR. Australian academic Margaret Thornton sees this separatism as a reinforcement of the notion that 'men's rights are universal and women's rights, an afterthought'.¹¹ Practically, the significantly greater resources allocated to HRC than to CEDAW limits the scope of remedies and mechanisms of women's rights,¹² as well as indirectly prioritises certain rights covered under HRC, but not under CEDAW. In this structural capacity, women's rights are limited by the strength of rights rhetoric to a particular institutional framework.

Secondly, the dualist transformation system in Australia requires domestic governmental recognition of international law. The extent to which these women's rights documents have affected the political trajectory of women's rights within Australia is limited. American activist and human rights commentator Charlotte Brunch observes that CEDAW is generally regarded as a convention without teeth, illustrated by the difficulty that CEDAW has had in getting countries to report on compliance with its provisions.¹³ Furthermore it is still treated by the Australian government and most non-governmental organisations as a document dealing with women's, not human, rights.¹⁴ This is clearly demonstrated in the selective codification of only some articles of CEDAW within the *Sex Discrimination Act 1984* (Cth) ('SDA');¹⁵ if these rights were seen as absolute and indivisible, such selectivity would not occur. Furthermore, under the Howard government, the *CEDAW Optional Protocol* was not signed.¹⁶ The process of transforming women's rights recognised in international law into Australian domestic law reveals the inherently political system of Australia's dualist system. Moreover, as international custom is not automatically incorporated into domestic law, the process of legalising women's rights is dependent upon the executive and legislative branches of government to embrace the human rights custom. In this case, the philosophical strength of human rights can be seen not to have clearly translated from international custom into domestic legal recognition. Thus the rhetoric has failed to encapsulate the fragmentation of these rights by the political process of transformation.

Australian Women's Policy Machinery

Within Australia, the institutionalisation of women's rights reflects the importance of Executive branch decision-making. In the case of *A.T v Hungary* (2/03), the CEDAW Committee found that the State party, Hungary, was in breach of the Convention because it failed to

ensure the protection of A.T from her former common law husband and had failed to enact specific domestic violence legislation to provide protection orders.¹⁷ The case signaled the advancement of women's rights rhetoric permeating into the expectations of the state in according due diligence to traditional private sphere areas. The decision is seen as an international benchmark on this issue.

In line with CEDAW's ratification in 1983, the Hawke government partially met its commitments by ushering in SDA. SDA outlawed discrimination based on sex, marital status and pregnancy in significant areas of public sphere including employment, accommodation and education.¹⁸ Subsequent amendments to SDA occurred in 1992 and 1995, strengthening the legislation by including discrimination in industrial awards, sexual harassment, and pregnancy discrimination provisions.¹⁹ It also changed the definition of indirect discrimination by shifting the legal onus upon employers to demonstrate that a requirement disadvantaging women was 'reasonable'.²⁰ SDA is a partial reflection of its commitments to CEDAW, as it goes 'only so far in addressing gender-based discrimination and does not make up for the absence of a bill of rights that includes an entrenched guarantee of gender equality'.²¹ Nor does it acknowledge the decision of *A.T.*

The persistence of the language and space of women's rights as human rights opened a new dimension of sex discrimination as not only something that is morally wrong, but also unlawful.

v Hungary (2/03) in addressing the protection of women's rights within a private domain. Such debate on the extension of the role of the state within the private sphere is not within the scope of this essay, but what will be further explored is the way such failure has shaped government attitudes to women's policy machinery.

The rhetoric of human rights has persuaded social attitudes to instigate change in the way women view themselves and are viewed by others, and the policy that is subsequently developed. The trajectory of the legal status of women within Australia can be seen as partially resultant from this human rights movement. For Professor Marian Sawer, it was empowering

just to know that, with the passing of the SDA, there was now a law to prevent women being treated less favourably by employers because of their gender or marital status.²² Furthermore as noted by law academic Beth Gaze, the social significance of SDA is as a uniform public expression of condemnation of discrimination against women.²³ The persistence of the language and space of women's rights as human rights opened a new dimension of sex discrimination as not only something that is morally wrong, but also unlawful.

Problematically, these attitudes have been superseded through the influence of government decision-making. Under the Howard government, movement within the women's rights regime involved more defence action than forward agenda setting. The budget of the Australian Human Rights and Equal Opportunity Commission was cut by 40% between 1997-1998, resulting in a loss of a third of its staff and in 2004,²⁴ the Federal Office for Women relocated from Prime Minister and Cabinet to the outer ministry of Family and Community Services and the Department of Women was disbanded. The result in both cases was a retraction of executive support for women's policy machinery and the placing of gender equality goals falling off the agenda.²⁵

The trajectory of women's rights was further inhibited by the refusal of the executive branch to sign CEDAW's *Optional Protocol*, which was open for signature from December 1999.²⁶ This Protocol provided individuals, rather than just states, with the ability to bring complaints before the CEDAW Committee. There were political difficulties with acceptance of the *Optional Protocol* as a result of the Howard Government's general disenchantment with the human rights treaty system. Australia had received heavy criticism over its treatment of Indigenous Australians and asylum-seekers from the Committee for the Elimination of Racial Discrimination in March 2000.²⁷ In a joint press release in August 2000, key government ministers Alexander Downer, Phillip Ruddock and Daryl Williams indicated Australia would not ratify the Protocol as part of this

wider dissatisfaction.²⁸ This was despite the protests by more than 200 women's groups and senior Liberal Party member, Dame Beryl Beaurepaire.²⁹ It was not until 2009, under the new Kevin Rudd leadership that the Protocol was signed.³⁰ As with the fundamental tenor of human rights discourse, the ability for individuals to challenge state authority has always been

Rights such as these are worse than empty rhetoric since they produce complacency within the class of people they sought to protect.

contested. The Optional Protocol represents a legal process by which women are able to make complaints to an international legal body, bypassing traditional domestic political structures. Howard's refusal to allow its operation within Australia emphasised the power of the state to deny the growing international women's rights discourse, thereby slowing the women's policy machinery which had been built under the Labor governments of the 1980s and 1990s.³¹ So despite the sense that these rights were 'absolute', the reluctance of governments to resource and dialogue with women's policy machinery led to a standstill in what was a promising rights movement emerging out of the 20th century.

Conclusion

The rhetoric of human rights has always translated into the rights discourse as a 'political movement'. But as this paper explained, there is a tendency for rhetoric to convolute the ways in which politics allows rights to endure, or in some cases, decline. The rhetoric of rights is a powerful tool that can help influence social attitudes. But through a discussion of women's rights within politics and law, and women's policy machinery, this paper has identified the institutional qualities of the international and

Australian political systems which affect the movement of women's rights. This has led to a tendency of rights 'talk' to become just that:³² a hollow discourse in which only some women's rights are marginally protected. As Sydney University's Moira Gatens points out, rights such as these are worse than empty rhetoric since they produce complacency within the class of people they sought to protect.³³ Transforming the ideas of a woman's rights movement into practice is an institutionalised process and remains an outstanding example of the preeminence of government decision-making.



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21. *Convention on the Elimination of all Forms of Discrimination Against Women* ('CEDAW') (2006) 'Concluding Comments on the Committee on the Elimination of all Forms of Discrimination Against Women: Australia.' UN Document No: CEDAW /C/AUL/CO/5 <[http://www.unhchr.ch/tbs/doc.nsf/0/5864389fbc4047a9c1257245003e0bdf/\\$FILE/N0623798.pdf](http://www.unhchr.ch/tbs/doc.nsf/0/5864389fbc4047a9c1257245003e0bdf/$FILE/N0623798.pdf)>.
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23. Beth Gaze, 'The Sex Discrimination Act After Twenty Years: Achievements, disappointments, disillusionment and alternatives' (2004) 27(3) *University of New South Wales Law Journal* 916.
24. Sawyer, above n 17, 16.
25. CEDAW (2006), above n 21.
26. Mallesons Stephen Jacques – Human Rights Law Group 'Submission to the National Human Rights Consultation' (Paper submitted to the National Human Rights Consultation, June 2009) 9.
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28. Alexander Downer, Daryl Williams, and Phillip Ruddock, 'Improving the effectiveness of United Nations Committees' (2000) Joint press release <http://www.foreignminister.gov.au/releases/2000/fa097_2000.html>.
29. Joanne Kinslor, 'Killing Off International Human Rights Law: An Exploration of the Australian Government's Relationship with United Nations Human Rights Committees' (2002) 2(2) *Australian Journal of Human Rights* 19 in Thorton, above n 11, 296.
30. Robert McClelland and Tanya Plibersek, 'Australia Strengthens Women's Rights' (2009) Joint press release <http://www.ag.gov.au/www/ministers/mcclelland.nsf/Page/MediaReleases_2009_FirstQuarter_4March-AustraliaStrengthensWomensRights>
31. See generally Chappell et al, above n 7, 165 for a discussion on the women's policy machinery in the late 1990s.
32. Moira Gatens, 'Can human rights accommodate women's rights? Towards an embodied account of social norms, social meaning, and cultural change' (2004) 3(3) *Contemporary Political Theory* 275.
33. Ibid.

*We may stand tall together, see eye-to-eye, but who stands in the shadows...?
/ She invites you into her room, but who is the prisoner...? 2011
Jeanne Hu*



IN DEFENCE OF ANONYMITY

Lisa Cantlon responds to Naomi Wolf's call to publicly identify Julian Assange's accusers

Opposite: *Untitled 20*
Juan Carrera & Xi Bing Su

In January 2011, Naomi Wolf wrote an article for the United Kingdom newspaper *The Guardian* entitled 'Julian Assange's sex-crime accusers deserve to be named' in which she argued that the two women who alleged that they had been sexually assaulted by Assange, the founder of Wikileaks, should be publicly identified. Wolf is hardly the first person to argue that laws and media policies which prevent the naming or identification of victims and alleged victims of sexual assault should be abandoned. What enlivened the debate was Wolf's status as a well-known feminist who dedicated a substantial discussion in her 1990 seminal work, *The Beauty Myth*, to the pervasiveness of sexual assault against women and the multiple negative impacts it often had on their lives.

Feminism, focused as it is on the objectification of women through gendered relations, has and always will be a broad movement. Many other feminists disagreed with Wolf's argument. The issue of anonymity was, however, raised again with the arrest of the now-former International Monetary Fund president and French politician Dominique Strauss-Kahn on charges of sexually assaulting a hotel housekeeper. The US media refrained from identifying Strauss-Kahn's alleged victim because of the law and their editorial codes but she was instead named by some French media outlets. With the internet, once a person's identity is disclosed it is near impossible to suppress. This willingness to identify the alleged victim was contrasted by the US media with the outrage expressed in France over Strauss-Kahn's 'perpetrator walk' and the publicity surrounding his case.

The criminal proceedings against Assange and Strauss-Kahn are, at the time of writing, unresolved. But they have, thus far, emphasised the significant extent to which the procedural and philosophical underpinnings of a judicial system are intertwined with our notions of fairness and justice. At the heart of this is the anonymity, or lack of, afforded to the victims and alleged victims of sexual assault. The question is how the conflict between the media's right to the truth and the (alleged) victim's right to privacy should be resolved. Wolf's arguments are, when closely examined,

dangerously misguided and place an intolerable burden on victims.

Anonymity Explained

Anonymity for (alleged) victims of sexual assault is protected either by the law or media editorial codes, or in some cases both. In New South Wales, for example, s 578A(2) of the *Crimes Act 1900* states: 'A person shall not publish any matter which identifies the complainant in prescribed sexual offence proceedings or any matter which is likely to lead to the identification of the complainant.' A number of exceptions are provided, including where a complainant aged over 14 gives consent to the disclosure or, interestingly, where the complainant has died. *The Guardian*, where Wolf's article was published, has the following provision as part of its Editorial Code: 'The press must not identify victims of sexual assault or publish material likely to contribute to such identification unless there is adequate justification and they are legally free to do so.'

In her article, Wolf puts forwards three main reasons why anonymity provisions like those above should be abandoned. The first is that the policies on naming (alleged) victims should be consistent for all crimes. The second is the need for women to be treated as 'moral adults', not as children who require protection. The third is the possibility of women either manipulating or being manipulated to lay false charges of sexual assault, which requires the investigation of the media.

All crimes are the same?

In her article, Wolf passionately argues that anonymity for sexual assault goes against the equality that feminists have long sought, and continues to (falsely) distinguish sexual assault from other kinds of crime. 'Feminists have long argued that rape must be treated like any other crime. But in no other crime are accusers' identities hidden. Treating rape differently serves only to maintain

its mischaracterisation as a "different" kind of crime, loaded with cultural baggage.'

Historically, anonymity of victims for crimes of sexual assault as opposed to other offences, stems from both the statistics and misconceptions surrounding sexual assault as a criminal offence. In comparison to other offences, the prevalence of sexual assault is difficult to gauge, as only a minority of sexual assaults are reported to police and conviction rates remain lower than for other crimes. In the 1996 *Australian Women's Safety Survey*, approximately one in six women (16%) reported that they had experienced sexual assault at some time since the age of 15. This equates to a victimisation rate of 1.5% of women experiencing sexual assault over the preceding 12 month period. However the *National Crime and Safety Survey* of 2002 found a victimisation rate of 0.4% for women and 0.1% for men. These statistical disparities likely resulted from low response rates rather than a decrease in sexual assaults.

Wolf mistakes the strict definition of 'equality', where all victims are treated the same, for the higher goal of 'equity'...

There are other crimes, such as robbery and household break-ins, which affect a higher proportion of the population. What historically distinguished sexual assault was the severe impact it had on the lives of the women who experienced it. This is not at all to deny that male victims of sexual assault suffer to a similar degree. In fact, quite the opposite. But Wolf is correct in saying that, with female sexuality strictly confined and controlled, anonymity needed to be instituted to prevent the identification of women who would now be considered 'damaged goods'. She is, however, incorrect in arguing that anonymity is no longer necessary.

While social mores have changed significantly since the 1960s, and there is increased community awareness of the issues surrounding sexual assault, the personal and institutional barriers to reporting sexual assault remain. The focus of many people, both in the community and the media, continues to be on the behaviour of

the (alleged) victim rather than that of the perpetrator. Reporting rates for sexual assault have improved slightly over the last 15 years according to the Australian Bureau of Statistics but it lags dramatically behind other categories of crime - in the 2002 Survey, only 20% of women reported their sexual assault to police. Many women did not tell anyone about their sexual assault.

When police do file criminal charges based on a report of sexual assault, it is the start of a complex, contested and often ultimately fruitless process. According to the 2009-2010 *Criminal Courts Data*, in Australian higher courts, defendants charged with sexual assault had the lowest proportion (59%) proven guilty of all principal offences. Further, they had the largest proportion of charges acquitted (19%) compared with an average of 7% for all crimes. Many charges do not even reach the stage where they can be finalised - the greatest number of defendants whose charges were withdrawn by the prosecution were for charges of sexual assault (607 out of 2,225 defendants). Even with the recent move towards implementing ‘rape shield’ laws which govern the admissibility of evidence in sexual assault cases, the criminal process often victimises women a second time.

Wolf argues that the institutional problems underlining these statistical discrepancies would be rectified if victims of sexual assault were named. The link between these two variables is so tenuous as to be almost non-existent. Anonymity provisions affect only the public identification of victims; there is no impact on the criminal proceedings in court. Wolf mistakes the strict definition of ‘equality’, where all victims are treated the same, for the higher goal of ‘equity’, where governments have a legitimate goal of increasing the reporting for sexual assault by preventing women from being publicly identified as victims, with the stigma and prejudice that would be experienced as a result. It is the same argument thrown by critics of any policy which provides some assistance to minorities experiencing discrimination or harassment - ‘if they want to be treated the same, they should play by the same rules of the game!’. The reality of many issues, of course, is far more complex and not solved by those who are privileged demanding that others follow in their footsteps.

Naming victims of sexual assault will most often place an unfairly large burden on the individual victim, and not achieve systemic change. In Australia, the anonymity granted to complainants in sexual assault cases is rarely abrogated. In March 2002, however, the ABC radio in Melbourne named ‘Jane Doe’ on the day her estranged husband was sentenced to a term of imprisonment for sexually assaulting her. The resulting case in the County Court of Victoria, *Doe v Australian Broadcasting Corporation*, is a cautionary example of the impact on a victim of being publicly named without consent. Following the sexual assault, Jane Doe had reverted to her maiden name. It was her name, along with her suburb, where the offence occurred, and the fact that it was a ‘rape within marriage’ that was broadcast at three news bulletins on ABC radio. This was in clear breach of s 4(1A) of the *Victorian Judicial Proceedings Reports Act 1958*, which is similar to the NSW provision outlined above. The journalists involved pleaded guilty to the offence and signed a written apology to Doe. She subsequently sued the ABC for damages for breach of statutory duty, among other causes of action.

Given the risks of speaking out, whether victims of sexual assault choose to consent to disclosure is their choice alone, not a matter to be forced upon them.

The judgment outlines in detail the severe impact the sexual assault had on Doe’s life. By the time of trial, a year after the attack, she was suffering from post traumatic stress disorder and was housebound and largely unable to work. Immediately following the sentencing of the offender, however, Doe spoke to her psychologist and said she was feeling newly optimistic and ready to begin living a new life. Mere hours later, her name was broadcast to the public as a victim of sexual assault. Doe spoke again to her psychologist, who was in a ‘unique position’ in being able to give evidence to the court in the marked difference in Doe’s level of distress. As Doe told the court in evidence:

‘I felt I had no control at all over anything that was happening in my life at that moment when probably an hour ago I had a piece of my life given back to me when he was found guilty and I felt I was, I don’t know, stripped naked in public again. I felt humiliated. I felt like everyone in the street and everyone around me knew that it was on the radio.’

Doe subsequently withdrew from society for two years. Her experience was likely compounded by her membership of a tight-

knit ethnic community which she characterised as ‘conservative, prone to gossip, and to whom divorce was a shameful thing’. It is common for victims of sexual assault to feel as though everyone knows about their experience, and is judging them. When their identity is publicly broadcast, victims can suffer prejudice and stigma from people of any background - sentiments which blame the victim are not limited to any race, class or creed. In Doe’s case, she was awarded damages of \$234,190. The ABC was unsuccessful on appeal and ultimately decided against appealing to the High Court.

Women as ‘moral adults’

Continuing the argument that all victims should be treated the same, Wolf noted that the disclosure of the identities of both child victims and perpetrators is often barred. ‘Though children’s identities should, of course, be shielded, women are not children. If one makes a serious criminal accusation, one must be treated as a moral adult.’ This ignores the different policy considerations behind each approach, and the barriers faced by sexual assault victims. Wolf does not elaborate on what precisely is a ‘moral adult’, but it appears she is arguing that women should bear the burdens typically experienced by Jane Doe.

Victims of sexual assault still retain their agency and can choose to consent to the disclosure of their identity. The response to victims of sexual assault who have consented to the disclosure of their identity illustrates many of the dilemmas. In 2007, then University of Sydney student Nina Funnell wrote an article in the *Sydney Morning Herald* describing how she had been violently attacked and sexually assault by a stranger while walking home one night. Explaining why she had decided to disclose her identity, she said:

‘I have decided to publicise my story to reclaim some ownership of the situation. I refuse to be intimidated by this man or by the legal process and so I willingly attach my name and photo to this article. I’m not embarrassed to say I was almost raped. Rape should not be embarrassing to anyone other than the coward who commits it.’

Funnell recently spoke to *The Australian* about the vitriolic comments that followed her article, particularly from people commenting anonymously over the Internet. One person wrote ‘She’s so fugly, I wouldn’t even bother raping her from behind



Top to Bottom:
Untitled 18; Untitled 11; Untitled 19
Juan Carrera & Xi Bing Su

with a box cutter’. Given the risks of speaking out, whether victims of sexual assault choose to consent to disclosure is their choice alone, not a matter to be forced upon them.

Further, the media should not put women who disclose sexual assault on a pedestal, as role models to all victims of sexual assault. For example, *Sydney Morning Herald* columnist Miranda Devine labelled Tegan Wagner, who was 14 when she was raped by the now infamous Sydney brothers MSK and MAK, a ‘hero’ for disclosing her identity, contrasting her to the ‘shamed victim(s)’ who were presumably still hiding in the dark. This juxtaposition is unhelpful and undermines the trials suffered by all victims of sexual assault.

Not only does this remove responsibility from the perpetrator, but it has the effect of privileging men who are already privileged by class, race and fortune.

Women are liars

Wolf’s final reason for abandoning anonymity is arguably the most controversial - the importance of women being ‘moral adults’ is apparently ‘particularly clear in the Assange case, where public opinion matters far more than usual’. Hence, where the (alleged) perpetrator is a well-known public figure, Wolf thinks it is even more important that the victim is publicly named and bears the brunt of criticism and attention. This is despite the fact that victims of sexual assault never choose to be assaulted, let alone who they are assaulted by. In balancing the rights of the media to the truth and the rights of the victim to privacy, the fame of the (alleged) perpetrator seemingly shifts the balance towards the media. Not only does this remove responsibility from the perpetrator, but it has the effect of privileging men who are already privileged by class, race and fortune. Wolf further argues that ‘some questions of motive and context, for both parties, are legitimate in any serious allegation’. True, but they should be decided by the judiciary and not the court of public opinion. In harking back to the claim that women are often mischievous, vengeful or regretful in claiming to be sexually assaulted, or in this case being manipulated for political reasons, Wolf undermines the autonomy and agency of all victims and shows a blatant disregard for the rule of law.

The crime of sexual assault continues to be treated as a special situation by the media, however, it is unlikely to be solved by removing anonymity for victims. Wolf’s focus in her article was misdirected, and unfairly placed the burden on victims and alleged victims of sexual assault. Many women, like Nina Funnell and Tegan Wagner, who speak out about their experiences of sexual assault are effective advocates for other victims. However, not every victim can be expected to want their identity revealed. The focus should instead be on broader reforms and campaigns to educate the media, and the broader community, about the vicious reality of sexual assault.



My grandparents with two of their seven children, 2011
Graphite pencil with newspaper copy transfer on paper
Feng Guo

THE GOLDEN HEART

Ryan Doherty

The bottom drawer of a bedside chest of drawers is where she kept everything that reminded her of him and their times spent together. Tucked carefully away in the drawer were innumerable stubs from cinema and theatre tickets, party invitations, brief handwritten notes and several long letters. There were brightly decorated cards, made carefully by hand in celebration of birthdays and Christmases and other events and that had funny drawings on the front that had always made her smile. Amidst other trinkets and odds and ends there were loose twists of string and slightly torn pieces of wrapping paper that had once been folded carefully around gifts. Joan remembered how at the time these had seemed just as important to keep as the gifts they enveloped. She felt strangely comforted that this repository of memories was right next to the place where she slept and dreamed. She knew that if she wanted to she could take each item out of the drawer one by one and piece together the dates and places to form a mosaic of her life. She thought about how this confused medley of items stowed away in a bottom drawer recorded the intricacies of a time whose fine details she herself would someday forget, was already forgetting, and a sombre relief passed softly over her.

Nestled in a corner at the very back of the bottom drawer was a heart-shaped chocolate covered in golden tinsel that he had given her some time before. The heart was about the same size as the palm of her hand

and attached to it was a bulbous chocolate beetle. The beetle was covered in red and black foil and it grasped the gilded heart happily with little black legs. Joan remembered what he had said when he gave it to her. 'It's a lovebug,' he'd said smilingly as he placed it neatly in her hand. She had looked at it and at him and had smiled because it reminded her of the little characters he used to draw on notebooks and letters. Later that day she had looked up lovebug in the encyclopaedia and found that really it is a type of march fly that is ugly and really it is nothing like the one he had given her. Joan preferred to forget about that ugly sort of lovebug and instead to think of it as the small sweet beetle she now held in her palm.

Before he had given her the golden heart Joan had heard the word lovebug but it conjured up different imagery in her mind. She used to think it meant that love was a sort of virus that infected people and left them dotting and lovesick. She had always thought it was odd to compare love to a virus like that because love was good and surely something as benevolent as love did not deserve the name of an infection. Yet in the back of her mind Joan saw something fitting about this way of looking at things. She had supposed that love was a relatively benevolent bug, to be sure, but like all infections there were symptoms and inevitably in some small way and in some small part of you it made you weaker.



Culture Shock Snapshots (detail), 2011
Sepia photographs
Feng Guo

Afterwards Joan no longer thought of love or lovebugs in this way and she stopped believing that love was like a virus or any similar affliction. The small chocolate beetle and heart that he had given her and that she kept in the cool darkness of her drawer captured the nature of love much better, she thought to herself. She remembered how he had wanted her to eat all the chocolate straight away because it was good quality chocolate and not to be wasted. ‘I bought it for you to eat,’ he complained lightly. ‘If you don’t eat it soon it will spoil.’ But Joan knew she would not eat the gold heart or the little chocolate creature stuck to it. She knew that eating them would be the real waste because then they would be gone and there would be nothing left of them except the sad flat crinkled foil. No, she would not eat them. She would put them away and keep them safe.

Sometimes Joan liked to lie awake at night and think about the lovebug in her drawer and she liked to think it revealed to her some secrets about love. She imagined a small bug just like that one inside her body gripping firmly and tightly to the tissue of her own heart. She thought of how the bug resting on the surface could feel her heart beat as it pumped the warm viscous blood around her body, and how the little beetle’s pulse would eventually slow down to match her own so that both pulses would beat in time, the beetle throbbing as her own heart throbbed. Like the chocolate lovebug in her drawer, the beetle in her chest was dense and heavy and it clung tenaciously to her heart and weighed it down and she always noticed how her heart was slightly heavier than it had been before. It was not that it was an unpleasant feeling, Joan thought to herself. It was just that something inside you was heavier than you remembered it and you felt as though the whole character of your experiences and of your life had changed.

Before he had given her the chocolate heart and beetle Joan had also wondered why the great deep pleasures of life were never pure but were always tainted or accompanied by a slight pain that she always felt. She had thought maybe it was because a part of you was dimly aware that these pleasures

were finite and that you were finite and that soon either the pleasures would be gone or you would be. But now for her at least the bittersweet pain-pleasure of love was no longer arcane or mysterious. It was the little beetle that she imagined inside of her, the lovebug nestled comfortably in the creases of her own heart, that made her heart joyful and alive. At the same time that little creature weighed her fragile heart down and sometimes pained it as it palpitated and squeezed and contracted. Joan imagined the beetle at times gripping her chest very tightly and she remembered how when she was with him she was always very happy and very sad.

When Joan was in high school and first started cooking dinners with her mother, she used to jump at every prick of hot oil on her fingers, wrists, arms. She would leap metres away after feeble attempts at tossing ginger, tofu or fish into the smoking wok, complaining that she didn’t want to learn to cook if it was going to hurt this much. But Chinese cooking is all about the stir-fry. ‘You need to toughen up, Joan,’ her mother reproached.

It was during these evenings that Joan’s mother would often recount stories of her youth. Mother and daughter washed and prepared bundles of herbs, slabs of meat, as daylight declined through the kitchen window. Joan’s mother had grown up on the family farm, a sort of endlessly active and often fatiguing youth set against the backdrop of expansive rural wilderness that, Joan knew, her mother still had a certain fondness for. Joan’s mother spent her time cooking and tending for her father and two older brothers, learning the domestic skills necessary to run a household. Her mother had told Joan how the men would return home after a day’s labour, shrouded in the pale glow of a dusking sun, and sit down, or really almost collapse, limply into the beechen chairs of the small kitchen table. Joan imagined her grandmother and mother serving the evening meal, bowls steaming

hot, her grandfather and uncles pouncing eagerly upon the sorely needed sustenance. ‘The way to a man’s heart is through his stomach, so your Nan always used to say to me’, recounted Joan’s mother. ‘A fed house is a happy house. Your Nan had a million of these sayings. From your grandmother I think I learnt that a woman’s love is the most powerful thing in the world. “Look at your father, your brothers,” your Nan would say as we peeled potatoes in the farmhouse kitchen. “They are big, strong men. But where would they be without us, without our care and our love and our cooking? They couldn’t survive.” And so I learnt from your grandmother that the love we give is a gift. It is precious and life-sustaining. “Don’t ever think that women are powerless,” your grandmother meditated to me. “A woman’s love is a kind of manna, a sort of spiritual sustenance. We women play our part, we give our care and our love and that’s what makes the world go round.”’

After it had all ended her mother had alternately tried to comfort and berate her. ‘You’re still young. Soon you’ll forget about him and it will be like this whole thing never happened,’ she’d said. ‘But remember that a young woman like you should not be so careless about love; don’t think it’s love just because your heart skips.’ Joan dropped the leafy cabbages she was washing in the sink, shed her apron and withdrew to sit indignantly at the empty dinner table.

Her mother drew a chair beside her but Joan refused to meet her eyes. Joan’s mother sighed softly, somewhat exasperated. ‘You know, even I only realised later, some time after I’d married your father, exactly what your grandmother meant. I met your father one summer when I was still only twenty, still just a girl. Back then he was just a guy who’d come to inspect and buy your grandfather’s tractor. But he was handsome, I thought; and his eyes warm and caring. I was relieved when your Nan took a liking to him. She too probably sensed my increasing fretfulness at still being there on the farm as she disapproved of each suitor that appeared and departed from our doorstep. Even though I

trusted her opinion completely, after twenty years I was ready for a change, an adventure. I guess you could say that your father, for me, at the time, represented a new life, unknown yet yearned for.’ ‘But our love - my love - it grew slowly like a seedling. I cared for your father the way I saw your grandmother care for your grandfather and the rest of our family – the only way I knew how. In the beginning, I did the household chores, the cleaning, the cooking, everything out of habit, while your father worked. It was familiar for me, this kind of caring and loving. And gradually it became more than just a habit. I knew its meaning, its significance. Your father and I were building something together, a family, and from that our love just kind of emerged, grew and surrounded us. We were just doing what everybody else did, what we felt you were supposed to do when you were married. And the love did come, just as Nan had known it would.’

‘But Ma, is that the kind of life you want for me?’ Joan had always received her mother’s advice with some suspicion - a suspicion that when she and her mother spoke about love, they did not even mean the same thing by the word. It would be nice to believe that her stories and softly-spoken admonitions expressed a wisdom about common human experience, the experience of Love and Lost Love, but Joan was sad to find she could not think this. She suspected that love was probably different for everybody, so different that it might be dangerous to trust another’s advice, even those who cared dearly.

‘I know it’s changed now. Of course you can’t be happy with that. If you had to stay home and cook and clean it would be a cage or a prison you’d want to get out of. But you need to be realistic, Joan. We all have our parts to play, and what kind of love doesn’t know sacrifice or compromise?’

Joan sat quietly, cross-legged, in front of her chest of drawers with the bottom drawer open. She tried to imagine herself in her mother's shoes, as if her mother's memories were her own. She remembered thinking how strange it was that something like love could grow from habit or duty as it had done for her grandmother and even her mother. Like her mother's, Joan's love had grown from within and blossomed outwards, like a flower responding to the sunlight of affections and smiles and shared experiences. But, Joan thought, her feelings hadn't developed within the bounds of marriage. Joan was twenty, the age her mother was when she met her father, but unmarried. Her feelings hadn't developed out of any sense of domestic or wifely duty; instead they'd come from spending time with another person who, she'd thought, at the time, completed her, made her feel somehow more real. Joan thought of how that Ancient Greek philosopher she'd come across had said something about love being the sharing of one soul by two bodies and wondered whether her mother felt connected to her father in this deepest of ways.

Looking at the golden heart with its lovebug companion she thought about how maybe that was what her own heart was like before but now it was not like that. Some lovebugs must never die whereas others must die very quickly, she thought. But she had not yet made up her mind about what happened when they died. At times she imagined the little creature first tearing itself away from the heart with great effort and beating its fragile red and black wings to fly away and die in another place. Was that why it was painful? she wondered. Sometimes she thought that maybe the lovebug simply remained attached to the heart and died right there only to wither and shrink and blacken with the passing of the days. After some time, she thought, perhaps the black wizened remains fell off and your heart was lighter but you knew that something somewhere inside you was missing. Or maybe it stayed there in the darkened crevices of your heart, no longer active or alive but just big enough and just heavy enough for your heart to remember it was once there.





STONES

propped up by cushions
 grandmother sits limply
 loosely, her body a warm plump hen
 two feet resting before her
 like egg-shaped stones

decades ago
 yards of harsh white bandages
 bound around and around
 her shrieking, shrinking feet
 like millions of women
 with deformed toes

silently
 snapping
 bones

Pixelation Animation, 2011
 Paint, buttons & photographs
Poem & artwork: Feng Guo



*Nature or Nurture: Studies of Cuteness
 in Asian Culture, 2011*
 Digital Collage
 Zhi Wen Liu

WHY EVERYONE SHOULD SPEAK TO AN INDIGENOUS ARTIST AT LEAST ONCE IN THEIR LIVES

Because it will open your eyes to the fact it's not all dots and boomerangs

Because you'll get a glimpse of what it means to embody countless generations of culture

Because you end up having a hell of a good yarn



Left to right: Full Blood; Half Cast; Quarter Cast; White
Kerrie Kenton

Amila Perera came across Darug indigenous female artist Kerrie Kenton as the recipient of Parramatta Arts Studios Urban Indigenous Artist Exchange.

So, she was going to speak to her about that.

They did for a bit, but then it turned out the rest of what she had to say was far more interesting. Like how Kerrie is a bone collector and a flower child, and should (sort of) be living in the Opera House.

Kerrie is quite softly spoken when we start talking. I quickly learn it's because our first topic of conversation – the Canada exchange – is not particularly inspiring to her. Simply put, she had a rotten time. It was her first time overseas and she arrived in the Canadian winter, was met by no one, and when she finally got to her artist residence it was a tiny room in an old warehouse with no windows, which, she says 'for an Aboriginal person is like being put in a box'.

She does perk up however, as she describes one of her fellow inmates.

'There was this ghost! He must have been an old worker or something, but he kept annoying me at 2am every morning. He'd do this routine of walking down the corridors, knocking on my door and opening the power box...and other people have seen him! At first I thought I was mad and the trip had got to me and it was too much. But I actually got photos of the spirit coming into my room and leaving it.'

I find out that apart from being an experienced ghostbuster, Kerrie is also a painter, sculptor, fashion designer and teacher. She is also a single mother, and it was ultimately through motherhood that Kerrie realised how important it was for her to become an active artist.

'I remember growing up and my parents telling me "You *don't* talk about who you are; you *don't* tell anybody you've got Aboriginal in you" because they were still so fearful of being taken and us being taken and they had to sign documents when they got married that they would bring their children up as Christians and denounce all of their culture.'

'I got accepted into the National Art School at 16, got my qualifications, ended up in fashion design and did that for 15 years. And then...I had a child, and my mother passed away. And it was almost like the cultural reins were handed over to me. And then I started seeing the same difficulties my son was having at school with racism and so to me, that cleared the way for me to say "I really need to start changing history, and changing the way everybody perceives my child and my people in particular because we'll never advance as people if the same cycle is continuing". That's why I started to make work that educated.'

Kerrie arts in different ways, drawing inspiration from handed down stories, and especially her local land around Parramatta River and Duck River.

'A lot of the sculptures I'm doing contain animal bones and feathers and that sort of thing. They're all animal parts and plants that I collect locally, like local fallen trees.'

But although spirituality and culture play a huge role, she draws from more contemporary influences as well. She is an urban indigenous artist, who grew up in Sydney – not in the remote northern communities, where our most famous indigenous art comes from. 'I think that's really important to get across to the community - that we just merge in with you, and you don't really understand. I did an exhibition in Fairfield that was called *Authentic* and it was all about getting rid of the stereotypical myths of what an Aboriginal person is. I did a series of pop art pictures myself...'

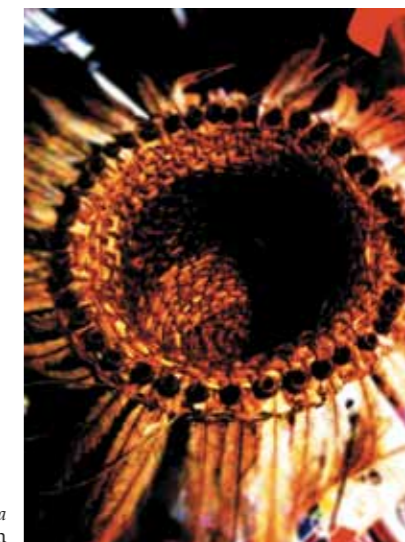
Indeed, the first Kerrie Kenton work I ever saw was this gorgeous psychedelic Warhol-esque mod woman, painted in dots. In other words, it epitomised cool. The exploration of the female presence – both physical and spiritual, modern and ancient – is deeply felt in Kerrie's works. From her paintings that so variously capture the female form, to her basket-weaving pieces, Kerrie's art in many ways tells the story of the indigenous woman through time.

It is crucially important for her that this spirit of recording history through art stays alive. Kerrie has

been a part of the Aboriginal Education Consultative Group, that worked with the Department of Education in a push for non-written flexible assignment delivery. She tells me that as a teacher of fine arts at university and Training and Further Education (TAFE) she always endorsed submission of assignments by any creative means, where possible. I of course suggest she should have a chat with certain teachers of mine, past and present.

All jokes aside though, I find that for the first time in my life I am actually beginning to feel some connection to all the Aboriginal culture and history I was taught in school. Sure, I know about the Stolen Generation. Sure, I know the red-coats did bad stuff. But as we're talking I realise: *no, this woman really knows...*

'My great grandmother came from Duck River and she witnessed horrific things. She was beaten and put into a school and forced to learn English and had her father, my great great Grandfather taken away from her. And those kinds of things, you just don't get over.'



Mariong Bamurra
Kerrie Kenton

I really need to start changing history, and changing the way everybody perceives my child and my people in particular because we'll never advance as people if the same cycle is continuing

'I can't get back my great great grandfather's land...because that's where the Opera House was built, so there's no way, ever, that that land would ever be handed back to me or my family. So to say we get land and we get this and that...is just not the case at all. Especially with Darug people and the Sydney mob – we can't prove native title because they've covered over our grave sites, they've covered over all of our history so we have no proof that we were ever there.'

'We often say when we have community gatherings – how do we heal, when we can't go to the places where we heal?'

I struggled to understand, before speaking to Kerrie, what it might mean to identify as an Aboriginal person in Australia. For her, it's about the spiritual, and the stories; a collective consciousness and shared history, and the art is a record of all that:

'Aboriginal people are all artists...musicians, storytellers, poets, sculptors, dancers...because culturally, genetically that's what we do and what we've done since the dawn of time.'

THE SRC LEGAL SERVICE

SRC President **Donherra Walmsley** details the foundation of the SLS and talks to Legal Practitioner Director Maggie Hayes



Left to right: Maggie Hayes, Donherra Walmsley

On the 4th of January 2011, the University of Sydney Students' Representative Council (SRC) opened the doors of the first student-run legal service in Australia. The provision of free legal advice to undergraduate students has long been a part of the services offered by the SRC, but up until the creation of the SRC Legal Service (SLS) this was provided through Redfern Legal Centre. In the face of increasing demand for legal advice and a desire to broaden the remit of the role of the solicitor beyond what a relationship with Redfern Legal Centre would allow, the 82nd SRC Executive, headed by the 82nd President, Elly Howse, made the decision to boldly go where no student organisation had been before and set up our own legal service.

The announcement of the SLS was greeted with widespread scepticism from a range of parties – many people thought that the SLS was doomed to failure. Whether that scepticism was because we were young, because we were students, or some combination of all those factors was unclear, but fortunately our detractors could not have been more wrong; six months on the practice is running smoothly. From the four day a week service provided under RLC, the practice has expanded to a five day a week service with a caseload that covers a range of areas, including criminal matters, domestic violence issues and employment law. Solicitor Maggie Hayes says that the practice deals with 'every kind of law that affects students: driving offences, insurance debt, tenancy, consumer complaints are just a few'. Not insignificantly, it costs the SRC less to run the SLS than it did to contract out to Redfern Legal Centre.

Whilst both the SRC and RLC have a strong commitment to social justice, the particular focuses of the two organisations are quite different. The main goal of RLC is to help disadvantaged people; whereas that of the SRC is to help undergraduate students, who are generally not disadvantaged in the traditional sense, but are often vulnerable to exploitation in the workplace and in tenancy

relationships in particular as a result of youth, inexperience, and power imbalances. Through setting up our own legal service, the SLS has been able to focus on cases that fit into the social justice and equal opportunity principles espoused by the SRC as a whole. Ms Hayes notes, 'Generally speaking the Service takes on matters for all students, male and female, however because of the SRC's goals with regard to equal opportunity and anti-discrimination, the Service devotes a large part of its resources to assisting female students with discrimination and unfair dismissal complaints. Furthermore, it is increasingly evident at the SLS that workplace issues such as sexual harassment, bullying and harassment, and unfair dismissal are disproportionately affecting women students. The practice is also finding that women students are being discriminated against for their age as well as their gender and we are currently pursuing complaints on this matter through the New South Wales Anti-Discrimination Board'. In other words, the SLS is working hard to combat sexism in the workplace, the necessity of which is both surprising and disappointing for those of us entering the workforce in the 21st century.

In light of this, it is, perhaps, all the more significant that the SLS was conceived and set up by women students. It was also founded without a model. Ms Hayes states, 'We designed the service to suit the needs and goals of the SRC. We followed general guides on how to set up an incorporated legal practice from the Law Society's website, the website of the Legal Services Commissioner and ASIC's website.'

At this point, Ms Hayes is the only employee at the SLS. However, there is a high demand for the services it provides. Ms Hayes says, 'Students tell us they are surprised that they get such a great service for free, particularly with regard to our representation of them at court, all pro bono services.' Accordingly, the SRC plans to expand the practice. And not insignificantly, the goal is to do this, in

part, by employing more female professionals. Ms Hayes reveals, 'The SRC hopes to assist young women lawyers, by providing opportunities to gain experience and paid employment in a service that is committed to equal opportunity principles. For example the Service offers employment where the employee's personal circumstances can be taken into account, by allowing job sharing and other arrangements to suit employees with personal and family reasons for needing these.' The SLS is also hoping to recruit volunteers from the Law School later in the year as well as Practical Legal Training Students and employ a part-time solicitor next year. The SLS also aims to create closer links with the Law School through the Social Justice Clinical Course.

The SLS is only in its early stages, but I'm incredibly proud to have been a part of the project. I firmly believe that student services are best delivered under the governance of students, and the SLS has already demonstrated this through improved value for money, increased availability of service, and a greater ability to pursue a wider variety of cases. As we expand, we believe that providing volunteer opportunities for students is an important role for any university based venture, and this element was a core part of the vision we initially had for the Legal Service. It is really exciting to have been involved in setting up a best-practice example student legal service, and I hope that it continues to evolve and grow to best meet the needs of students.

The SLS is taking applications from University of Sydney students who are interested undertaking their Practical Legal Training here. This service provides opportunities to obtain a range of experience in a number of areas of law, including criminal law, anti-discrimination law, insurance law, and employment law. Enquiries should be directed to Maggie Hayes, Legal Practitioner Director, SRC Legal Service, by email at solicitor@src.usyd.edu.au or on 9660 5222.



Learning, 2011
Courtney Tight

At the Young UN Women Australia Sydney Leadership Forum in Newcastle. Girls from schools in the area came to the forums, hosted by Newcastle High, to hear from women leaders and go to skills sessions about careers, campaigning, goal-setting and confidence building. Forum participants ranged from students in Year 7 to Year 12.

A CALL FOR THE REVIVAL OF RIOT GRRRL

Serena Wong delves into the past and explores the infamous Riot Grrrl movement

The Riot Grrrl movement, borne from the American underground punk music scene in the early 1990s, had all but collapsed by the time I was an angsty teenager, becoming a musical, social and feminist relic consigned to the annals of history. And, as the movement disintegrated, so did many of the bands that gave rise to it. However, the legacy of Riot Grrrl as an effective feminist grassroots movement remains, and it is argued that in light of the state, or rather the lack, of feminism in popular culture, a revival of the Riot Grrrl spirit with its political and social ideals is needed. By encouraging and developing acumen, independence and creativity in its affiliates, the Riot Grrrl movement, with its do-it-yourself aesthetic provided and fostered an empowering community between women, effectively creating a ‘subculture’.¹ Importantly, they did this through music, performance and the publication of zines.

With the movement encompassing a wide range of talents and interests, having arguably moved away from its punk origins,² exactly what is a Riot Grrrl can be somewhat elusive, particularly as the movement was more of an attitude or way of life than anything else. People engaged with the movement aligned themselves with the beliefs and values of Riot Grrrl – that is, anything ‘connected with girlfriends-politics-real lives’,³ as noted by Bikini Kill, the archetypal Riot Grrrl band. Whether female or male, what mattered was a sense of belonging to the Riot Grrrl community and upholding strong, feminist beliefs and opinions in the face of prevailing politics and the patriarchal ideas of contemporary society. The appellation ‘grrrl’ itself is a reclamation

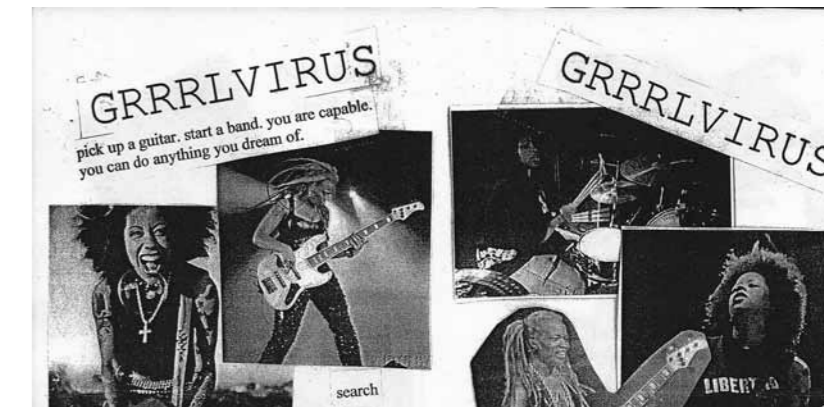
and transformation of the term ‘girl’, viewed as ‘disempowering or infantilising women’,⁴ to wipe away all and any implications of childish weakness in women and to instead distinguish women as strong individuals. The term also reflects one of the most important objects of the Riot Grrrls – to create a new phrase to which young women could identify themselves with, thus creating a dialogue between these women and developing a collective identity in which they can explore the social or cultural structures they find problematic, and challenge them.⁵

Another means at the Riot Grrrls’ disposal was music. This is made all the more significant when considering the inception of the movement out of the congenitally masculine punk genre. By taking established traits of the genre, namely short, loud, aggressive instrumentation and anti-establishment lyrics as well as in-your-face fashion, and adapting it to their own ends, Riot Grrrl bands such as the aforementioned Bikini Kill effectively make punk music their own. Their hit single *I Like Fucking* is short, with the requisite layers of brash drums and electric guitars. Lead singer Kathleen Hanna howls, ‘Just ‘cause my world sweet sister/ Is so fucking goddamn full of rape/Does that mean my body must always be a source of pain?/No, no, no’, and ‘I believe in the radical possibilities of pleasure babe’. Clearly, the song is acknowledging the importance to women of sexuality and physical desire, while at the same time calling attention to the threat of rape as a real life issue many women face. Significantly, these issues are recurrent themes in much of the music and zines of Riot Grrrl affiliates. An apt description of the ethos of Riot Grrrl bands is that ‘a band

is a musical zine’.⁶ Zines, short for ‘magazines’ or ‘fanzines’, are creative outlets which many Riot Grrrls used to promote communication between affiliates, and were also used as channels through which ideas, thoughts and opinions were exchanged with respect to various issues effecting women, including sexuality, sexual abuse, domestic violence and classism.⁷ They also acted as a ‘marginal space’ in which ‘contemporary images of girlhood are challenged and deconstructed’.⁸ Exemplifying this were such Riot Grrrl zines as *FaT GiRL*, *Bitchfield*, *Hospital Gown* and *Kill Supermodels*, particularly when these titles are juxtaposed against such popular Australian women’s magazines as *Cosmopolitan* (bringer of glamour and worldly sophistication) and *Harper’s Bazaar* (inextricably connected with the stereotypical women’s hobby, shopping). However, this is not to say that all women’s interest magazines are similar to that of the abovementioned magazines. Nevertheless, Riot Grrrl zines acted as an alternative to mainstream publications and were unconstrained by any rules of censorship and commercial, money-making objectives. This kind of unrestrained freedom of speech and press is sorely missing from many of today’s publications. Furthermore, by making their zines intellectually stimulating and thought-provoking, Riot Grrrls effectively transformed the medium of the magazine into something more than mere entertainment: zines could act as a means of self-empowerment for girls, allowing writers, artists and publishers room to explore their identity, redefine what it means to be a ‘girl’ and to critique and challenge the status quo.



grrrlvirus flyers 2010
Clementine Cannibal



As noted by ‘Spirit’, the moniker of an online Riot Grrrl supporter, in a blog entry circa 1995, ‘Our networking through mail, the internet, through music, through zines and through the punk scene keeps us closely knit and strong.’⁹ This is, perhaps, the most important aspect to Riot Grrrl – without this sense of community and networking, there would be no movement. However, despite the importance of having such a grassroots movement and the effectiveness of zines and music in spreading its ideals, the movement nonetheless eventually fell apart. The culmination of the numerous media attacks on the movement, in which Riot Grrrls were portrayed as ‘lesbian, man-hating, ignorant, violent, bitter, bitch(es)’;¹⁰ the dismissal of Riot Grrrl by many as merely a ‘fashion craze’ rather than a truly revolutionary feminist movement;¹¹ and, most importantly, the disintegration of several core Riot Grrrl bands¹² was that the movement simply faded away. The societal hostility towards the Riot Grrrls is not dissimilar to how feminists have traditionally been portrayed in society. The fact that mainstream, contemporary media would describe the movement’s affiliates in such a way further necessitates a Riot Grrrl revival to change such narrow-minded views about pioneering, independent women. The media also took the Riot Grrrls to task about the homogeneity of women involved in the movement; most participants were said to be ‘white and upper- to middle-class’.¹³ However, with the use of the

Internet, and the anonymity it provides, as a means of spreading zines and publishing music, this may not necessarily be the case. It is arguable that because these women were ‘upper- to middle-class’, they were educated in a way which makes them able to understand the restraints placed on them by social and political structures. The making of zines and music is their way of overcoming and breaking through them by conveying their messages to others.

Clearly, the song is acknowledging the importance to women of sexuality and physical desire, while at the same time calling attention to the threat of rape as a real life issue many women face.

startling new set of sexual norms. For instance, while Katy Perry’s controversial hit single *I Kissed A Girl* may seem to be empowering in Ms Perry’s unabashed confession, ‘I kissed a girl and I liked it’, that is a weak interpretation at best. The song caters to male sexual fantasies of girl-on-girl action, playing into an ‘experimental game’ of how women can attract men and being clearly offensive to the lesbian, gay, bisexual and transgender community. This is not the sole example of this; sexual titillation and self-objectification is as rife on the airwaves as it is on the various TV music channels. I cannot speak for the current state of ‘alternative music’ (using that

term loosely) considering the breadth of that difficult-to-define genre but considering Riot Grrrl music is a niche and definite alternative to mainstream, popular music, perhaps the movement can begin again, in the guise of alternative music, as a reaction to the state of popular music.

On a more personal level, another reason for my call is due to my admiration of the community built and fostered by Riot Grrrl. From its feminist punk inception to its eventual demise, the movement focused on building a community in which people could spread their thoughts and ideas, as well as offer each other support. The sense of community differs from that which exists in clubs and societies found in universities as members of the Riot Grrrl community do not come together merely because they share similar interests or hobbies, but because they have similar experiences, ideas, opinions and attitudes, which provides a much deeper foundation to the relationships between those members. The creation, publication and the passing of zines between people who believed in Riot Grrrl and the Riot Grrrls who wrote and played music, put on and advertised concerts and performances and anyone who had ever attended a concert or performance helped create and sustain a strong community. In zines and music, everyday persons were able to express anything and everything without fear of retribution. If they could do it then clearly, so can we. In the words of Bikini Kill in the aforementioned song, ‘We’re not gonna prove nothing, nothing/Sitting around watching each other starve/What we need is action/strategy.’



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Above: *Culture Slut* #20 (October 2009) (detail)
Zine
Amber Forrester

While zines are still published and distributed, covering a wide spectrum of subject matters and types, Riot Grrrl zines are much harder to find now than in the 1990s. Zines can be found in the following places (thank you to Annie Ly for the information):

- Bird in the Hand Zine Shop - zineshop.com.au
- Black Rose in Newtown - blackrosebooks.org
- Smells Like Zines Distro - smellslikezines.com
- Take Care Zines Distro - takecarezines.org

The Museum of Contemporary Art and Sydney Writers' Festival Zine Fair takes place annually in May and the first Snapdragon Zine Fair takes place on 4 September 2011 - see snapdragonzinefair.wordpress.com for more details.

Clementine Cannibal (clementinecannibal.com), a purveyor of zines and the mastermind behind the grrrlVIRUS/girlVIRUS movement, which is 'definitely related to Riot Grrrl, just not limited to it', says Clementine herself. According to their Facebook group page (<http://www.facebook.com/pages/GirlVIRUS-grrrlVIRUS/168578173201389?sk=info>), it is 'something like an international collective of girls and women with no leaders or hierarchy. girlvirus is whatever we want it to be...'

Finally, for those interested, *Girls to the Front: The True Story of the Riot Grrrl Revolution* by Sara Marcus is said to be an excellent book concerning Riot Grrrl, following the course of the movement from its inception to its disintegration.



grrrlvirus flyers 2010
Clementine Cannibal

THE QUIET ASCENT: NEPALESE WOMEN'S PUSH FOR EQUALITY

Melanie Bechtel explores the intersections of geography, politics and poverty in the lives of Nepalese women

Prayer Flags
Lydia Jebakumar

Opposite Left to Right: *Woman* Matthew Willem Blome;
Tea House Mountain Portrait Matthew Willem Blome



Life in the Manohara Urban Slum

Urmila looks over to her child, playing with a small rubber ball, tossing it back and forth between his friends. She calls to him and he joins us, sitting on her lap as she squats on the concrete laid in front of the purpose-built hut. The Manohara slum is situated underneath the Kathmandu airport. Flights from Thailand and India roar overhead, sometimes appearing at the last second through the haze of the valley. Urmila, single mother of four, has fled the mountains. Falling off the jagged cliff in her village in Eastern Nepal, her animals, her agrarian livelihood and her home literally disappeared beneath her feet when a landslide hit.

It was with the determination to provide a better life for her children that Urmila had the courage to make the trip to Kathmandu in search of a home, a job and a school. Here in the Manohara slum she sells fruit on the side of the road, hoping to earn 100-200 rupees per day (AUD\$1.30

to \$2.60). This income must now cover food, school fees, hospital fees, shared electricity and rental costs associated with the slum. Although approximately 86% of Nepal's population lives in agrarian countryside, rural women often experience an increased standard of living upon arriving in the city, with access to medicine, in particular, an important advantage. However, not being able to grow food or cultivate livestock means days of hard work for slum dwellers.

For Kathmandu Valley's estimated 13,243 squatters (in 2008), a wide range of reasons bring families to the slums.¹ Despite owning property in the countryside, some families are pushed to the slums by forcible political removals or environmental degradation. Those without property rights are often pulled for economic reasons. For Urmila, the difficult task of securing rights, safety and basic food and water is a problem that she will have to address largely unassisted.



Geographical Hurdles

In the lives of Nepalese women, issues incomprehensible in the West emerge as fundamental features of life. Abstracted western feminist principles of work that developed into the 'public/private' divide are incomprehensible in Nepal, as women often work in heavy labour with children at foot. Nepal is situated in the Himalayan ranges, boasting eight of the ten highest peaks in the world. India is seen on the horizon from certain vantage points across the flat plains of the Terai. It is these same peaks attracting waves of western tourists that frame Nepalese women's lives with physical challenge and back-breaking labour. Access to education, medicine, nutrition and trade require days, sometimes months, of travel, often involving lengthy walks just to access public transport. They work along steep hilltops carrying heavy loads on their backs. They cook, take care of children, tend to the home, garden and animals, and manage finances. Nonetheless, women

in the countryside thrive off local economies, selling buffalo milk, eggs and other home-grown produce. Local loans are available to women as part of informal community support. And in the popular trekking destinations tourists direct the economy towards gear, jewellery and cappuccinos.

Tale of Two Superpowers

As a Hindu Monarchy, Nepalese culture thrived outside the grip of western colonisation. It played its geopolitical poker face against the superpowers of India and China. Rather than occupation, the UK recruited fighters from the infamous Gorkha region for the military. It has nonetheless had a rocky past in its systems of governance. The country has seen a number of forms of government including one hundred years of autocratic rule under the Rana family dynasty (1846-1953), forms of panchayat (or King-ruled) democracy, and finally the move to a republic in 2006.

The republic came about as a result of a 10-year war instigated by a diverse and effective group of rural combatants. The so-called ‘Maoists’ (mostly for the purpose of following Mao’s concept of the ‘new people’s democracy’ run by the proletariat,² and not a term endorsed by the People’s Republic of China) rebelled against the monarchy. Under the guise of communist ideology, using tactics of fear and intimidation, many of the peasants were either swept up to join the fighting, or coerced into submission for their protection. Both the government and the guerillas used force to secure territory and exert control over the population.

After years of guerrilla warfare, the two sides drafted a comprehensive peace accord and the current King relinquished power.³ An interim constitution was drafted using an affirmative-action style integration of the rights of women, Dalit (the lower caste in Nepal) and indigenous people.⁴ However, a lack of implementing legislation means that the constitution is largely symbolic and provides no avenue for justiciability for minorities suffering abuses of the rights specified. Today the Maoists have a majority of seats in the 601-member constituent assembly. The assembly reserves 33% of its seats for women at the federal level and 40% at the local municipal level.⁵ However, the final version of the constitution, the form of governance, and the possibility of an ethnically divided federation all remain contentious issues, resulting in a stagnant and ineffectual parliament.

Silent Tragedy

During this fight for democracy, women suffered undue tragedy at home. Further isolated from Nepal’s transport systems due to fear of attack during travel, and receiving worse than normal nutrition, pregnant women suffered high rates of maternal mortality.⁶ In the 2006 *World Disaster Report* neo-natal and maternal mortality rates were described as the ‘silent tragedy’,⁷ causing twenty-five times more deaths

than the civil war, at approximately 35,000 women and children per year. These numbers only account for deaths in health facilities, and are not inclusive of deaths occurring in the far, inaccessible regions of Nepal.⁸ Warfare, geography, and women’s unique place in reproductive labour intersected to create an impossible environment for safe reproductive health. For many Nepalese women during the 10-year conflict, leaving isolated towns for a hospital delivery was too difficult, too expensive, and too dangerous. Reports by the United Nations Economic and Social Commission for Asia and the Pacific (ESCAP) have indicated that women who suffer obstetric complications can pay up to 9% of the household wealth towards medical costs.⁹

Paradoxically, women’s reproductive health was used as a political platform taken up by the Maoist political party United Marxist Leninist (UML) with particular emphasis on poor women’s access to maternal health.¹⁰ But this political emphasis was not able to change overall maternal health statistics.

Instead, Nepal has seen an improvement in health standards in the past 20 years in part due to an increase in funding for two important United Nations Millennium Development Goals directly related to women’s reproductive health.¹¹ These include the reduction of maternal mortality ratio by three quarters (between 1990 and 2015), and increasing the proportion of births attended by skilled health personnel,¹² which has resulted in the successful employment of more reproductive health workers and improving conditions for mothers and babies.¹³

Emerging Feminists

From the 1990s, a shift in feminist jurisprudence towards equal rights emerged.¹⁴ Nepal is a party to a number of international human rights instruments, including the *Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW) and its *Optional Protocol*.¹⁵ Under Nepalese law, international



treaties and conventions are automatically incorporated into domestic law.¹⁶ Therefore, specific provisions under CEDAW are justiciable and gross violations of women’s rights may be investigated by the CEDAW Committee.¹⁷ This sends a strong message to the national and international community about Nepal’s commitment to gender equality.¹⁸ Additionally, both a national women’s commission and a human rights commission were established as independent bodies to investigate rights violations.¹⁹ The Kathmandu-based NGO Forum for Women, Law and Development has been active in monitoring specific women’s issues and inquiring into discriminatory laws and practices.²⁰ This has included critiques of Nepal’s *General Code (Muluki Ain)* and the drafts to the *Interim Constitution 2007*. The inquiries have revealed the most egregious forms of discrimination are found with regards to citizenship rights,²¹ property rights (inheritance),²² trafficking and sexual abuse, education, employment, marriage and divorce laws and access to courts.

However, incremental change in the courts can be

seen. For instance, marital rape laws,²³ unmarried women’s full citizenship,²⁴ and employment rights have expanded significantly.²⁵ The Supreme Court has also addressed the issues surrounding access to justice by ordering that special procedures be implemented to fast track proceedings concerning women and children.²⁶ Significant steps have also been made to end the dowry system of marriage on the basis that dowry-based violence against women had increased since the Maoist insurgency.²⁷ Most recently, passing of domestic violence legislation and reporting mechanisms provides a gender-neutral avenue for redress.²⁸

However, in the legal system a great paradigm is visible. While some rights are catapulted to the forefront of Nepalese policy, other rights remain stagnant, held back by hegemonic masculine norms. For example, ineffectual laws cover the major areas combating polygamy, dowry, and persecution for witchcraft. On the other end of the scale, one example of a huge step in Nepalese law is the ‘right’ to access abortion. These laws go one step further than most countries. In May 2009



Above: Gosaikunda Matthew Willem Blome
Opposite: Sky School Melanie Becktel

the Supreme Court summoned an order to the Nepalese Government to provide safe access to abortion, in particular for poor women unable to pay the fees.²⁹ The court held that there is in fact a positive obligation on the Nepalese Government to provide abortion services to women. This is a crucial area of development due to the high maternal mortality rates from unsafe abortions. It is believed that up to 20% of maternal deaths are a result of unsafe abortions.³⁰

Namaste

Prem stares at us. Catching our eyes, she jumps up, clasps her hands together in front of her heart in the traditional greeting. With this she yells at the top of her lungs, ‘Hello! How are you?’ Our group giggles, smitten with the tiny pigtailed poking jaggedly from her temples. The enthusiasm with which she utters the words is testimony to the career path she hopes to pursue one day. She runs back to her parents, proud that their daughter can interact with tourists.

Although she is a keen learner and is eager to practice with the visitors, girls in Nepal are less likely to attend school than their male counterparts. Female literacy is 42.5% compared with 65% for men and girls attend school at only half the rate of boys.³¹

With the complex needs of a highly diverse and geographically challenging country, Nepalese women face unstable governance and challenging economic conditions. However, diminishing tolerance for discrimination and a committed local feminist movement thrust Nepal to the forefront of a worldwide push for women’s rights.

Melanie Becktel has a blog where you can find out more: melanepal.wordpress.com.

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Girls Melanie Becktel

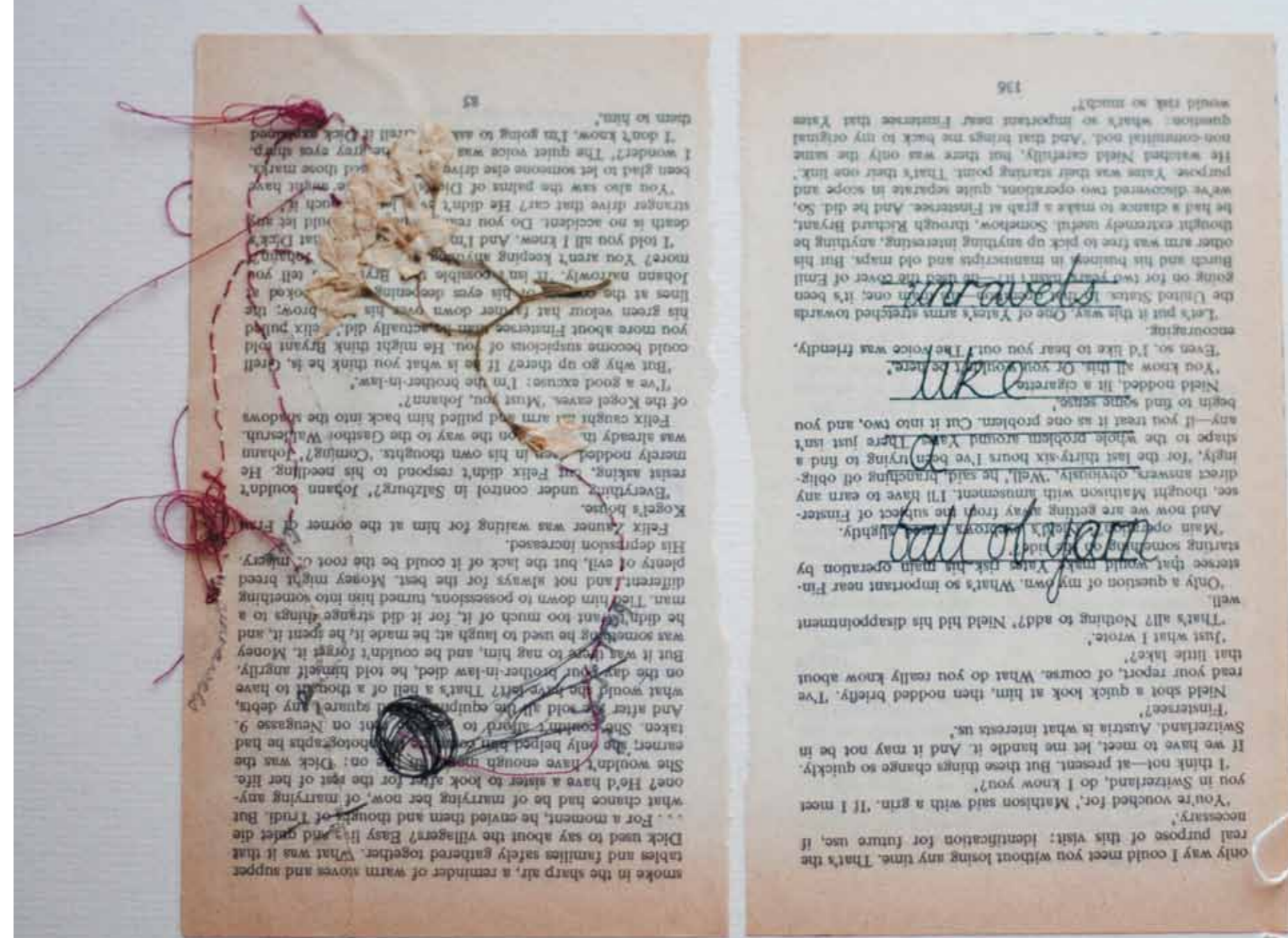
COTTON CYCLE

all the whites have turned to lavender;
they clouded in the soapy water.
such a little, ragged thing
but it bled
the
whole way through.

the hot rapids rampaged
and ran spirited careless untamed
through amazonian collars and cuffs .
unbridled fervour,
a laughing bronze and naked woman
with abandoned breasts
and golden leafmeal in her hair
commands the rough terrain through which she hurtles.

ecstasy as the droplet of water
trickles to the base of your neck.

masticated images
that can so easily be injected with:
the feeling of stillness in your arms
the gravel pulsating beneath rubber soles
the week-old scab on my knuckle.



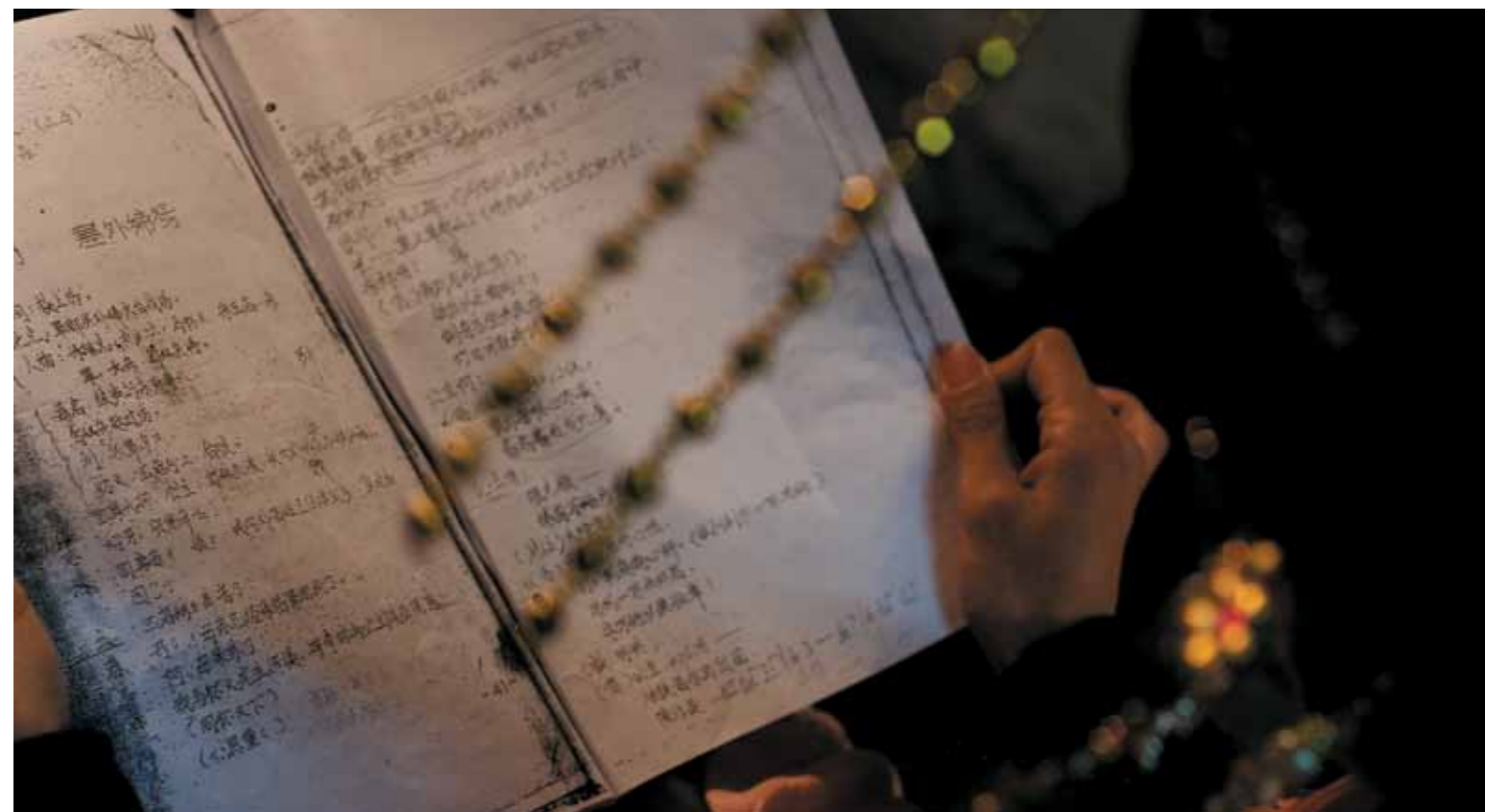
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only way I could meet you without losing any time. That's the real purpose of this visit: identification for future use, if necessary.
'You're vouching for,' Mathison said with a grin. 'If I meet you in Switzerland, do I know you?'
'I think not—at present. But these things change so quickly. If we have to meet, let me handle it. And it may not be in Switzerland. Austria is what interests us.'
Mathison shot a quick look at him, then nodded briefly. 'I've read your report, of course. What do you really know about that little lake?'
'Just what I wrote.'
'That's all? Nothing to add?' Nield hid his disappointment well.
'Only a question of my own. What's so important near Finstersee that would make Yates risk his main operation by starting something of the kind?'
'Main operation?' Nield's eyebrows rose slightly.
'And now we are getting away from the subject of Finstersee. Thought Mathison with amusement. [I] have to earn any see, thought Mathison with amusement. [I] have to earn any direct answer, obviously. 'Well,' he said, bracing off obligingly. 'For the last thirty-six hours I've been trying to find a shape to the whole problem around Yates. There just isn't any—if you treat it as one problem. Cut it into two, and you begin to find some sense.'
Nield nodded. 'It's a cigarette.
'You know all this. Or you wouldn't be here.'
'Even so, I'd like to hear you out. The voice was friendly, encouraging.'
'Let's put it this way. One of Yates's arms stretched towards the United States. It had a black, or brown one; it's been going on for two years, hasn't it—he used the cover of Enlli Buch and his business in manuscripts and old maps. But his other arm was free to pick up anything interesting, anything he thought extremely useful. Somehow, through Richard Bryant, we've discovered two operations, quite separate in scope and purpose. Yates was their starting point. That's their one link. He watched Nield carefully, but there was only the same non-committal nod. And that brings me back to my original question: what's so important near Finstersee that Yates would risk so much?'

unravels
like
a
ball of yarn

I climbed into the belly of the sky, 2005
Xi Bing Su

THE PLAY DATE DIARY

Anonymous



Gao Jia Xi Xi Bing Su

I turned 24 in February. That age might not be very significant to you, but it has been the age at which my parents have apparently decided that I am officially on the market, that is, the marriage market.

I watched my mum's intervention for a cousin when I was younger. She threw a 'casual' dinner party consisting of all of the battalion that is our extended family and the boy's cosy family of four, efficiently combining a meet-the-parents night, extended family drama and awkward dinner conversation all into one evening. Bargain. I remember feeling rather horrified, but in a muted arms-length sort of way, and I naively failed to connect the dots and recognise that this happy fate lay in wait for me as well.

This Play Date Diary is the fruit of a night of red wine with friends, who gleefully made me promise to write this for their entertainment. Enjoy.

Play Date 1: Chile, part 1

The only creature more dangerous than the mother-in-law is the potential mother-in-law. One of Mum's long-standing patients had slowly accumulated enough information about me over the course of many appointments to decide that I would be a good match for her son. We were both Christian, both loved travel of the backpacker variety, and he had conveniently come back from a recent trip around China which had given him an Oriental bent in his taste in women.

Equipped with information my mother had unwittingly given away, she decided to take matters into her own hands and slipped into the back pews of my then-church one evening for an unimpeded view of me. While I had my thoughts on God, she had thoughts of things closer to home, like my dress size.

At the next appointment she informed my mother that she thought that I was attractive. Taken aback, my mother asked, rather bewilderedly, when she had seen me. When she explained her intentions, my mother quickly overcame any qualms and became complicit in the proceedings.

The next thing I knew, I'd been given a slip of paper by Mum with a phone number for a woman 'looking for a youth group for her daughter'. As soon as I naively made the phone call and heard the thick Spanish accent, I knew. I knew that my mother's ways had evolved since her awkward dinner party days and I was dealing with a much more sophisticated outfit. Chilean Mother was similarly well-oiled, mentioning nothing of her son except as an inconspicuous afterthought, perched at the end of matter-of-fact enquiries regarding the time and place of bible studies. 'Oh, I have a son also', she ventured, 'late 20s. Would he be able to join too?'

I moved churches. I moved for various other reasons too, but since then I have heard from my friends at that church that a rather inquisitive Chilean woman with a young girl in tow has been seen looking for a new church 'in the area'.

One of the first people I told about this was my thirtysomething Iranian friend, who was distinctly unsurprised. 'In Iran, matchmaking is assumed.' She looked at me pragmatically over our steaming ramen lunches, 'Finding a good wife for your son is the natural next step of love as a good mother.' This conjured up images of eyes flickering over the tops of newspapers or heads turning furtively in cafe booths behind unsuspecting women. M16 had nothing on this network. 'You reach a time where you always want to look your best when you step outside the door because you never know who might be judging.'

My story also drew other similar stories out of the woodwork. Natalie, my friend with laughter like mulled wine and enough life experience for three, fished a fabulously disastrous anecdote from her repertoire. Her mum had insisted that she accompany a pilot on a cargo flight to India, perhaps with misguided intentions of a Disney, Aladdin-like experience. The reality, however, was the man hitting the cruise control button mid-flight and trying to launch himself into some in-flight entertainment. Poor Vanessa had to try to extricate herself in a very, very small space at 3,000 feet. When she arrived

in India she booked a separate flight back immediately. At least my experience had all been ground work.

Play Date 2: Mr Soft Hands

Strike two had been planted well in advance. The last time I had seen him I was basically a child, and he was a teenager. I quickly named him Freckle Face, congratulating myself for my diplomacy at the time, as Pimple Face would have been a much more accurate description. The adults were horrified that the name stuck into adulthood, despite many well-reasoned attempts to dislodge it.

After the arranged Play Date Christmas lunch, however, I felt compelled to change his name yet again to Mr Soft Hands, on account of the fact that he held his hands together delicately in front of him when he spoke, much like Mr Burns from the Simpsons. He occasionally moved his right hand to emphasise a point before quickly returning to clutch his left. This has made him the crowd favourite among my friends, who speculate as to whether it is an attempt to draw attention to his perceived best feature, his hands, or whether it is an attempt to discreetly cover up some minor deformity on his left.

Growing up, his parents had fussed over me with garden variety affection, occasionally proffering indulgent advice. His father was born and bred in old school China with all sorts of battle stories from the political upheavals of its recent history. He became an academic in Australia, and in recognition of the first few difficult years they shared here, my parents' names are mentioned in the introduction of one of his first published books. 'You can always tell when a country is distinctly lacking something from its dialogue', I remember him saying once. 'Take all this rhetoric on equality in China. What does it mean except that there exists a deep, entrenched inequality?'

His parents used to always ask after how I was doing at school, remind me how important good grades were and would encourage me enthusiastically in my various extra-curricular pursuits. But they stopped asking about this, and their advice regarding what I should look for in a future husband had changed from being quaint when I was younger (make sure he writes you a stack of love letters as tall as your own person!) to being much more 'practical' during later visits. They laid out arguments as to why I should drop my Christian criterion and at the time I was angered at this stifling, paternalistic ignorance of my faith and why it was so important to me, but in retrospect I see it was not even kindly, fatherly advice so much as careful grooming. Inception at its finest.

We arrived at their house to a table aching with the weight of an amazing feast, but over the course of the lunch I slowly realised something was amiss. When Mum encouraged me to tell them about my new, hard-won new job, my stories were greeted with a silence. Later when we shared the news that I was moving out to my own place, there was silence again.

My conversation with him hadn't been faring much better, either. 'So do you play sport?' I asked politely. 'Oh I run occasionally . . . when I have time.' Silence. 'Do you watch movies?' 'Yes, I enjoy watching the odd movie . . . when I have time.' 'Do you see a lot of your friends?' Yes, you guessed

it, only when he had time. It seemed he had very little time. Very little time to notice that his skin situation had stayed much the same since early adolescence, or to notice that he had bristly nose hair stretching confidently out of his nostrils. He did have time, however, to lean over during lunch to inform me in his clipped, girlish voice that he liked my skirt. I could hear my cutlery screaming, *'It's a dress! Now lean back!'*

Later, Mum, rather perplexed herself, would dissect the lunch with me and we came to the conclusion that my initial exuberance had been met with odd affront because in the silent chess game of Chinese etiquette, it had been interpreted as a rather aggressive move. Working in litigation and paying my own rent was a sign of independence and the vague capacity for antagonism, and this did not fit in with the subservient, domesticated ideal they'd hoped for in a wife for their doctor son.

I took these disturbing conclusions to my sister, my only other witness. She had been completely unaware of the insidious undercurrents of our lunch. 'Ok,' she said, 'I had no idea. I was just thinking about the chicken I was eating. It was great chicken.'



Gao Jia Xi Xi Bing Su

Play Date 3: Mr 'And so forth'

Marriage is a union between two families. I have heard this mantra many times over the years, whether over a cup of tea during the quiet exchange of womanly wisdom with Mum, or from old Chinese ladies at dinner parties or, more recently, out of the traitorous mouths of some of my own friends.

I've always found the idea unromantic and completely at odds with my Westernised upbringing. My idea of intimacy is two people wrapped in each other, falling asleep together in the quiet. Where is there a part for your two families in that picture? Outside the door? At the window?

I wouldn't be culturally blind enough to go as far as to say it's outdated or obsolete, because obviously it comes from a different sort of mindset, where you consider the needs of others as part of your own. I can see how it makes sense if your life is deeply interwoven with that of your family, a patchwork quilt that everyone is forever adding to, amending and expanding together. I think that having that rich tapestry of meaning and those entwined threads of concern for your wellbeing provide you with an invisible sort of shine, one that's sadly missing from so many peoples' lives today. True independence is true loneliness.

The episode with Mr 'And so forth' made me want to quilt. Our mothers had gone to uni together in the P R of C, and had lived parallel lives in different states when they immigrated to Australia. They had two children and taught at universities whilst running their private clinics on the side. They were capable, hard-working, self-made women. They were sociable, warm, and safe storehouses for the untold hopes and fears of their patients.

They hadn't seen each other for 20 years, and when his family came down to Sydney recently I felt self-centred asking Mum whether there was hidden agenda concerning me.

When I last saw Mr 'And So Forth' years ago, we were both pre-teens. He was nice, if a little oddly formal in the way that he spoke. Absolutely nothing had changed. Time had pushed him through the motions, but had done little else. Standing at the cusp of graduation and full-time work, I felt he hadn't ever gotten off the middle of a proverbial see-saw. Sure, he wasn't riddled with insecurities (as far as I could tell), addictions or self-destructive desires, but he was also empty of passion. He was just standing in the middle, with arms perfectly balanced, and perfectly still.

He had excellent bedside manner, and I'm sure he will make an excellent doctor. You can see the neat dot-points of his thoughts unfolding as he speaks, leading to the final 'and so forth'. I even tried to empathise by saying 'notwithstanding, hitherto, henceforth, inter alia' in rapid succession, and he laughed, but then he said, 'I guess I picked it up from reading books, and my teachers at school, and so forth'.

Two days after they'd gone back to Brisbane, Dad came over to 'chat'. This was out of the ordinary because Dad had always watched Mum's previous labours with good-natured bemusement. 'Over

the years across all my business trips to Brisbane I've watched him grow up', Dad said, 'and he's a good boy. He might not have as much life experience as you, or have as wide a social circle, but that's changeable. What's harder to acquire are the qualities that he does have.' I was taken aback at this unexpected insight into our obvious differences, and looking into Dad's well-intentioned, twinkly eyes I really wish I could've been attracted to Mr 'And So Forth'. A small part of me wished I could be that knot that tied our two families together and our family dinner conversations would be so rich in a shared history together.

But then I thought of the things I dreamed of doing in the next few years; of breathing in that fresh sense of adventure in Nepal or learning a new way of thinking in Botswana, of long discussions about politics over red wine in some squashed terrace house in inner Sydney, of endless cups of tea and tickets to see plays, of praying into the impossible and daring to believe that God can bring change, and so forth.



Ramro Village Children Matthew Willem Blome

INTERSEXTIONS KALEIDOSCOPE STUDY (NO. 1), 2011

Watercolour and pencil on brown paper

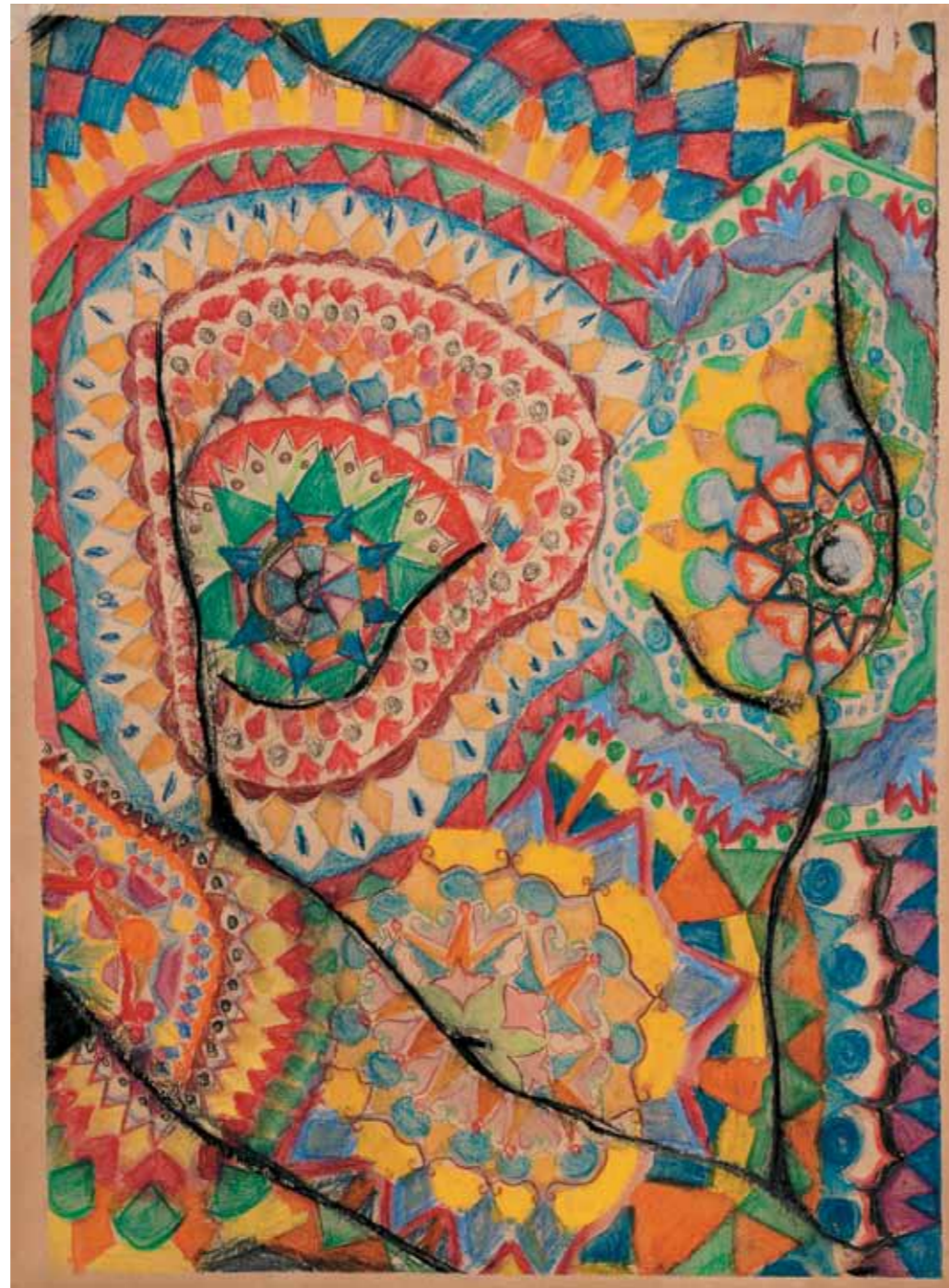
Rosalind McKelvey-Bunting

You end up knowing more by knowing what you don't know.

Studying Anthropology and Gender studies at the Australian National University, I noticed in class that we always explained human nature through its contributing factors, and debated about whether they were biological, social, cultural, and so on. However, I also noticed a contention between this and the impossibility for any of us to decide finally upon any of it. I began to think that uncertainty was the only certainty and from that point theories of it, such as the Heisenberg uncertainty principle, became particularly relevant in my work.

Initially it was subconscious, but I also drew great creative inspiration from my tutorials. I began drawing a lot of kaleidoscopic patterns that I would complete in a completely irrational manner, as in I had no prescribed ideas or any result that I was aiming for. I came to realise each of these studies were artistic expressions of my uncertainty on how to comprehend the complexities of human nature. I began placing figurative shapes (women, men, objects) within the pictorial plain and giving them their own kaleidoscopic patterns. Slowly each kaleidoscope would grow, and eventually evolved into something completely unique. The final work is intersecting layers of kaleidoscopic pattern, which up close are clearly distinguishable from one another, but from a distance meld together, becoming a hypnotic and somewhat therapeutic myriad of colour and pattern.

I believe that this imagery is a useful analogy for how the uncertainty of human nature can be better understood, such as gender (or any element of human characteristic, behavior or feeling). It is necessary that we openly accept the reasons for why or how people identify with themselves and the world around them are not reducible to a range of contributable factors. If uncertainty becomes acknowledged, it will open us to the infinitude of human nature.



SEEN BUT NOT HEARD: School Education and the Marginalisation of Women in Lebanese Politics

Pip Abbott explores the issues arising from gender inequities in Lebanese politics, culture and society, looking to school education as a solution

A year or so ago I managed to write a thesis, which, in a nutshell, concerned the current Lebanese school system and its effect on future female political participation in Lebanon. I had been initially reluctant to embark on this research as I did not want to be labelled a feminist and thus have my research discredited. It seemed to me that this was the worst fate. I mentioned this concern of mine to my adviser and it was only after she made me justify at length exactly what was so wrong with being labelled a feminist that I felt comfortable enough to pursue the thesis.

Our conversation turned on the fact that I was hesitant to research a topic that I thought anybody (or any woman) chose when they were unable to find a better angle. I felt like people would look at me when I told them I was researching women in Lebanon and think, 'Ah, the easy way out. Typical feminist.'; the kind of 'typical feminist' who cannot help themselves but constantly complain about the position of women and the countless inequalities that they suffer daily. I didn't want to spend a year researching a topic that people weren't interested in hearing about. Whether or not I really am a 'feminist' is beside the point; what is significant is that I almost made a decision based on concern about how I would be perceived.

This is all the more significant when, in the course of my research, I found countless examples of women being disadvantaged and discriminated against in their everyday lives. The most alarming results from my thesis, and which are applicable not only in Lebanon but worldwide, were that the forms of discrimination against women affected even the most educated classes and was often discrete. The position of women has certainly improved in most countries around the world, compared to the past, but that is not enough to say that it should stop where it is now. Rather than being (as it seems to be now) an awkward topic of conversation, the ongoing divide between men and women in professional settings should be openly discussed and confronted – eventually, the simple idea that equality only exists when all are equal might just prevail. Until then, I guess I will just have to resign myself to the fact that people are going to label me 'passionate', 'militant', 'fanatical' and ultimately, 'feminist'. It turns out, there are worse fates.

The following is a condensed version of my thesis.

L'extension des privilèges des femmes est le principe général de tous progrès sociaux

Charles Fourier, 1808

*They never would hear,
But turn the deaf ear,
As a matter they had no concern in.*

John Swift, 1724

Women in Lebanon have one of the world's smallest representations in their national parliament, arising as a result of the Lebanese school system's neglect to address gender equality and the ineffectiveness of their new civics program. Sectarian divisions and confessional cohesion routinely take precedence over gender equality in Lebanese society. In effect, the continual focus on confessional cohesion detracts and limits the discussion of other issues. As a result, women's rights are pushed aside as people attempt to determine how best to achieve solidarity amongst the various sects. While no doubt this is important, the neglect of gender imbalance leaves half the nation's population, a number greater than any one sect, without equal rights and opportunities.

Lebanese cultural values, both perceived and real, clearly impact on women and their political participation. One of the greatest difficulties in facilitating female political participation is inspiring women to become involved. The understanding of this has led to organisations holding leadership workshops to teach public speaking, negotiation and organisational skills. However, waiting for women to leave school before initiating such education programs seems counter intuitive. The aptness of the schooling system to challenge preconceived gender roles and to develop political interest and the confidence of girls is crucial and requires attention and development.

At present the handful of women who have served in the Lebanese national parliament have virtually all been related to a male member of parliament. Myrna Boustani was the first woman in parliament when she inherited her father's seat after his death. Similarly, Nayla Mouwad and Solange Gemayel, took over the seats of their assassinated husbands. While Bahia Hariri, the sister of Rafiq Hariri, was in parliament long before her brother's assassination, her strong political family substantially advantaged her political career. As long as the only passage to parliament for women in Lebanon is through a male connection any real change and progress for female political participation will be stagnant.

In order to understand why the neglect of the schooling system is detrimental to future female political participation in Lebanon, it is necessary to first consider the overall political environment in Lebanon. Lebanon continues to be run by tribes under the mask of sectarian groups who are allocated a number of seats in parliament. An ever present fear that one group will get more power than any other pervades everyday politics.

The structure of the Lebanese parliament sustains a type of patriarchal governance. In such a power structure, women are invariably viewed as inferior and inadequate in leadership positions. These attitudes permeate throughout Lebanese society. A schooling system which tackles such attitudes as well as facilitates students towards political participation through discussion and dialogue would assist in changing female political participation. Without such a schooling system, there is little doubt that women will remain on the outside of politics in Lebanon for the near future.

Lebanese Society and Politics

The influence that family dynasties have in Lebanon makes it hard for anyone outside of these circles to gain entry into the Lebanese government. The June 2009 elections highlight that any apparent progress away from the family dynasties and the

patriarchal command of the Lebanese parliament is fictitious. Only four women were elected to parliament; two less than the previous term. They all had a male relative who had previously served in the Lebanese parliament.

Kinship is a fundamental focus of people's lives and in turn, these groups have strong allegiances to particular religious sects. The persistent patriarchal culture preserves the idea of a male family leader impeding the inclusion of women. Clientalism¹ prevails in Lebanon due to the kinship structure and tribalism.² Societies, in which there is a 'perceived or real threat' are more likely to have such power structures.³ In Lebanon, this threat most certainly exists in the tenuous divisions between the various confessional groups and the desire for the community tribal leaders to sustain the loyalty of their members.

Lebanon was one of the first Arab states to introduce a multi-party government. During the French mandate, an agreement was devised which gave the numerous sects in Lebanon a specific allocation of power. In the following years, this system of power share was even used as a model to remedy the politico-religious disputes in Northern Ireland.⁴ However, despite avoiding the autocratic dictatorships that thrived across the Middle East region, this government structure was criticised long before the civil war began in 1975.⁵ It became weaker and weaker as the differing interests of the various sects and their leaders prevailed.⁶

The family-feudal terms of a tribe extend to the governance of the country under the banner of confessional governance.⁷ The confessional structure of the Lebanese parliament creates unnecessary and contradictory divisions and loyalties within the national community. In so much, political life is dominated by family dynasties.⁸ As long as the seats in the Lebanese parliament are terminated by confessions, it will be very hard to lessen the control of the family dynasties. Regardless, more Lebanese citizens, particularly women, need to be engaged in politics.

Women in Politics

A political culture encompasses the attitudes and the values of a particular society. The way an individual participates in the political process is formed by the surrounding political culture and social attitudes.⁹ The transmission of a political culture to younger generations is affected by the socialising forces of institutions such as schools, churches, families, as well as an understanding of political history. Reciprocally, these institutions affect the political culture.¹⁰ In Lebanon, the political culture is dominated by kinship and clientalism. These factors sustain patriarchy with the notion of women as subordinate to men and it is rare for a woman to be the leader of a kinship group.

Lack of confidence is a key factor that limits political participation. In a review of female political participation in the Arab world, it was found that improving confidence was essential to improving participation across the region. Positive improvements in participation have been shown following skills training to individual female candidates.¹¹ The inclusion of such education programs to encourage women and thus to foster the skills, interest and confidence to pursue political careers, is essential to heightening women's confidence and hence encourage political participation.¹²

Education can enhance women's confidence by challenging and breaking down preconceived roles. While leadership programs and workshops held for adult women are fundamental to increasing their present participation, governments should be recognising the importance that the schooling process can play and does play in the development of future female candidates. Schooling has the potential to counteract existing views and beliefs or to reinforce them.¹³ In so much, it should be considered as a powerful tool in facilitating a more honest gender representation in the Lebanese political sphere. Conversely, if the current Lebanese schooling system is not adequately addressed

and transformed, it will perpetuate the sectarian divisions and the exclusion of women in the political discourse.

Women in Lebanese Society

In the historically weak political climate of Lebanon, any discussion of women's rights takes a backseat. Confessional unrest takes precedence over concerns of the inferior position women experience in Lebanese society.¹⁴ The traditional social position of women remains subordinate to men.¹⁵

The ongoing legal discrimination that persists between the genders hampers any progress in social equity. Article 7 in the *Lebanese Constitution* states that all Lebanese citizens are equal before the law. Personal status laws, though, contradict any argument that this is truly the reality.¹⁶ Evolving alongside the confessional arrangement of the country, the personal status laws are left to the discretion of the different religious authorities. Consequently in a country of around four million people, there are 17 different legal codes pertaining to marriage, divorce, inheritance and other affairs under the personal status umbrella. The codes sustain, in their own ways, an inferior position of Lebanese women, and reinforce the sectarian divisions in the country. It is virtually impossible to discuss the implications of personal status laws openly and freely, and harder still to criticise them.¹⁷

The difficulties created by personal status laws are clear when pressured politicians shy away from personal status law reforms, claiming there are more important issues to tackle.¹⁸ If women are not deemed equal in the face of the law, how can it be expected that they will be seen as equal in the face of society as a whole? It creates a confusing and contradictory reality.

Women are seen in decision-making roles in Lebanese civil society. Indeed, many organisations within civil society are entirely female run. Yet this involvement, much like the growing presence of women in the economic sector, has not led to improvements in

the political representation of women. The basis of most of the Lebanese female civil society in charity and their detachment from any real politics engagement has led to negative attitudes towards women as potential political agents.¹⁹ Such aversion to engaging in political debate is concerning; the positive influences these groups have on the lives of women are overshadowed by the imitation of the restrictive patronage culture. In replicating a power structure that favours men and without presenting new power structures and leadership models, these organisations are detrimental to the termination of the current power structure and provide no viable alternatives.²⁰

The results of the June 2009 elections are not encouraging for women in Lebanon. Only four female politicians were successful, all of whom are related to male politicians, past and present. They are Bahia Hariri (sister of Rafiq Hariri and aunt of Sa'd Hariri), Strida Geagea (the wife of Christian leader Samir Geagea, who was imprisoned), Nayla Tueni (daughter of Gibran Tueni) and Gilberte Zwein (both her grandfather and father served in the Lebanese parliament). Additionally, in the June 2009 elections out of a total of 587 candidates, only 12 were women.²¹ It would appear that women continue to remain on the outside of any real political participation and must wait for doors to be opened by a man.²² Rather than aiding future development, the current manner in which women in Lebanon achieve election to the national parliament only reiterates the patriarchal political culture and the necessity of having influential male kinships.

The promotion of women as leaders is crucial. Many women have to become 'honorary men' to be able to be politically active; when they do raise 'women's issues' they may face criticism for being feminists and hijacking political debate away from important issues.²³ Women should not have to behave like, or imitate, men to be deemed worthy of acceptance in decision-making roles, as highlighted in the discussion on female civil society. Regardless of gender, there must be a promotion of both men and women as effective leaders.

Considering that the four women who were elected in the June 2009 elections were each related to male politicians, it can be surmised that they had all been surrounded by politically engaged environments. Certainly, they would have been encouraged by their family and had the confidence that they stood a good chance of being elected, if only because of their family name. On the other hand, the vast majority of Lebanese women do not have such an advantage. To offset this gross imbalance, there needs to be affirmative action to encourage more women towards active political participation.

The Effects of Schooling

The schooling system has an important role in both confronting preconceived social roles and developing crucial political skills. It can be seen as decisive in influencing future generations of women and their political participation. Arguably, a government has a moral responsibility to guarantee that every child is given an equal chance at acquiring skills for a 'good life'.²⁴ That is to say, to afford an individual a chance of equality regardless of their gender, race, religion and social background by providing students with the same set of opportunities and skills. Conversely, if not controlled and monitored, it may, and indeed, will, reinforce existing social injustices.²⁵ Gender inequality, if not addressed affirmatively, can very easily slip under the radar and persist unchallenged.

Political interest can be heightened with civics programs within the school setting and is key to political participation. Schooling may also be used to encourage further political participation through the incorporation of a civics programs. An effective civics program within any schooling curriculum should instill students with skills such as the ability to think critically and enquire into important issues, as well as the ability to express opinions. In particular, it has been shown that such skills can lead to an increase in the self-confidence of girls as well as improving their understanding of

political issues if there is an encouragement of sceptical enquiry, and if the program is conducted in a surrounding that reflects gender equality.²⁶

Schooling System in Lebanon

Today, levels of attendance of girls in Lebanese schools equals, if not surpasses, those of boys in every level of education. Yet the thriving presence of women in the education system has not been reflected in gender equality within Lebanese society as a whole.²⁷ Education programs that encourage open debate and discussion and that equally counter pre-existing gender roles significantly offset these obstacles. Moreover, without such programs, women's alienation from the political sphere can persist uncontested.

...the thriving presence of women in the education system has not been reflected in gender equality within Lebanese society as a whole.

In recent years, the New Framework for Education in Lebanon (*Al-Haikaliah Al-Jadida Li Al-Taleem Fi Lubnan*), a new curriculum, was introduced in Lebanon. There are a number of studies that have reviewed the implementation of this curriculum, which have focused on the promotion or the dissuasion of confessional cohesion in the education system and its potential impact on future generations in Lebanon. Criticisms of the new curriculum and its implementation, such as a lack of open debate and critical enquiry, are similarly pertinent to confessional cohesion as to gender equality.

The focus in the new curriculum on confessional cohesion sidelines the debate on women's rights and in doing so, neglects to address it as a serious issue. The curriculum does not recognise that gender

discrimination exists in Lebanese society. In reality, the disparity between the position of men and women in Lebanese society is clearly evident.

In any schooling environment, antiquated, authoritarian teaching methods of rote learning and lecturing without the encouragement of active discussion and group work hinders autonomous thought development and critical thinking of students. When there is an absence of discussion, there is effectively an absence of dialogue leaving many students without the ability to articulate and structure their opinions and ideas. The new curriculum in Lebanon called for a change in teaching methods without ever actually outlining what this meant. Teachers were not provided with any training in order to implement the new curriculum and from the results of studies available, it would seem little has changed in the classroom.

The lack of vital political skills that students are receiving has been considered by the available research only as far as the limits this places on any future cohesion between the sects. While all students are being deprived of these opportunities, it is girls who suffer the most, as they must also struggle against the continuation of preconceived gender roles that place them outside of leadership roles. It is likely that women will remain underrepresented in the political sphere without affirmative changes. For example, young Lebanese women lack argumentative and lobbying skills necessary for political careers that are similarly absent from schooling curricula.²⁸

The ongoing neglect in the school system of women's equality and the lack of affirmative action to encourage girls in political participation marginalises them from the political sphere. Without a school education that tackles preconceived gender roles head on or even mentions the inequality faced by women in Lebanon in the civics program, students are witnessing an acceptance of the gender disparity repeatedly seen in Lebanese society.

Conclusion

In a country that continues to struggle under both the real and the perceived of sectarian disputes, many citizens are left out of the political sphere. Women are significantly disadvantaged as their rights are overlooked and their subordinate position goes unchanged. However, the ongoing inequality experienced by women should be challenged rather than ignored. Controversial issues should be debated and students should be encouraged to voice their opinions and listen to the differing opinions of others. Without a gender sensitive curriculum that confronts rather than ignores the gender status quo currently seen in Lebanon, preconceived social roles will be sustained and political encouragement of girls will be exponentially harder. In consequence, without affirmative action, women will be seen in the Lebanese society but they will not heard.

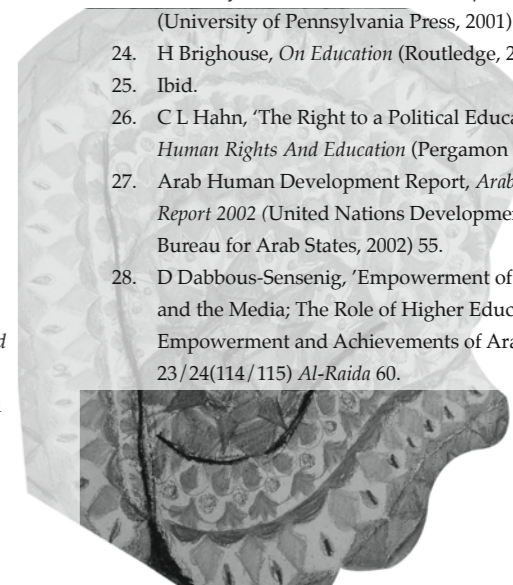
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THE KNEELING WOMAN

Jennifer Chen

She hadn't wanted me to come; I'd worked that much out from the psychologists. She'd felt that an interpreter when she had been in Australia for so many years would just add insult to the injury of our visit in the first place.

When she opened the door my first thought was just...that she was so normal. She had short, cropped hair that emphasised her ruler-straight jaw line, high cheekbones and beautiful skin, reminding me of my own mother. She bowed the psychologists in politely and then let me in as an afterthought, like I was a draught from the cold Wednesday morning. She let them sit on the good couch while she faced them from the other side of a low coffee table. I sat on the small couch by myself, clinging to the armrest for moral support.

Her apartment was well-kept, and so ... still. Absolutely nothing moved; not her big TV, not her many porcelain statuettes arranged in her Ikea grid shelf. How was she really a victim? I asked myself resentfully. She lived a perfectly boring middle-class existence.

Sarah, the senior psychologist, began by saying, of course, that she didn't have to convince us of her story; we believed her already. We started slow, with her childhood in Korea, the death of her parents, the brave trip to Japan she took by herself to learn jewellery-making, her success in the national competitions.

She knelt on the carpet with her legs tucked under her, and as I watched the scene I fancied her a geisha from times gone past. She spoke abruptly and whenever she moved her head emphatically her

hair would be pulled back and forth like curtains jerked along their pole. She said that she had been in Australia for years without contact with her husband, and that her only friend was the caseworker at Centrelink. She painted him as yet another shadowy figure from her past, far removed from the physical reality of her situation, of her quiet living room. Underneath her immovable pride, I began to see the outlines of a stark ... alone-ness.

She'd gone down to the local club one day just for some people-watching, and that's when she met him. He'd sat next to her, asked her to pick some numbers for him in the local roulette. Weekly coffees became movie nights at her apartment – though I never let him stay past ten! She told us: I know what Australian men want when they say they want to come inside for a coffee past ten! - and everything lumbered along harmlessly until he asked for the key to shower in her place one day.

The red herring was so heartbreakingly small, such a non-event.

'I've been evicted from mine', he told her, 'and it's just one shower. Have a heart!' She came home from her errands to find he had moved all his things into her spare room. 'I'll just be staying a little while,' he soothed, 'just until things sort themselves out with the situation.'

His gambling worsened. When he won he would drink his winnings and when he lost he would come home and smash her vases – the ones given to me, she told us impassively, by my late mother. He would beat her with her broomstick, take money from out of her wallet and he would bully her into agreeing to pay for his losses out of her own savings.



Left: *Sayuki*, 2009
Xi Bing Su

Right: *Fallen Flowers (Studies of Camellias)*, 2011
Graphite and pastel on recycled paper
Rosalind McKelvey-Bunting



Oh, the room was so still, so very still, still lying low, but I could now see the ghosts of terrible violence that had thrashed through them. In the kitchen I could see the outlines of old cupboards he'd ripped from the wall and on the back of the front door she later showed us the dent from when he'd smashed the corridor lamp against it. She fingered the mark carefully and looked back at us by way of explanation. Her porcelain figures – the little girl curtsying with storybook charm, the young boy playing a flute – suddenly seemed very small against the invisible weight of her once ornate vases.

The room was thick with all that was clearly unsaid. I remembered what the psychologists had told me over a short preparatory coffee about women from conservative upbringings never admitting to sexual abuse for fear of the irrevocable shame.

Finally the manager of the RSL had called the police after witnessing him hit her in public. He was driven out and she was given an AVO, that fragile slip of white that was meant to protect her from harm. 'In the first week I'd hear him driving outside my house', she told us. 'He doesn't have an address so they can't serve him his papers. He lives in his car. He told me he has friends, relatives everywhere. He told me he could send them to kill me and the police would never make the link'.

'He jumped through my window once', she said tonelessly, 'As you can see I live on the first floor and I woke up in the middle of the night to the sound of shattering glass and a terrible crash. He hadn't hurt me that time, he just stood there looking at me and then left through the front door like we were living together again.'

I imagined them facing each other, him panting, the whites of her wide eyes lit up in the darkness. This, I realised, was why we'd come. She couldn't sleep anymore at night; she would hallucinate that he was crouching, ready to launch the threat of his presence through the window again, or hear the thud of the broomstick against the door, the image horrifying in its silliness. She would lay in bed at night in perfect stillness in this perfect trap, waiting for morning.

Sarah gave her the number of a safe house for women, and told her to come and sit in her living room in the nights as a way of reclaiming her own space from her ghosts. She nodded and took down the phone number. We checked her medication, and then we were done. The psychologists would use the interview to write up her Victims Compensation report to support a claim of physical and psychological injury, and the money would go directly into her bank account.

As we left the apartment I noticed a young man sitting around the corner, smoking on a low brick wall. Was he one of the faceless cousins? I found myself thinking. Were thoughts like these the outline of her daily existence? As we walked away I was heavy with the knowledge that we had offered but a small bandaid to such a gaping wound. The desolate reality of the danger she swam in was palpable.

There was just no poetry in her suffering, I realised in the car on the way home, no meaningful background music. There was no audience to wince when she was pushed against a wall, no Pulitzer at the end of her long, dark nights of fearful anticipation. There was just the billowing loneliness of her situation, and her kneeling figure on the carpet.



(somatosensory) homonculus & sublimation

The jaws that bite
the claws that catch
Jabberwock,

as sex and non-sense .

quietly,
un-gracefully,
the world inverts
and i hear every little thing.

my skin is breathing.
ezra would laugh darkly
if he could see me now.

< insert split-screen extreme-closeups of fingers on flesh >
< oh harry...but from them it was just... meaning-less >

and for a moment i thought myself
that platitudinous b-word

and all the haemoglobin
rushed to the epidermis
Because there were catherine-wheels burning
alight in the night sky
and things become awash and intoxicated by
dopamine.

salience, in ragged breathing
and a street lamp.



Untitled 02 2009
700x500mm Edition 1/5
Inkjet print Hahnemuhle FineArt Pearl
285gsm Paper
Juan Carrera & Xi Bing Su

Untitled 03 2009
700x500mm Edition 1/5
Inkjet print Hahnemuhle FineArt Pearl
285gsm Paper
Juan Carrera & Xi Bing Su

no hay banda.
everything is illusions.

David taught me how the world
turns so easily, into this so-called
“fever-pitch masturbation fantasy”

so i draw comfort from the smell of clean linen

a decayed and blackened
gutted, stinking fish
swimming amidst voluptuous
fitted sheets and
creased and apricot coloured pillow-cases
where metacarpals have , so,
tenaciously clutched.

always there are ghosts.
and always, they are quiet.

Flower Pond
Courtney Tight



UNVEILING THE DEBATE

clothing, gender and the contest of cultural ideas

Kenneth Yates discusses the social and cultural effects of the burqa and examines the arguments for and against through public and media discourse

The burqa and face coverings have been a contentious topic within public and media discourses globally, and in Australia of late, frequently resurfacing from time to time, but of particular salience in post-Cronulla Australian society. Even more so now that the New South Wales government has flagged legislation, granting police the power to demand someone remove a face covering for the purposes of identification.

The use of the term ‘burqa’ itself demonstrates how confused the quality of current debate is. The burqa is in fact completely absent in the Western world. It refers only to those typically light-blue coloured garments worn in Afghanistan and some North Western parts of Pakistan, with a grid-like section over the face. What is typically worn by a small number of women in the West is actually the niqab (a facial covering with a slit-like opening over the eyes, a cloth flap with an elastic back or a scarf simply wrapped to cover the lower half of the face). Nonetheless, I have opted to use this term, as the mainstream Western media has adopted ‘burqa’ as an all-encompassing description of Muslim face-covering clothing.

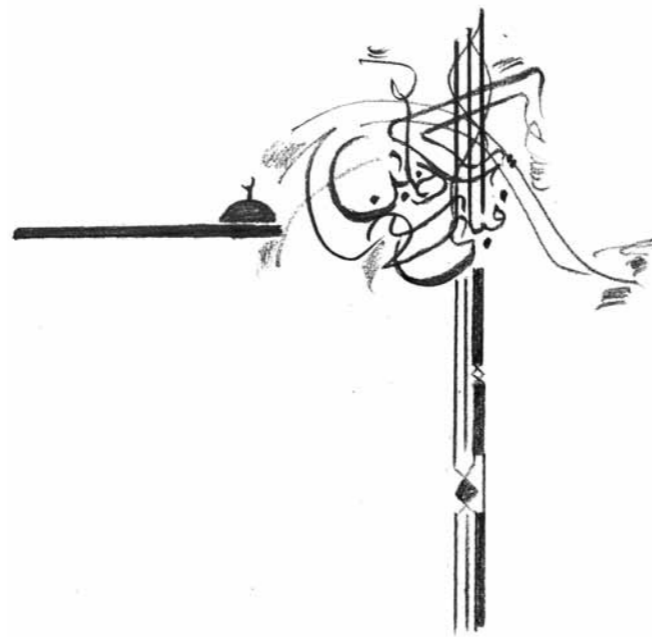
The discourse of burqas and their appropriateness is usually framed within terms of competing cultural values. The anti-burqa side tends to be represented as a collective of rednecks or middle-class Australians with latent or aversive racism, disregarding the burqa as ‘un-Australian’, while the pro-burqa side seems to be constructed by public and media discourses as defensive marginalised Muslim groups, playing the race card.

These terms of reference are perhaps a false dichotomy. The debate need not be limited to a contest of competing values, and the negotiation of hegemonic and minority cultures. I think that’s somewhat missing the point. I would argue instead that there needs

to be debate as to, when normative issues come to the fore, what dimensions of differentiation are prioritised higher than others. What aspects of the relationship between Self and Other, and how differences are construed across the myriad dimensions such as gender, race, creed, socioeconomic status, education, geography and so on, are privileged above others?

In other words, the way the debate is currently being framed comes down to a contest of cultural values, and all the questions that consequently emerge. What right does a culture have to impose and restrict the freedom of another culture, since the basis of any culture is fundamentally normative and conventional and not dependent upon brute objective facts? What are the racial and racist implications of any policy decision about the burqa, either for or against, in the context of a multicultural society with a clearly dominant hegemony of Anglo-European values and practices and a latent racism?

Socio-cultural phenomena, however, are complex, multi-layered, multi-dimensional, contested, inherently political and difficult to break down into atomistic and deterministic components. Don’t believe me? Try searching for generalised mathematical models of a broad range of sociological and cultural phenomena and I think you’ll be unpleasantly surprised by the sheer lack of them, and believe me, it’s not for lack of trying. This is one of the reasons why there are so many social science disciplines, because each one is a narrowly focused lens through which a multidimensional and wicked problem can be viewed. Thus, I think the real crux of the debate should not be whether we should ban the burqa because it is un-Australian, but whether we place cultural sovereignty above gender equality.



That is not to say that this re-framing of the debate is any less complicated, but I suspect that this approach is a little more navigable, premised on the assumption that it could be marginally easier for a society as a whole to debate an aspect of women’s freedoms than controversial elements of an entire culture, and all the sociological baggage that comes with these sorts of things. This is not to suggest that gender equality is an easy policy and social problem, and it must be said that gender issues inevitably have a cultural dimension to them - but my gut feeling is that making the burqa a women’s issue can help make the debate more focused, and help navigate through or around the complicated cultural layers. Racist arguments about us versus them, and Self and Other, can be downplayed and made less relevant. The most significant risk of this approach, though, is the potential for such a refocusing of the debate to institutionalise racist attitudes by rendering them invisible and absent from public discourse.

Of course, these sorts of things are never as clear-cut as this, and the gender equality approach remains highly contestable and controversial. So let me sum up my actual opinion on the matter, with clear acknowledgment of the values underlying my opinion. My understanding is that as long as there is more than one biological sex, there will be issues of gender. I am also of the opinion that even if there were just one, it is quite possible that there would still be gender issues. Sex is one of the very first things a person notices when differentiating themselves from others, or others from others - so quick that I doubt you even realise consciously that you do it. I also suspect that gender differences

change at a slower rate than cultural differences, which are prone to change and mutation over the course of history. While discrimination in general is undesirable, I believe that minimising gender discrimination is a necessary prelude to minimising other forms of discrimination, including cultural, and I am of the opinion that it is not so much a difference of type of discrimination as scale. I believe that gender discrimination is closer to the micro level, and cultural discrimination closer to the macro.

Consequently, I am also of the opinion that the burqa is, by contemporary Western values, an otherwise oppressive article of clothing taken out of its original context. Some may view it as a cultural tool that emerged within the cultural-historical context of a patriarchal society, one with a worldview that suggested women needed protection from the lascivious intentions of men because they cannot or should not defend themselves, and that men could not or should not be expected to control their own urges. From what I understand, (which may not be much at all), more so than to just women, the burqa and face coverings in particular are an affront to all genders. It seems that within a contemporary Western cultural context, the burqa implicitly constructs the female body as an object of desire, and far from liberating women from the male gaze, only serves to reinforce and naturalise the expectation that women are potential objects of the male gaze, and that the male gaze is an inevitability that should be expected and thus accepted. There is an assumption that women will be ogled, and men will be the oglers. If the ogling were two-way, all would be wearing the burqa.

I must make clear that my point of contention is with the logic and practice of the burqa and face coverings within a Western cultural context: the practice, not the people. Being a cultural practice, surely burqa practice can be construed as more structural and less to do with the individual level. Banning the burqa may achieve a limited degree of gender equality, but it will also harbour resentment and racist views, and I don’t think banning an article of clothing is fitting for contemporary Western society. If a woman chooses to don a burqa freely, without feeling cultural pressure or obligation, then good for them. But then again aren’t most clothing decisions by most people influenced at least in part by cultural considerations? I think what needs to be established first is whether one can confidently argue that the burqa affects gender equality in the Western cultural context because of its specific (real or perceived) cultural history, and the implications of such a history, and this needs to be negotiated openly in the public sphere. In fact, negotiated cultural and social values need to be better articulated and debated in the public sphere to begin with, so that this issue can be excised from the racist, cultural domination elements.

I am sure many people will disagree with me, and argue that the historico-cultural context of the burqa is completely different, that it frees women and so on, but my honest opinion is that in our particular, contemporary cultural context of a developed Western nation in the 21st century, the body and face coverings as they are currently understood by those inside and outside of the minority Islamic sub-culture that practices burqa and face covering, needs to be addressed in terms of gender discrimination, and seriously



Arabic Calligraphy Laura Smith-Khan

Opposite: Arabic Calligraphy Bilal Khan

reconsidered in light of what our negotiated mainstream social values are and the lofty goals of social cohesion.

I haven't really said anything decisive, but instead argued that the entire 'burqa debate' in the Western world, and Australia particularly, needs to be reframed in the context of clearly defined secular values. 'Mainstream' social and cultural values need to be better and more explicitly articulated, negotiated and debated in the public sphere to begin with, as the 'debate' in its current form reeks of xenophobia and racism. Undoubtedly, the challenge is thus to make the debate much more well-rounded and inclusive. I do think, however, that any discussion of this type cannot escape the gender aspect, and that men as well as women need to consider their relationship to this particular practice.

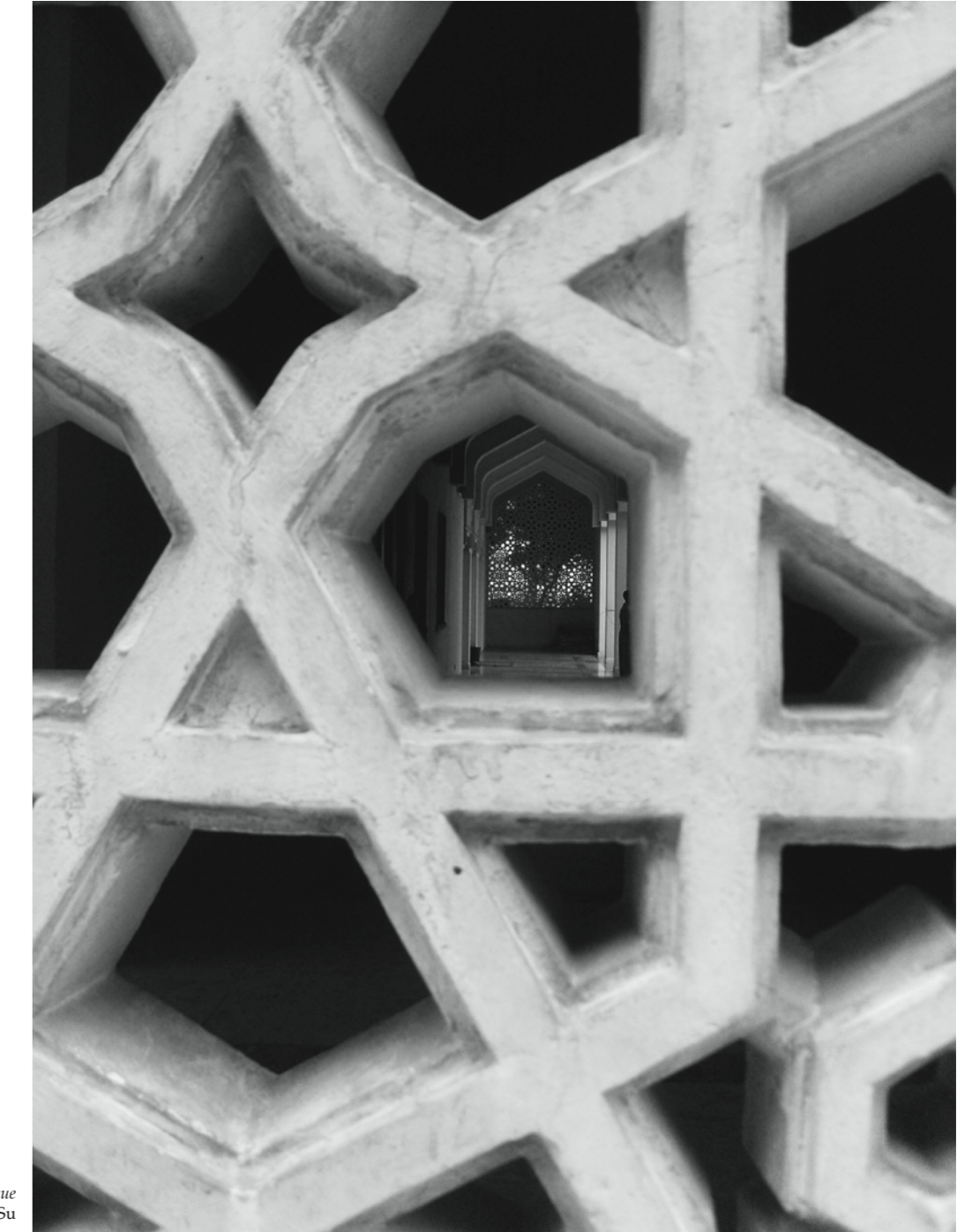
بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

بِسْمِ اللَّهِ
الرَّحْمَنِ
الرَّحِيمِ

بِسْمِ اللَّهِ
الرَّحْمَنِ
الرَّحِيمِ

قُلْ هُوَ اللَّهُ أَحَدٌ اللَّهُ الصَّمَدُ لَمْ يَلِدْ وَلَمْ يُولَدْ

Arabic Calligraphy Laura Smith-Khan



The Bastakia Quarter Mosque
Xi Bing Su

*Sara sits, cowering in the corner of her dilapidated house, paralysed with fear and exhaustion. With one arm, she clutches her young baby to her chest, and with the other arm she holds onto her four year old daughter; gripping onto both so tight that if the bullets flying through her house do not kill either of them, surely her strangulation will. The camera pans out and the audience is invited to witness the armed soldiers outside on the streets racing past on foot, in tanks and armoured vehicles. Detonated bombs explode, machine guns fire and heavy artillery provide the musical score for our scene. **Click.** Sara is now one amongst a mass of thousands chanting on the streets because, for her, this is the only option available to secure peace and democracy in her home land. She pumps both fists in the air, defiant against the military standing guard, while chanting along with the crowd, 'Freedom! Liberation! Democracy!'. She has lost her house and most of her family, and like the many other demonstrators, she barely sleeps for fear that when she closes her eyes she will lose her strength, her dignity, her life. **Click.** Sara is now standing, her face barely visible behind bars and amongst dozens of other women and children. Her long, hard fought journey has brought her here, separated from her husband and brother, living in detention within the country she hopes to call home. In spite of her surroundings, she remains stoic and calm, adamant that fairness and equality will reign, and she will gain the freedom that she has fought so hard for.*

BEHIND THE BURQA:

The Many Faces of The Muslim Woman

Celeste Li speaks with an Australian-born Muslim lawyer about the conflicting and sometimes misinformed stereotypes of Muslim women

For many of us, the above scenes are typical images conjured in our minds when we are asked to think of a Muslim woman. The vilified, the tormented, the rebel and the crusader. Sporting a hijab, and usually with tears streaming down her face, the face of the Muslim woman as bombarded on our television screens and newspapers, usually drawing connotations with warfare and struggle. We have seen them in the media and have heard their stories, but for many, the daily lives of Muslims still remain a mystery. I spoke with Sara*, an Australian-born Muslim woman, about what it is really like to be a Muslim and a woman in 21st Century Australia.

Sara is a young, female Muslim lawyer, working in a private law firm in Sydney's CBD. As she was born and raised in Australia, Sara knows first hand what it is like to grow up with two vastly different cultures. She is able to share how this has shaped herself and her career as well as provide valuable insights into a culture and religion which is still largely misunderstood by the wider Australian community.

With the sensationalisation of the Muslim culture in media and politics, it is not hard to see why many people are afraid of, and condemn Muslim culture and Islamic religion. On the other hand, for most of the international Muslim community, exasperation may be felt, as the thoughts and acts of a minority of Muslims are projected as being the thoughts and beliefs of the entire Muslim society. Indeed, in the 2007 federal election, the husband of former Liberal MP Jackie Kelly was found to be distributing pamphlets purporting to come from a radical Islamic group supporting the Labor Party.¹ Sara discusses the effect this incident had on the Muslim community in Australia, and whether this projection of Islam is different from the mainstream views of the religion: 'I think that it proved that there is a tension between the Muslim and non-Muslim community in Australia, and Jackie Kelly's husband took the opportunity to sensationalise the issues associated with Muslims practicing their religion in a Western country. He played on the vulnerability of people who have concerns about the impact Muslims will have on the wider Australian community. I think the

reaction from Australian Muslims was that they realise that there is a tension that exists and that people have a real concern about the way they practice their religion.' When asked whether Australian laws or policies could be changed or modified to be more inclusive of race, gender or religion, she replies, 'they are just fine. The media just needs to calm down and project a less offensive image of Muslims. However, open forums and dialogue between Muslims and non-Muslims would be good.'

Like many young female law students and lawyers, one of Sara's heroes is Justice Gaudron, former justice of the Australian High Court. As the first female justice of the Australian High Court and fierce advocate against discrimination,² she remains a shining beacon and influential role model for all law students, male and female alike. However Sara is also largely influenced by lesser-known women, such as Ghena Krayem and Miriam Silva. The former is a solicitor and legal academic, lecturing in constitutional law, contracts and Islamic family law at the University of Sydney. She

is a regular commentator on the Muslim community and has recently been commissioned to write a paper for the Australian Human Rights Commission about freedom of belief and Muslim women in Australia. Miriam is a senior executive at Elders, a leading firm which provides expertise and support to the Australian agriculture sector.³ While she is not an overt champion of Muslim female rights, Miriam stands out 'as an outspoken female senior manager who wears a hijab in her role heading commercial operations at one of the country's oldest and most conservative rural companies...and [is] an inspiration to other women in the blokey culture of agribusiness.'⁴ Miriam is an example of what is undoubtedly many female Muslim women leading the charge and taking on more demanding roles; roles that have been historically thought to belong to the realm of men, and out of the reach of women, let alone Muslim women. Of people like Ghena and Miriam, Sara states, 'I know so many women that are in [their] position but go under the radar and are not recognised. They work really hard and are pioneers in their own right. I admire all of them.'

Part of the fascination with Miriam's story is the fact that she chooses to wear a hijab as part of her everyday attire. The wearing of a hijab or burqa has been a source of much controversy both here in Australian and around the world. The call to ban the wearing of a burqa is gaining considerable attention in European parliaments, and on the 11th of April this year, France became the first country in the world to officially ban the wearing of a burqa in public spaces.⁵ The move has been both abhorred and seen as progressive by other countries around the world, with claims that it is a 'victory for tolerance'⁶ and is 'a boost for equality'⁷. And perhaps, at least in France, this was only the natural progression of their republican laws, which had previously banned the wearing of Christian crosses, yarmulkes and turbans in state schools.⁸ But it was argued by Sarkozy that the banning of the burqa wasn't primarily because of the distance and separation the burqa enforces between its wearer and the broader society, but rather because of women's rights. He argued that the hijab and burqa

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Laura Sahila Warzizada

were both symbols and tools for the repression of women. In 2010, Liberal Senator Cory Bernardi called the burqa to be banned in Australia because it was 'un-Australian'⁹. It is widely believed that the burqa and hijab is the epitome of man's control over women, and it is true that in some countries such as Afghanistan, the wearing of a burqa is the result of political control.¹⁰ But whatever the motivations for the wearing of a burqa or hijab, one thing remains clear: that in this day and age, the wearing of a burqa or hijab in the West is largely, if not completely, at the discretion of the person wearing it, and in this light, it is a representation of the woman's absolute freedom of dress and religion and no longer about the historical sexual notions of men. When asked about her thoughts on the banning of the burqa in France, and debate over the subject matter in Australia, Sara states that '[the burqa] is a fundamental part of the religion insofar as it concerns a Muslim woman. I do not wear the scarf but I understand and realise the importance and significance attached to it. I think that it takes a lot of courage to wear it in light of all the media hype and political perspectives now associated with it, which is 99.9% negative.'

As wars rage in Africa and the Middle East, and political tensions are paramount concerning Muslims in the Western world, a dichotomy arises. On the one hand, Muslim women living in war-torn Middle Eastern countries can be seen as bold and progressive, while on the other hand, they can be seen as oppressed.¹¹ 'Among the most prevalent Western stereotypes about Muslim countries are those concerning Muslim women: doe-eyed, veiled, submissive, exotically silent, gauzy inhabitants of imagined harems and closeted behind rigid gender roles.'¹² But what is becoming more and more apparent as we watch news broadcasts of protests and demonstrations in Muslim-dominant countries, is that Muslim women are now stepping out of the shadows, into the forefront, leading the fight for social and political change. Sara muses, 'nowadays I would say [Muslim women are] bold and aggressive, however, their political views are still being marginalised. Palestinian and Egyptian women are

the most resilient in my view. They are bold and brave, however, they lack the avenues and resources to be able to achieve political expression and change.’ When asked to compare the treatment of women in Islamic societies to the treatment of women in Western societies, Sara states, ‘[Muslim women are] much more liberated here in Australia than if you were to compare to Saudi Arabia, Afghanistan or Iran. However, if we are comparing Australia with Syria, Jordan, Lebanon or Palestine, the value of a woman’s education is paramount and highly regarded.’ But she notes that Muslim women, and women in general, are taking on more and more of the roles in society that were traditionally reserved for men. The amount of women making it into the upper echelons of corporate and commercial firms, legal practice and Australian politics, is testimony to the resilience of women, and the growing progression of society.

*For the purposes of this interview, the interviewee has wished to remain anonymous. Sara is the pseudonym given to her, as well as the representation given to the anonymous Muslim women in the opening paragraph of this essay.

Endnotes

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3. Elders, <<http://www.elders.com.au/>>.
4. Miriam Steffens, ‘Powered by faith, a trailblazer takes on the wild world of Elders’, *WA Today* (Perth), 1 April 2011.
5. Paola Totaro, ‘First arrests as France bans burqa’, *Sydney Morning Herald* (Sydney), 12 April 2011.
6. William Langle, ‘France’s burka ban is a victory for tolerance’, *The Telegraph* (UK), 11 April 2011.
7. Greg Sheridan, ‘France’s burka ban a boost for equality’, *The Australian* (Sydney), 4 February 2010.
8. Ibid.
9. Kate Ausburn, ‘Burqa bans: thinly veiled discrimination’, *Australian Times* (London), 14 October 2010.
10. Burqa, Wikipedia <<http://en.wikipedia.org/wiki/Burqa>>
11. Naomi Wolf, The Middle East feminist revolution (2011) *Al Jazeera* <<http://english.aljazeera.net/indepth/opinion/2011/03/201134111445686926.html>>.
12. Ibid.



Images are not of the interviewee, who has requested to remain anonymous.

Both photos are from the wedding of Laura Smith-Khan and Bilal Khan. Whilst there is tension between the Muslim and non-Muslim community in Australia, Laura and Bilal’s wedding is symbolic of a coming together of Anglo-Australian and Pakistani cultures, and sets a vision for Australia’s future.

Bilal and Laura Hassan Khan



FALLEN FLOWERS (STUDY OF CAMELLIAS), 2011

Graphite and pastel on recycled paper

Rosalind McKelvey-Bunting

A flower has fallen to the ground, it has been trampled, its petals bruised. Once a thing so admired, it now lies damaged and neglected on the ground. Can you still admire something so beautiful once it has fallen?

I saw these flowers in my local streets, fallen from their pedestals. I picked them up and studied them in my studio. Are they still beautiful? Yes, I think so. Each of these flower studies can be interpreted as a woman who had been through trauma. Is she still beautiful? Yes, I believe so.

Women often fall from the pedestals their friends or loved ones put them on. The Victorian concept of a fallen woman imposed harsh criticism upon the female sex. My work appropriates this 19th century concept of a 'fallen woman' and, in doing so, aims to reject it. Recently viewing the exhibition of watercolours and drawings at the Art Gallery of New South Wales, I took inspiration from the Pre-Raphaelite brotherhood; whose works demonstrated valiant efforts to problematise their contemporaries' all too easy condemnation of 'the fallen woman.'

The work also links in to the grave problem of environmental waste in Australia and throughout the world, suggesting the opportunity for renewal that people can offer to objects rejected by others. It wishes to express how such acts of avoiding careless wastage can contribute to the all-important task of stopping the destruction of our Earth. The choice in materials and subject matter reflect these feelings, using recycled paper and subject matter that will help bring the issue to people's attention.

In summary, the work is about renewal and eternal beauty of women, seen through the truth of nature.

RESOURCES FOR WOMEN



Wategora Woman Kerrie Kenton

Assistance Centres

NSW Women's Refuge Resource Centre wrrc.org.au
Wirringa Baiya wirringabaiya.org.au
Legal Aid NSW legalaid.nsw.gov.au
Women's Legal Resource Centre womenslegalnsw.asn.au
Working Women's Centre wwc.org.au
Redfern Legal Centre rlc.org.au
Domestic Violence Resource Centre dvrc.org.au
Marrickville Legal Centre mlc.asn.au
Macquarie Legal Centre macquarielegal.org.au
Lou's Place: Daytime Drop-In Centre for Women lousplace.com.au

Official Bodies, Networks and Coalitions

Australian Women Lawyers australianwomenlawyers.com.au
Women Lawyers Association of NSW womenlawyersnsw.org.au
NSW EEO Practitioner's Association neeopa.org
Women Barristers Forum nswbar.asn.au
Equal Employment Opportunity Network eeona.org
Australian Virtual Centre for Women and the Law nwjc.org.au/avcwl
National Women's Justice Coalition nwjc.org.au
Taskforce on Care Costs tocc.org.au
Australian Law Reform Commission alrc.gov.au

Aid Organisations

UN Women (National Australia Committee) unifem.org.au
UTS Anti-Slavery Project antislavery.org.au
Amnesty International (NSW chapter) nsw.amnesty.org.au

