

# NON SEQUITUR



‘How Things Stand’

First Edition



# CONTRIBUTORS

## Co-Founders & Executive Editors

Maxwell Davie  
Sonia Mackie

## Creative Directors

Grace Pittar  
Sonia Mackie

## Cover Design

Grace Pittar

## Cover Artwork

Alexandra Bladen

## Special Thanks To

Monash Law Students' Society

## Editors

Alana Morgante  
Chen Ling Yee  
Grace Pittar  
Madison Wall  
Patrick Hooton

## Artists

Alana Morgante  
Alexandra Bladen  
Laura Linschoten  
Scott Reid



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n behalf of our editors, authors and contributors, we welcome you to the inaugural edition of Non Sequitur. The title, Non Sequitur, means 'it does not follow', a reference to faulty logic, the antithesis of law school tradition. We hope for Non Sequitur to be a space that celebrates the individuals that make up our postgraduate cohort. Non Sequitur's purpose is to be a conduit of stories, and it is an honour to share these stories with our community.

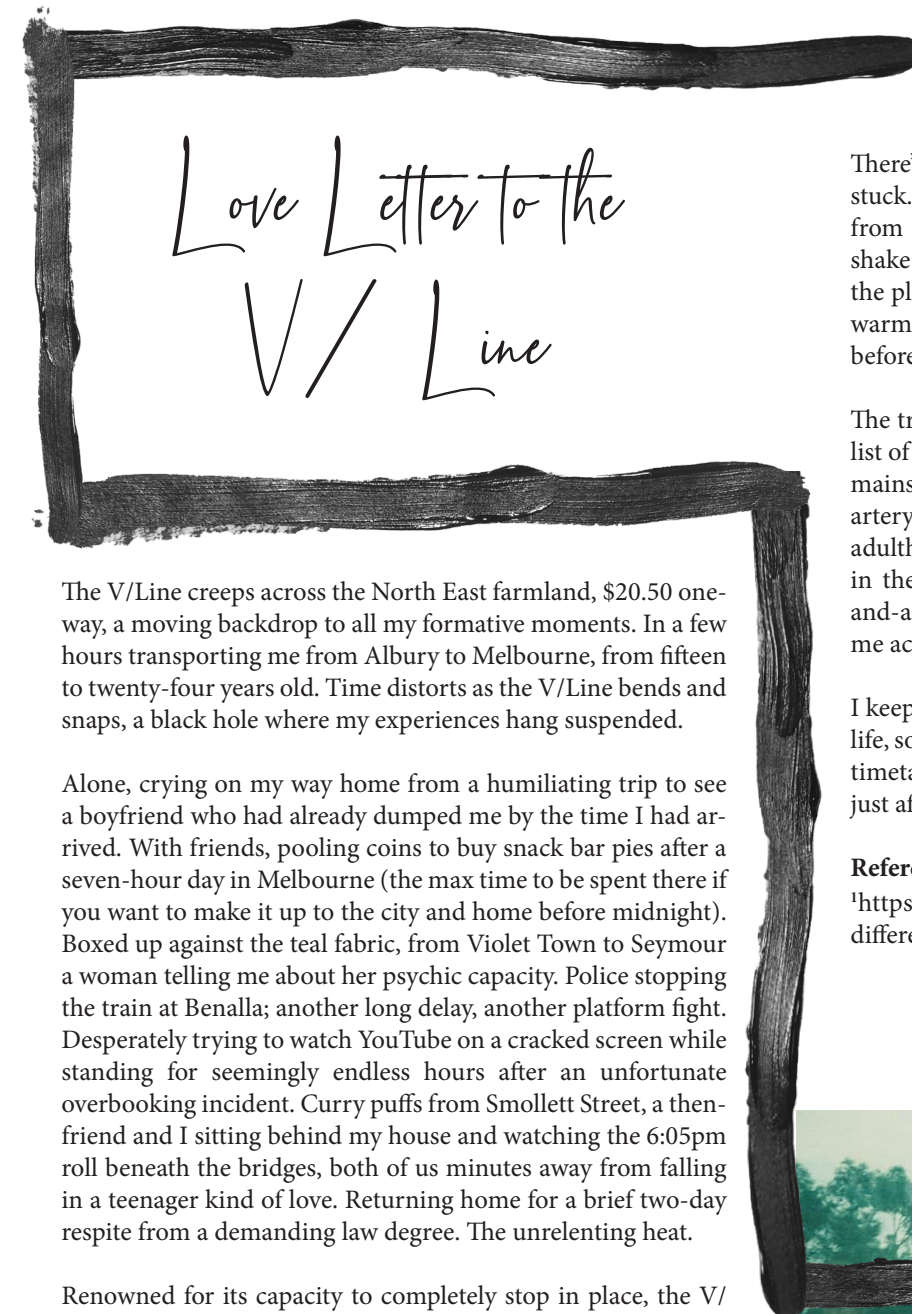
The theme of 'how things stand' prompts reflection on the world around us and the worlds in our minds. Our contributors drew on a wealth of experience to answer questions of who we are, where we came from, why the world is as it is, and what we can do to change it.

This edition of Non Sequitur is enriched by authors' portrayals of their homes, from Albury-Wodonga to Iraq. The prevalence of this theme illustrates the degree to which our perspective on how things stand is shaped by culture and place. Reflections on disability, loss, mental health, and the passage of time elucidates the transience of how things are, and equally prevalent subtext of resilience. We hope this collection is thought-provoking, and gives some guidance for navigating the present.

With Chambers' doors still firmly shut, it may be a little while before you get your hands on a hardcopy of this publication. We look forward to that day all the more, knowing it will be the same day that we are reunited with you, the amazing postgraduate law cohort at Monash. We would like to thank our editors, authors and contributors once again - without your hard work and support this would not have been possible.

We can't wait to get started on the second edition.

Maxwell Davie & Sonia Mackie  
Co-Founders and Executive Editors  
Non Sequitur



The V/Line creeps across the North East farmland, \$20.50 one-way, a moving backdrop to all my formative moments. In a few hours transporting me from Albury to Melbourne, from fifteen to twenty-four years old. Time distorts as the V/Line bends and snaps, a black hole where my experiences hang suspended.

Alone, crying on my way home from a humiliating trip to see a boyfriend who had already dumped me by the time I had arrived. With friends, pooling coins to buy snack bar pies after a seven-hour day in Melbourne (the max time to be spent there if you want to make it up to the city and home before midnight). Boxed up against the teal fabric, from Violet Town to Seymour a woman telling me about her psychic capacity. Police stopping the train at Benalla; another long delay, another platform fight. Desperately trying to watch YouTube on a cracked screen while standing for seemingly endless hours after an unfortunate overbooking incident. Curry puffs from Smollett Street, a then-friend and I sitting behind my house and watching the 6:05pm roll beneath the bridges, both of us minutes away from falling in a teenager kind of love. Returning home for a brief two-day respite from a demanding law degree. The unrelenting heat.

Renowned for its capacity to completely stop in place, the V/Line sits in the outer city limits, waiting indefinitely for a maintenance crew to arrive. Trapped looking at my own reflection. Always delayed, always at night, always stuffy, always preoccupied with how I was going to get home from the station (a brief walk in Albury; a nightmare metro connection in Melbourne). To borrow from transport hobby blogs, the service is 'a complete and utter joke.'<sup>1</sup>

There's a suffocating anxiety that envelops the V/Line when stuck. It slowly rocks against the tracks as commuter trains, from trips brief enough for people to stand, slam past and shake its ancient tin. A fluorescent limbo, suspended within the plains of Euroa. Wrapped within its metal sheets, a box of warm blueberry muffins kept at the snack bar (open and closed before Seymour) and me.

The train stutters before its start. The names of towns blend, a list of twelve I can recite like a poem. As I grow, the V/Line remains a constant. Providing a kind of hard-to-find stability, an artery connecting Albury to Melbourne, childhood through to adulthood. Its sameness, in timetable and length (always either in the morning, midday or night; anywhere between three-and-a-half and seven hours, weather permitting) has carried me across the Hume and delivered me into my adult years.

I keep returning to the comfort of knowing as I move through life, so too does the V/Line roll across those same plains, towns, timetables, and memories. Cosmically designed to break down just after Seymour.

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<sup>1</sup><https://wongm.com/2017/04/vline-fourth-train-albury-no-difference/>





# The Recent Iraqi Government's Violent Crackdown Against Demonstrators Reveals a Country With a Democracy Crisis

Citizens of Middle Eastern countries such as Lebanon, Syria and Iraq have for years endured grave injustice and human right abuse by their government for years. In the eyes of the Iraqi people, the government is working to fulfil its own personal interests, rather than fulfilling the needs of the country and its citizens. As such abuse by the government goes by unreported, due to lack of global media attention, civilians are left to endure an unnecessary and unending cycle of pain, suffering and poverty. While reference to any of the abovementioned Middle Eastern countries could justly illustrate this issue, this report will focus on Iraq and the recent anti-government protests which took place between October 2019 and March 2020. It will outline the various motives for the protest, as well as uncover the appalling government response to its citizens' exercise of freedom of speech and peaceful assembly. Finally, it will illustrate how the protests united all Iraqis and diminished sectarianism.

## The motives behind the protest

A call for protest to overhaul the current political system was recently proposed. This is because the boundaries of tolerance and patience amongst Iraqis have been pushed by the weight and destruction of the ongoing war; corruption within government; and poor living conditions with high employment rates. Since the 2003 US led-invasion of Iraq, Iraqis have been continuously fed empty promises by the US and their own government. Promises of greater “democracy” and rebuilding of infrastructure destroyed during the war were made.

Fast forward 16 years.

In their attempt to carry out their role, there were numerous proposals by the government, followed by budgets of billions of dollars for the rebuilding of demolished infrastructure and improving employment opportunities. However, very little (if any) rebuilding has been done and unemployment rate remains at a staggering 25% to date. This is reinforced as many Iraqi businesses and factories remained closed, and university graduates remain unemployed. At the same time, contracts with foreign countries are highly favoured by the same government who continuously promised greater democracy and improved living conditions.

An end to corruption was an underlying motive for the protest as it has sadly become endemic amongst the Iraqi government. This is because the current political system aims to serve foreign powers, while its citizens languish in poverty and unemployment, with poor and under resourced healthcare and education systems.

While all the above marked the underlying triggers for the recent protests in Iraq, above all, protesters primarily want one thing: “Just Give Us a Country”. Protestors want a respected homeland with leaders who aspire to protect them and represent them, rather than demonstrating hostility against them by seeking to kill them and suppressing any sense of remaining hope.

## The Government's response to protests

The government crackdown was severe. Many Iraqis were left shocked and in disbelief at the government's response. To incite fear in protestors and suppress the demonstrations, security forces would fire military-level tear gas and sound bombs directly into crowds of protestors. Live ammunition, snipers and hunting rifles loaded with birdshots were also used by these forces. The consequences of these measures were grave. 600 protestors have been killed and at least 17,000 injured, many of whom have been left permanently disabled.

Things did not end there.

Despite the government's inhumane response protestors continued to grow in numbers. Consequently, there were prolonged internet blackouts affecting almost the entire country. This is in an attempt to control the circulation of videos and photos showing the brutal and inhumane killing of civilians. There were also reports of threats to and disappearances of human rights activists who were present at the protests, and journalists who were covering the protests as they unfolded.

There is no possible justification for how the government responded to the demonstrations, as protestors had no weapons and were not causing any damage. They only sought to exercise their right to free speech, which is a crucial feature of a political system that was continuously promised an improved “democracy” in the last 16 years. The government's response did not only fail to allow civilians to exercise free speech, but it disregarded the most important human right; the right to life.

## The significance of the Iraq protest

While the protests may have been suppressed, they revealed that democracy in Iraq is merely a facade. What sort of “democratic” government kills its own people, taking away their hopes, dreams and futures? The world needs to at least recognise that the post-2003 political system is the primary source of Iraq's ills.

Despite the Iraqis unsuccessful attempt on this occasion to put an end to corruption by overthrowing the current political system, the demonstration nonetheless illustrated the death of sectarianism. Civilians of the various sects in Iraq, including Shia and Sunni Muslims and Christians, all came together raising one flag as unity was restored. The end of sectarianism can be seen as marking an important and hopeful step for Iraqis toward reclaiming their land, as they recognise that they are all people of a single nation.



# A Mere Whim, My Flash Cards and I: A Cautionary Tale

To say that this oral presentation did not go as planned would be an understatement.

Take a law student and add in full time work, back to back assignments, naive reliance on being successful at oral presentations in the past, the sudden threat posed by a global pandemic and unexpected questions and you have yourself a recipe for a presentation that is unlikely to be what you envisioned.

These are not excuses, of course. However, a reflection does require looking back on what exactly lead to the disjointed 10 minutes that my partner and the lecturer had to witness.

I initially had no clue what to speak about. Casting my mind back to the written assignment question regarding Mr Wren's family's compellability, I remembered feeling that it was strange to not allow a sibling to object.

On a whim, I decided to argue for the right of a sibling to object to giving evidence for the Prosecution. Admittedly, this decision was coloured by my personal feelings about having to give evidence against one of my siblings. The idea was, and remains, abhorrent to me.

In hindsight, I should have investigated whether there was any demand for this change at all. I did pick up that there was not much of a cry for siblings to be able to object when I began my research for academia and judicial decisions to support my argument. However, I pushed on.

I felt my arguments for the amendment were decent. If the VLRC had initially made the recommendations for parents and spouses to be able to object in the interest of preserving stable family relationships, then why were siblings not included?

Early on, this was the main argument I had. However, to fill 10 minutes, I needed more.

A few days before the oral presentation, I headed to work with a mild panicky feeling that had become very familiar over the last couple of years. Whilst pondering the dilemma of arguments I could make at my standing desk; I had the idea of surveying my colleagues. I asked them whether they felt they should be able to object to giving evidence against siblings. I asked them to put aside their knowledge of the Evidence Act currently, which working in legal aid, they have ample of. They, and the Advocates I accosted gave me the same answer – yes, they would want to object.

It was during this process that it occurred to me that I saw the importance of sibling relationships in the law every day in family law matters. I felt if sibling relationships are so important that the family law recognises preserving that relationship as a 'best interest' principle to be considered when making decisions for children, then why should the law regarding evidence not reflect this?

This, and the inclusion of de facto partners in s 18(2) and preserving sibling relationships in the interest of accused person's rehabilitation, formed my oral presentation.

Armed with what I felt were good arguments, I headed to Monash to present my Amendment Bill.

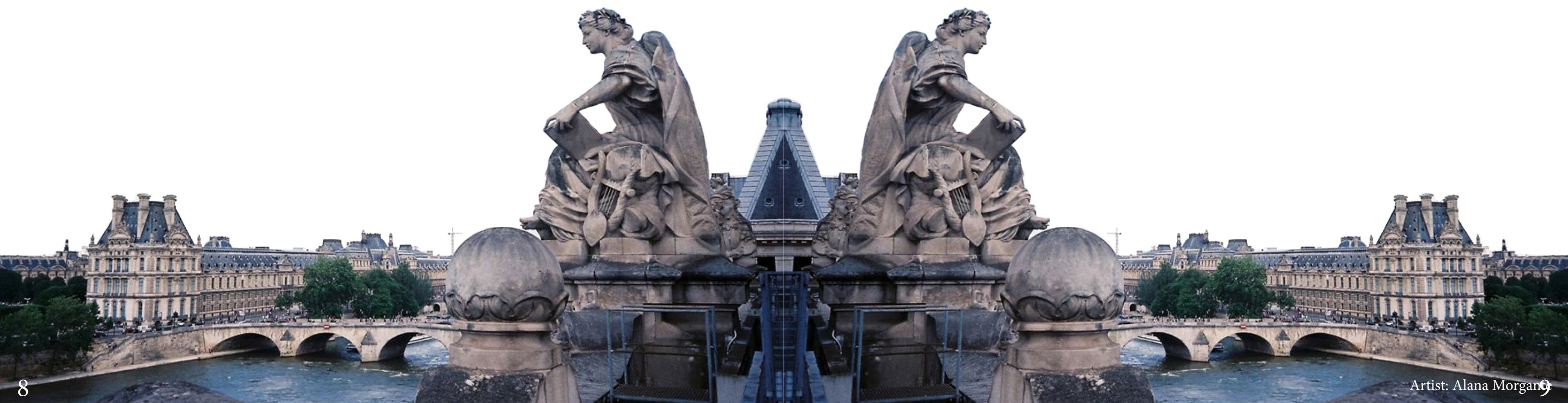
Though having been warned of the onslaught of questions to come our way, I was still taken aback. I would describe what happened next as the visual of a tennis ball machine throwing tennis balls at an expected pace, and an unprepared tennis novice being overwhelmed.

I had the distinct feeling of someone who had prepared a script they knew well and being faced by a participant who was abandoning the script all together.

Multiple times, I did feel that I had the answers to the questions being asked of me. However, I also felt that I possibly had been hasty in choosing my topic. Though relevant to the written assignment, and still something I believe in, I learnt my lesson to re-think the merit of my argument if it has been given no consideration by anyone at all.

I am unsure of how I looked to an observer during the presentation.

Did I handle it with grace? Did my action of dropping my neatly written flashcards remove any illusion of me having my act together? I walked away from it feeling impressed by my partner and that I should have spent longer on researching whether anyone else was as revolted by the idea of giving evidence against their sibling as I was. But above all, I left feeling that familiar mild panic again, about exams and the fiasco I had just presented.







Artist: Alexandra Bladen

# INVISIBLE ENEMIES

Living through a pandemic is a stark reminder that some threats to humanity are invisible to the naked eye. COVID-19 is our most recent invisible enemy to evade detection and wreak havoc before we could truly grapple with its impact. Yet, despite its profound toll on lives and livelihoods, it was not until the disease spread to over 110 countries that the World Health Organisation (WHO) officially declared a pandemic on March 11, 2020.<sup>1</sup> Although international organisations like the WHO or the United Nations (UN) rarely dominated news headlines, this pandemic has now thrust them into the spotlight. Governments debate the merits of these longstanding institutions, including calls to withdraw membership and suspend funding.<sup>2</sup> As we reel collectively from the impact of this invisible enemy, perhaps there is a silver lining to be found in such debate. Perhaps criticism of the international stage can help to calibrate our fight against a more threatening invisible enemy: climate change.

While they may appear unrelated, there is a useful connection between these two invisible enemies. The global decline in energy demand due to the COVID-19 pandemic will lead to an estimated 4-7 per cent reduction in annual CO2 emissions.<sup>3</sup> Unsurprisingly, this reduction is only temporary because worldwide industry and transport are set to resume with a vengeance. What is far more breathtaking, however, is what these estimates reveal about the status quo. A 4-7 per cent reduction in CO2 emissions is comparable to the rate of reduction that the world needs to achieve annually in order to mitigate climate change.<sup>4</sup> In other words, it is only once the world came to a complete, abrupt standstill that we have come close to meeting our emissions targets. If this reduction is not consistently met, we cannot uphold the Paris Agreement and limit climate change to 1.5°C warming compared to pre-industrial levels.<sup>5</sup> The fact that it took economic shutdown and social upheaval on a global scale to reveal just how far we are from meeting our climate responsibilities is a damning indictment of our international system. Moving forward, the stakes could not be higher to heed the lessons of this indictment by focusing on local solutions in the fight against climate change.

## INTERNATIONAL ORGANISATIONS

An organisation reveals a lot about the environment in which it operates. In the case of international organisations, their existence reveals two observations. Firstly, many problems that plague modern states – financial crises, people movement, terrorism – do not respect pre-defined territorial borders. Secondly, given that these problems transcend borders, states which respond independently or harbour ulterior motives fail to mitigate these problems. These two observations unearth the perennial landscape of international relations: the world's international organisations are comprised of voluntary member states pursuing their own agendas.

Some member states confer power on international organisations by embracing co-operation and belief in a common project; they build coalitions, provide funding and adhere to obligations in international law. Other member states hinder the effectiveness of international organisations by engaging in zero-sum thinking; they withdraw funding, exercise veto powers or water down the impact of international law. When it comes to climate change, we must realise that our progress in traversing this international landscape is hindered by its volatile terrain.

## Design Faults

Much of this volatility stems from the fact that the goals of international law conflict with the self-interest of states. The legacy of the 1992 United Nations Framework Convention on Climate Change (UNFCCC) embodies this conflict.<sup>6</sup> The UNFCCC seeks to recognise the unique historical and economic circumstances of signatory states; after all, states are not equally culpable in the eyes of history for the rise in CO2 emissions. In reality, however, the eyes of history are more glazed than they are glaring. The UNFCCC fails to incentivise equitable international law because the states which participate in environmentally unsustainable practices create the law. In fact, as the product of intense negotiation, international law often imparts seemingly dutiful but ultimately misleading obligations on more powerful states.

Australia is a prime culprit of this deception. The Rudd Government ratified the Kyoto Protocol in 2007 and pledged that, between 2008-2012, Australia's emissions would increase by no more than 8 per cent of 1990 levels.<sup>7</sup> We achieved our target.<sup>8</sup> In reality, however, Australia's base emissions in 1990 were the product of deception and obfuscation. Back in 1997, the Howard Government used its international clout to insert a clause in the Kyoto Protocol which permitted nations to include emissions from land clearing in their base calculation.<sup>9</sup> Dubbed the 'Australia clause', we were the only signatory state to benefit from this concession, as the rate of land clearing in Australia was exceptionally high up until 1990.<sup>10</sup> By eliminating these artificially inflated emissions, Australia could remain within the Kyoto target while increasing our CO2 emissions by as much as 36 per cent of the baseline.<sup>11</sup> Put simply, we negotiated the Kyoto Protocol to implicitly sanction an increase in our CO2 emissions.

To date, Australia is the only country intending to use the 'carryover credits' that it obtained for meeting its target under the Kyoto Protocol in order to meet its targets under the 2015 Paris Agreement.<sup>12</sup> We remain one of the highest per capita emissions producers in the OECD.<sup>13</sup> As a developed Western country, Australia is not bearing its historical burden; we are merely abdicating responsibility and leadership. Our wilful deception on the international stage





Artist: Alexandra Bladen

shows that progress on climate change is volatile because the path towards progress is severely obscured by self-interest and design flaws.

*Anarchy*

This volatility cannot be attributed solely to the States which act as the architects of international law. The international landscape itself is a deficient environment in which to cultivate effective law because our international organisations lack reliable enforcement mechanisms. This idea is explained by the political theory of realism, according to which sovereign states view themselves as the primary actor in international relations.<sup>14</sup> Beyond sovereign territory, there is no overarching authority above the state. This creates a condition of ‘anarchy’ in which there is no enforcement mechanism within international law that can reliably hold the most powerful states from engaging in counter-productive behaviour.<sup>15</sup> Anarchy explains why Russia, Canada or Japan never joined the second round of emissions cuts in 2012 under the Kyoto Protocol.<sup>16</sup> Most notably, it also explains why the United States withdrew from the Paris Agreement without significant reprisal from the international community.<sup>17</sup> International law fails to reliably curb unsustainable practices because it lacks the ability to enforce obligations against powerful states that promote self-interest.

BEYOND THE STATUS QUO

Although the self-interest of states in an anarchic order paints a grim picture of international relations, this is not a reason to reject international organisations. To do so would be to succumb to the perfectionist fallacy. Albeit flawed, the United Nations and the Paris Agreement still offer meaningful contributions to mitigating climate change. Instead, the grimness of this picture should promote an urgent recognition that, given the flawed nature of international organisations, local solutions to climate change are essential. Local solutions are especially important in Australia given the absence of Federal climate leadership. Our States have a unique opportunity ahead of them to mitigate the climate policy inaction of the Federal

Government. This opportunity is unique because our States find themselves in a position where, out of necessity, they must redefine their policy agendas in the wake of the COVID-19 pandemic. As the socio-economic damage caused by the pandemic becomes increasingly clear, the ideologies driving Australia’s political parties undergo a major reality-check; the virus, after all, does not care about politics and economics. Rather, it grounds our society to a halt, destroying lives and livelihoods. In the process, however, the pandemic gives us the chance to reset our most basic political priorities for the long-term. We must act while Australians are receptive to the idea that an invisible enemy can wreak havoc on society and the economy for generations to come. If we act fast enough, we have the chance to address the genuine economic concerns of Australians arising from the pandemic while affirming that Government has an active role to play. We can tackle the inter-generational impact of climate change by integrating its associated economic opportunities as part of our post-COVID recovery.

One such opportunity is for our States to enact emissions trading schemes (ETS) in their respective jurisdictions. Under an ETS, a cap is set on annual carbon emissions for polluters while market incentives, such as permit trading, encourage polluters to reduce their reliance on carbon.<sup>18</sup> Despite its political toxicity in Canberra, an ETS offers three related benefits in a post-COVID Australia.

Firstly, the scheme is a viable, proven means of generating revenue: prior to its repeal by the Abbott Government, the ETS enacted under the Gillard Government raised \$7 billion annually between 2012–2013.<sup>19</sup> Innovative sources of revenue are even more important given the unprecedented amount of debt incurred in responding to the pandemic. Secondly, the funds generated from an ETS offer a promising investment in renewable energy technology and a meaningful incentive to modernise the electricity grid. This is because claims about the unreliability of renewable energy are increasingly unfounded. As recently as 11 April 2020, Australia’s National Electricity Market – from which 80 per cent of the population receive their energy – was supported by 50 per cent renewable energy.<sup>20</sup> Finally, an investment in renewable energy technology

incentivised by an ETS provides the opportunity to reject the unfounded claim that environmental sustainability is incompatible with economic growth. Across both sides of politics, job creation will be highly lauded in a post-COVID economy. A transition to over 50 per cent of Australia’s energy stores coming from renewable energy by 2029–2030 could create up to 59,000 jobs in Australia.<sup>21</sup> An ETS is one of many policy examples that our States can adopt in a post-COVID world.

CONCLUSION

Reeling from the impact of the COVID-19 pandemic, Australians have a unique opportunity to take stock of our position in the fight against a more threatening invisible enemy: climate change. We have the attention of the world, as Australia is largely seen as the spearhead of the diplomatic effort to launch an inquiry through the WHO into the origins of the pandemic. Yet, our own history in climate deception on the international stage reminds us that the legal framework supporting international action is inherently susceptible to self-interest. When it comes to the fight against climate change, we must continue to think globally but ultimately act locally. The States of Australia must lead by example and move beyond the status quo in rebuilding our post-COVID economy. Now is the time to capitalise on our renewed international standing and usher in a new paradigm of local climate leadership.

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## Good Intentions

This is uncomfortable for you, I know.

Wait patiently in the awkward procession - I know it's cold in these wards, but it will be your turn soon. When you enter the room, remember to speak loudly; your voice is muffled by the tender warmth of Oxycontin, Oxynorm and Morphine. If the sight of me staggers you, look down and search for the good intentions that regrettably led to your visit. The answer may be scrawled in blue ink on your palms - how to talk to me, The Cancer Patient.

Don't ask me how I am. You know the answer, and you know more still how you don't want me to say it. Best to let the surgeon flicking through gloss black images of an incomplete chest punctuate your demanding silences.

Don't look me in the eyes when we speak, lest you see my sunken sockets and notice the lost weight in the hollows of my cheeks. Don't shift your gaze to rest upon my chest which jerks under the strain of breath. If you slip, your eyes will surely betray your sheepish glances across the mess of tubes trailing ominously from under my gown. And don't dare follow those tubes to where they will lead you: a tub of viscera, smashed lung and cancerous sludge – trust me, you don't want to see that.

I am sure you have tried to imagine my discomfort as I sat in my surgeon's waiting room, morning talk show the backdrop for new arrivals drifting through. Imagine my dread as I am called into that doctor's office. How heavy the silence that follows "... an atypical carcinoid tumour in your right lung..." truly weighs. Think about how uncomfortable it was to rasp out over the phone that I would lose most of my right lung to treat it, to parents 6,000km away.

For all your good intentions the way you look to me and speak at me as if trying to address someone not truly there fills me with venom. My rancour will make me solid, taking up the space you glance effortlessly through. Force you to notice me in the room with you.

Please see me and not just my cancer, I am still here. Don't conjure images of me healthy and well on the wall behind my head, it only makes me lonely and reminds me I am not him. Please talk to me and hear me like you would when I was well, there is no need to let guilt narrate the elongated passing of time. Make fun of me, tease me, let's joke! I am still me – I am not my cancer. Although you try not to hurt me, your good intentions only make me feel so much worse.

We don't have to pretend things are okay.

We don't have to pretend this isn't weird.

This is uncomfortable for you, I know.

Treat me not as The Cancer Patient, but as I am. I do not want your pity.









# 'Damon'

We are a family separated by oceans yet tethered by a lineage of shared identity. It was echoed in what we ate, how we celebrated holidays, and family that came to visit from afar. On the weekends I would wake to phone calls in broken English, answering the phone in a language I didn't know. Then nervously pass the phone off to mum, who would yell down the line thinking it would strengthen the connection. I was told I belonged to this 'home'. Like a piece of string that wrapped around my body tying me from here to there, and if you gave it a little tug and waited a few seconds, you'd feel a little pull back. But I'd never set foot on the motherland, never crossed that ocean, and never gathered up that piece of string and followed it back to where it all began. And maybe when I did, who I am would make a little more sense.

So I worked away at the job I hated; smiling at the rich people as I weighed their cheese, sliced their meat and tubbed their olives. On my lunch-break I would sit in the gutter behind the store and day-dream of my escape and of how much money I needed to save for my ticket. I was restless, payday could never come around fast enough. Until one day all my packed lunches and declined brunches paid off. Although it hurt watching my savings drain from my bank account, a surging current of elation rose as I realised just what I'd done.

Between now and then, there was so much to do. The days started to blur as family and friends of similar backgrounds swamped my phone and constantly dropped in to tell me to stay with their families and visit their birthplace. The question of the day was always 'are you excited?!', and of course I was but amid preparing for exams and filling half my suitcase with Tim-Tams and gifts for everyone, none of it felt real yet.

Until it did. Until I was standing at the departure gates trying to will myself to walk through those doors and make the journey alone. With a small push, I gathered up my string and started tracing my way back. But flying made me anxious and the last thing I wanted was to miss a flight or get mugged, so I buried my head in the sand. I pretended I knew where I was going like I'd done this before, and let music and in-flight entertainment drown out my surroundings.

Arriving at my stopover I was feeling worse for wear and my phone battery was reminding me that it was past its shelf life and mightn't get me to the other side. In a desperate plea to preserve my only means of finding my family when I landed, I turned it off.

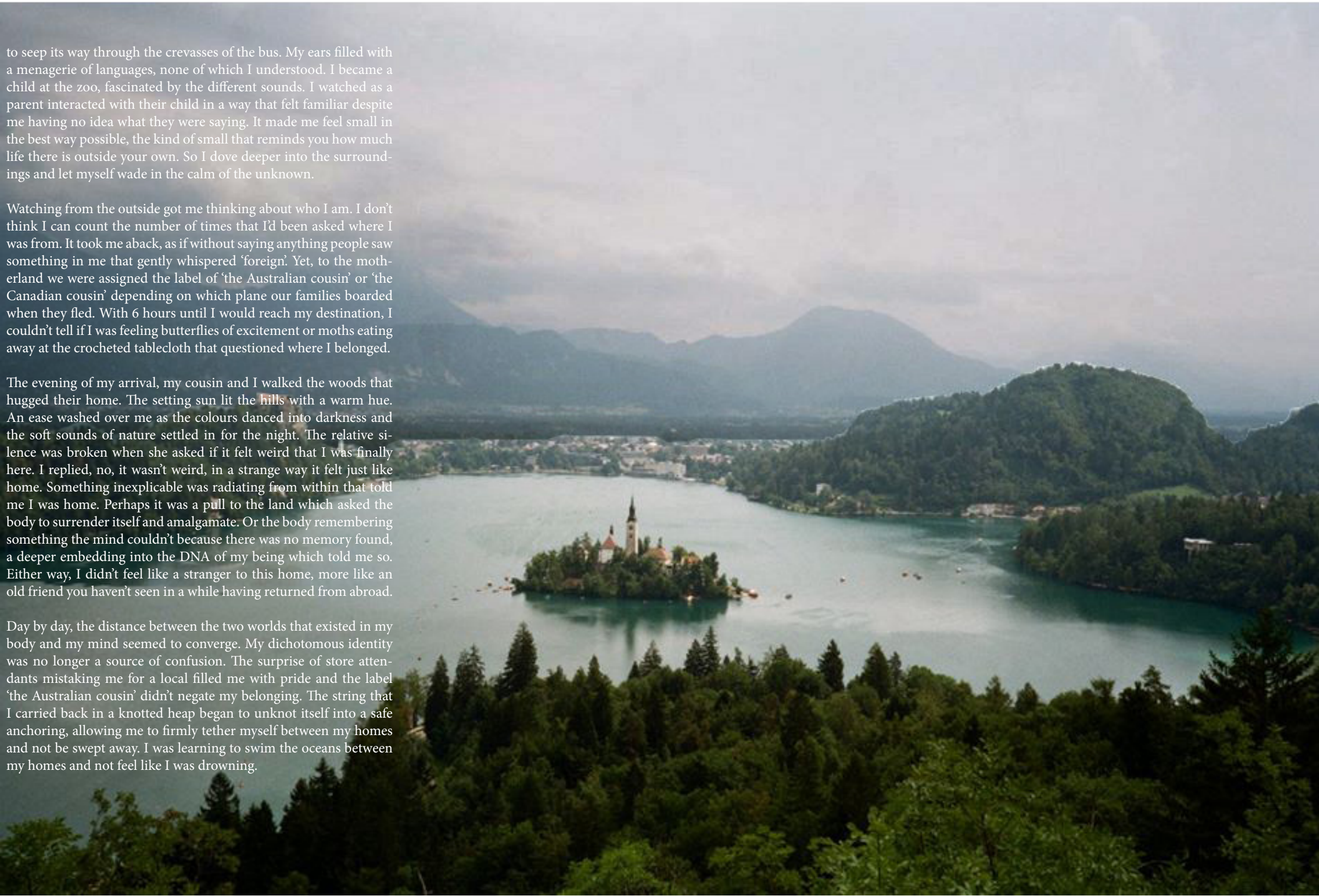
A voice emanated over the loud speaker announcing the boarding of my connecting flight. We were ushered onto a bus that would take us from the terminal to the plane. It was 6am and already 42 degrees, despite the roaring air-conditioning, the hot air managed

to seep its way through the crevasses of the bus. My ears filled with a menagerie of languages, none of which I understood. I became a child at the zoo, fascinated by the different sounds. I watched as a parent interacted with their child in a way that felt familiar despite me having no idea what they were saying. It made me feel small in the best way possible, the kind of small that reminds you how much life there is outside your own. So I dove deeper into the surroundings and let myself wade in the calm of the unknown.

Watching from the outside got me thinking about who I am. I don't think I can count the number of times that I'd been asked where I was from. It took me aback, as if without saying anything people saw something in me that gently whispered 'foreign'. Yet, to the motherland we were assigned the label of 'the Australian cousin' or 'the Canadian cousin' depending on which plane our families boarded when they fled. With 6 hours until I would reach my destination, I couldn't tell if I was feeling butterflies of excitement or moths eating away at the crocheted tablecloth that questioned where I belonged.

The evening of my arrival, my cousin and I walked the woods that hugged their home. The setting sun lit the hills with a warm hue. An ease washed over me as the colours danced into darkness and the soft sounds of nature settled in for the night. The relative silence was broken when she asked if it felt weird that I was finally here. I replied, no, it wasn't weird, in a strange way it felt just like home. Something inexplicable was radiating from within that told me I was home. Perhaps it was a pull to the land which asked the body to surrender itself and amalgamate. Or the body remembering something the mind couldn't because there was no memory found, a deeper embedding into the DNA of my being which told me so. Either way, I didn't feel like a stranger to this home, more like an old friend you haven't seen in a while having returned from abroad.

Day by day, the distance between the two worlds that existed in my body and my mind seemed to converge. My dichotomous identity was no longer a source of confusion. The surprise of store attendants mistaking me for a local filled me with pride and the label 'the Australian cousin' didn't negate my belonging. The string that I carried back in a knotted heap began to unknot itself into a safe anchoring, allowing me to firmly tether myself between my homes and not be swept away. I was learning to swim the oceans between my homes and not feel like I was drowning.





# It’s not every day you get to hear insights from a former Family Court Judge on the way things stand today.

Recently, JD student Cjay Aksoyoglu interviewed Professor the Honourable Nahum Mushin AM who spoke candidly about his experience on the bench. Now an Adjunct Professor at Monash, he regards the JD cohort highly, “... although I’m retiring I would hope to have an ongoing relationship with the JD cohort... you face considerable hurdles in your course.”

From funny stories on tactics of barristers, as well as the recent High Court inquiry into sexual harassment, the interview highlights that progress is still necessary in many aspects of the law.

C: You’ve been described by the late Fred Lester as ‘a talented young man of great diligence with a spark’ and many of your past ethics students will attest that you still have that spark, which has in your career led to some significant law reform. What do you think has been key to maintaining that spark throughout your career? And how does one figure out where their passion lies in the law?

N: Your passions just come to you, as it were. I think it’s part of your personality. For example, somebody once asked me ‘how did you find Family Law?’ and I said ‘I didn’t find Family Law, Family Law found me’. Experience (leads) you to realise that your interests lie in a particular direction. You’ve probably seen my involvement for example, with forced adoption. That arose not from any expression of interest from me, but by a telephone call from the Attorney General asking if I was interested to do that.



C: In terms of ‘the way things stand’, is there a particular area of law you think is problematic or lagging behind?

N: When I left the Family Court at the end of 2011, I decided I was leaving Family Law behind. I had done 40 years of Family Law at that point... I really haven’t kept up to date with day-to-day developments. I’ve been involved with Ethics since I came to Monash so I’m more inclined to be speaking at conferences on ethical aspects of Family Law rather than the process and substance of the law. I think that Family Law is in a mess at the moment. I think it’s in a very bad state indeed. It really concerns me. I think we need to redo the structure and parts of the jurisprudence.



C: We’re currently seeing some radical social change in the US and increased scrutiny of the proper role of law enforcement in society here in Australia. Legal structures, especially the criminal law, also have a role to play in these issues we’re seeing. What do you think is the proper role of lawyers, and the law more generally, in times of social upheaval like we’re seeing?

N: The primary role of lawyers is to act for their clients and to do so ethically with integrity. That said, I think we lawyers, particularly at times like this, have an obligation because we’re in a unique position to promote access to justice and the rule of law... I think that the Executive arm of Government is being too invasive of the in-

dependence of the courts, including the Judiciary. One of the manifestations of that is mandatory sentencing which takes away the discretion of the courts and some of the independence of judges.



C: Have you ever lost sleep over a decision you have made?

N: I think the answer is generally no. You can get very anxious about some decisions. Thinking back, we all have instances in which we think we could have done things differently. But you’ve got to learn not to be overcome by these things. Otherwise that would affect your performance and your thinking... One of the skills of being a judge is you’ve got to make a decision and go onto the next case.



C: Did you find a difference from when you moved from the Bar up to a judge, did you feel a difference in your morale or your investment in a case more emotionally?

N: Yes. The barrister should be doing everything that the judge does with one exception. That is, the judge makes the decision... When you become a judge you become more acutely aware of the whole process. You’re really concentrating more on not just the facts but what they all mean... The exercise of discretion is something that you get a different understanding of when you’re on the bench, because you’ve got to do it. I can remember early on discussing a case with my wife who has been a lawyer for most of her career. Soon after my appointment I rang her once from the court. I said, ‘this is a really difficult case, I feel as though I’m being too judgmental’ and she said, ‘well that’s what they pay you for!’ To have it verbalized in that way was quite a moment.



C: How did you feel in your first case a judge?

N: Nervous. I can remember my Court Officer put up L plates for the first week and P plates followed, and then he took them away and said ‘you’re OK’... One of the big things about being on the bench is that there’s a lot of collegiality among judges. Except, the unspoken rule is that if you’re talking with one of your colleagues about a case, your colleague won’t tell you what decision to make. Everybody acknowledges the individual must make the decision.



C: I listened to a podcast recently with former Chief Justice Marilyn Warren QC AC, and she had mentioned a tactic among barristers is to appeal to the particular judge hearing your case. That is, find out who they are, what they’re like, and something that will appeal to them. Being in the position of a judge, are you able to identify when barristers are using that tactic with you?

N: Oh there’s no question. I used to do it as a barrister. This is one of the things we teach as the fundamentals of advocacy - you really need to know your Tribunal. You’ve really got to know what the judge’s values are. I think I was known for being pretty strict on violence and abuse... that’s what I’ve been told about myself... In fact, I have a funny story. Early on in my career on the bench I was sitting at Ballarat. The barrister appearing before me was a senior Silk. There was a bit of a legal argument and he asked if he could read a quote from a journal. After he quoted, I said ‘I’m not sure if I agree with that, who wrote it?’ He said, ‘you did’. Everybody collapsed laughing. It was very amusing. It has been suggested in very senior judicial circles that it’s not appropriate to have humour in court. I don’t agree with that. As long as it’s not personal and lay people in the court can understand it and laugh too, I think it’s acceptable.



C: What’s it like to have a decision you have made overturned by a superior court?

N: You’ve got to have broad shoulders. I used to say when I was in the court that I’d be taken off somebody’s Christmas card list everyday... I was overturned occasionally by both the High Court and the Full Court of the Family Court. It is part of the process for Judges to have different views. It is vital to recognise that the appellate process is a fundamental part of access to justice and the rule of law. And ultimately it demonstrates that our legal system is functioning properly.



C: Do you have any advice for young law students who are about to graduate and enter the workplace? Is there a key piece of advice you would tell them to write down and keep in their pocket with them for the rest of their careers?

N: Yes, always carry the telephone number of the Ethics Committee.

There’s one other thing that is very relevant. The recent events involving the Honourable Dyson Heydon, allegations which he denies, are an enormous wake-up call for us. With respect, I think the Chief Justice of the High Court has tackled this matter in what I can only describe as an exemplary manner. I think it is an object lesson for everybody. Now, some of the most important people for whom it is an object lesson is the males who are in the law. I was talking to a lot of lawyers of our age, and one now retired female lawyer said ‘scratch a lawyer of our age and you will always find harassment of some sort. Always.’ I think that Chief Justice Kiefel has made an enormous contribution to that. It’s fantastic and we all have to learn from it.



C: Although we’re seeing this at a higher level in the legal profes-

sion, do you think the effects of this will ripple down into firms?

N: It definitely does, yes. There is no doubt there’s a hierarchy and the people who suffer from that are the women. Particularly the junior women. It’s got to be called out every time it happens. What has happened on the High Court now should be a signpost to help us with where to go.



C: You’re constantly talking about Lawyers’ Ethics. Many people have said this was an open secret. I wonder if it’s unethical not to call it out, even if it didn’t happen to you.

N: This is a vexed question because of the rights of the victim. On the one hand there is a strong argument for it being ethical to call it out. The reason for that is that sort of behavior is demeaning to the profession and is systemic in a sense. To that extent, it adversely affects the rule of law and the independence of the courts... The actions of these six young women who have done so... I’m in awe of them. What they have done is just amazing. The fact that two of them as a result of their experiences have given up law is terrible.

But as with all ethical decision making, there is another side to the argument. Given the high potential for the victim to be severely prejudiced in her (usually) future, should she not have the right to have a say in whether the behaviour should be called out and, in particular, whether she should be identified?

Ultimately, the fact that a victim must consider whether the outcome of reporting sexual harassment will cause her to be ostracised or even lose her career is a terrible commentary on the state of our legal system.

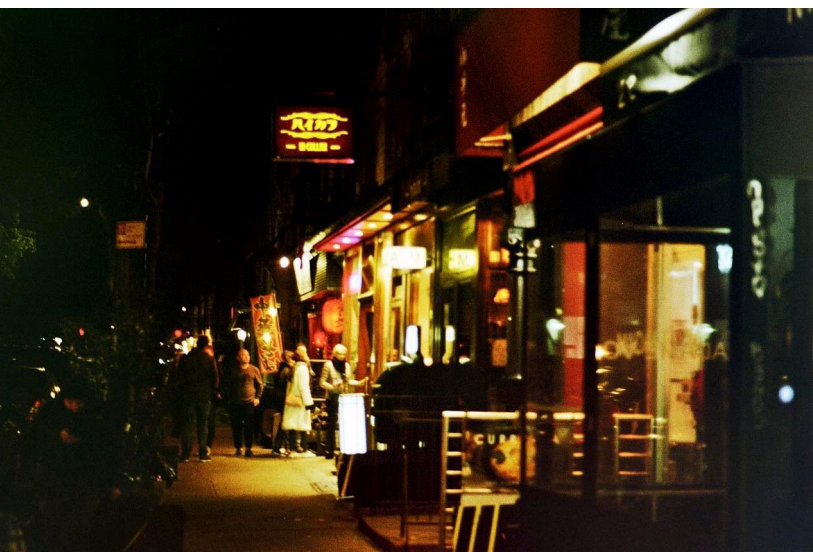


C: It’s nice to hear there’s some general consensus that it is quite shocking and a positive step in the legal profession.

N: I have discussed this with a number of retired judges. The expression that I have given to this is by no means unique, it’s very widespread. People are quite relieved and most admiring of the Chief Justice for what she’s done. To create an inquiry and then to say ‘we’ve had this inquiry and we believe what they’re saying’ is excellent. From my point of view people don’t make these allegations from out of the blue because of the profound consequences of making a complaint.







Artist: Alexandra Bladen

# CAN LAW STUDENTS DO GOOD?



‘Friends don’t let friends become PIGS’, declares a bill poster on a telephone pole on Bell Street, Coburg. A proud champagne socialist, I sympathise with the sentiment. Can your life’s work be a force for good if your job description includes violently enforcing the will of the State? As I cycle past the cop shop, I tick off in my head the failings of that pervasive institution: the police force is racist, corrupt and resistant to reform. If it isn’t intimidating activists and quelling dissent, it’s perpetuating genocide to protect wealthy elites. Really, standing by the idea that throwing people in jail is some sort of solution to societal ills is so, well, 20th century. Besides, something about calling out this capo establishment just feels so damn good! Leaving the station in my fixie’s wake, I smugly shake my head: I could never be a cop.

‘Where do you draw the line?’ asks dad after I regale him with my half-developed ‘f--- da police’ spiel. Why just the police? Why not lawyers? ‘Police use violence!’ is my standard response. This placates the old man, but I’m beginning to realise that justification exhibits the same misplaced fundamentalism as my argument before it. Every insult I just hurled at the police can be cast at the law with at least as much accuracy. And as lawyers, we read, critique, reform, apply, develop, make the law. We are defined by it; thus, we depend on it. It’s a symbiotic relationship. Our interpretation of the law breathes life into mere words on a page to give them a power akin to magic. This miraculous power we wield is founded in the exclusion of those filtered out by legalese and the psycho-socio-economic demands of legal education. It seems to me that our consent to legal training is tacit acceptance of the status quo.

But wait... aren’t I sitting through these classes so I can learn how to change the law? Surely, I have to learn to speak the language of the elite before I can work out how to shaft them with it.

I’m starting to wonder whether my blind faith in law reform is likely to be repaid. Sure, law reform can tidy up a law here or there, but from where I stand, it fails to perceive the structural inequalities that produce abusive laws in the first place. In fact, it looks as though it reinforces them. It elevates the role of lawyers and funnels more money into legal institutions. It positions the privileged as agents of change, so that transformation depends on those who are most invested in the way things are.

Reform, then, might not be the answer I was looking for. But it doesn’t exhaust my options. Other idealist lawyers forego the commercial or government dollar to turn their attention to the community, dedicating themselves to speak for the legally mute. This is the path I envision

in moments of clarity – a purer existence, free from the temptations of status and wealth.

But community lawyering doesn’t seem to be the panacea I long for. Even a brief peek into the sector is enough to tell that the risk of burn-out is real. I can’t see a way to stay connected to grassroots movements and social supports if I’m exhausted by the caseload on the clock. It’s a hard fight, client by client, and what’s the result? I wonder whether individualised justice can offer more than a band aid solution. Let us assume the best-case scenario: I fight and win for the few clients I get the chance to support. Even then, my role might ironically legitimise the system which necessitated my intervention. Survival of the few helps perpetuate the falsehood that if communities targeted by biased criminal and capitalist systems only take the right steps, they can get on the right side of the law for good. By making the suffering of the majority the exception, not the rule, blame is shifted from an uneven playing field to the impacted individuals. Community lawyers fight hard for justice, but they might risk more than personal cost.

Perhaps I would have hope of doing lasting good if I belonged to a group traditionally excluded by this profession. My presence might shatter ceilings for my inheritors and balance the excesses of the oppressive classes. Instead, I am another white man in a room full of white men, preparing to impose my privilege upon others and expecting to be thanked for it.

My last chance, then, is that there is some other value I can find here at law school. Dean Spade, Associate Professor of law at Seattle University, makes it clear how hard this may be.<sup>1</sup> For Spade, ‘Law school is a very conservative training and rarely a critical intellectual experience’. He says it’s ‘like a language immersion program, but one in which the language you are learning is the language of rationalizing white supremacy, settler colonialism, patriarchy and capitalism. The traditional pedagogy of law school relies on humiliating students if they bring in other ways of thinking or knowing about the world, thereby whittling them down to a shadow of their former selves and reshaping them to make them think inside a very narrow box.’<sup>2</sup>

Could Spade be writing about the Monash JD? His observations accord with my experience. The patriarchy thrives in lecturers’ inability to move beyond the legal English tradition of ‘he/his’, let alone consider using queer-friendly, gender inclusive language. Marks awarded for memorising sub-sections 7.1.1 through 7.3 of the Registrar’s Requirements for Mortgagees dwarf those available for questioning the legitimacy of property law concerning stolen land. Teachers draw equivalencies between legal reasoning and mathematics to obscure the fact that legal rationalist conclusions are reached through culturally curated thinking, not by reference to a higher, objective form of truth. Don’t let emotion dictate a response to a rape hypothetical complicated by mental illness in criminal law – the further divorced from reality you can be, the better lawyer you will make. In this context, the ‘narrow box’ Spade warns us of sounds like a pretty comfortable place to settle so long as a high distinction grade is served on entry.

Spade puts survival of the radical instinct down to maintaining progressive networks outside of law, and ensuring you attend a school with a social justice mission, rather than chasing prestige.<sup>3</sup> Hate to say it, Spade, but I’m guilty on both of those counts.

My prestigious law school is deradicalizing me personally and politically. I grew up among dedicated people who live their convictions, but my preoccupation with schoolwork means I watch as they drift

away. One childhood friend, who lives in squat out of a stubborn refusal to enrich landlords, invites me one last time to his eco-anarchist reading group, but his message withers in my inbox - I barely scrape through a fifth of the cases on a reading guide each week, let alone find reading time for what seems a pipe dream. A business-hours lifestyle is one useful trick increasing my productivity, but now radical people’s schedules don’t make any sense to me. Late night drinks on a Thursday? ‘If you’re working Saturday morning, that’s your problem’, I tell them. ‘Normal people won’t make it to your midweek madness’. Now my free hours are spent with city-slicker yuppies sharing my timetable, while the diverse voices fade from my reality. Is our disentanglement an accident? Or do they move to more promising relationships because they don’t see a future in me?

Dad recently sent me a copy of Salgado’s WORKERS, an awe-inspiring coffee table book paying tribute to manual labour. He was hoping, perhaps, that the foot-long images of the condition of the working class might inspire his tepid boy to action. Instead, I missed the Walk Against Warming because it conflicted with an assignment, and I missed the Invasion Day rally for volunteering – I am a walking case study for the legal service provider’s dissociation from social movements, and I’m not even providing legal services yet! These failings are my sins. I try to tell myself the work I keep putting into uni is atonement, but somewhere inside I realise the grades I’m drip-fed in return are the proceeds of crime.

Writing this article has me grappling with ideas I’ve put to one side since setting foot in Chambers. It’s easier not to think about all this stuff; a kind of paradise awaits if only I’d forget. I would be lying if I didn’t admit the potential to earn more than my peers isn’t enticing. The knowledge that if I score high grades, I’ll get a good job is a comfort that contrasts with the uncertainty I felt throughout my undergraduate degree. The very familiarity of the lawyer sell-out trope offers some security if I let myself daydream about throwing it all out the window of my brand-new Tesla – stuff it, Ferrari. From here, it only takes a step or two to give myself over to The Man – and when you love The Man, The Man loves you back.

My moralistic musings and my actions may be incongruous, but inaction does not diminish the seriousness of the questions that hound me. Making a habit of cognitive dissonance seems a recipe for a life of regret. Supportive family members say that working in a space of awareness is better than paralysis in the face of ideals I’ll never reach. But satisfaction with mere awareness must be inadequate, for it only reinforces the insidious structures I’ve railed against.

Awareness, acceptance, complicity: three sides of the same coin. Can the value I give this coin balance the ledger against the personal cost of derailing my degree? That part, I am yet to work out.

## References

<sup>1</sup> Dean Spade, ‘For Those Considering Law School’ (2010) 6 Unbound 111.

<sup>2</sup> Ibid, 114.

<sup>3</sup> Ibid, 115.





I SIT,  
LOOKING  
UP AT THE  
THE TREES  
THAT STAND.  
I FEEL  
MAGIC IN IT  
MARVEL IN  
THE  
BEAUTY  
OF IT.



THE DAY,  
THE LEAVES,  
THEY ARE CHANGING  
THEIR PROGRESSION  
IS LINEAR,  
THE LEAVES GROW,  
THEY DIE.  
THE DAY  
BEGINS,  
IT MEETS  
ITS DEMISE.



YET, THE LEAVES,  
DO THEY NOT GROW  
BACK?  
THE NIGHT, DOES  
IT NOT SUCCUMB  
TO THE LIGHT?  
WILL WE CIRCLE,  
OR WILL WE  
PLUNGE  
INTO THE  
DARKNESS.



# The Plight of the Pembantu<sup>1</sup>

*Trigger warning: mentions of abuse and suicide*

*Chen Ling grew up in Brunei with the help of domestic helpers most of her life. In this article, she ruminates on her relationship with her last helper who she had grown deeply attached to; and the domestic helper industry.*

*This is dedicated to Desi. I see you, I hear you, and I love you.*

Every day without fail, Desi wakes up at five in the morning. She washes my parents' cars while the morning prayer from the nearby mosque blares into the dawn. Most of the morning she makes my family members' beds and tidies their bedrooms. The latter half of the morning is spent preparing for lunch. In the afternoon she takes care of the laundry; cleans the common spaces in the house; and prepares for dinner. At night, she irons and folds the laundry from the afternoon, as well as cleaning the kitchen after our dinner. Sometimes, late in the night, I would catch her eating scraps of chicken from the soup. Other times, she would help herself to some of the leftover rice and side dishes we had for dinner, if she had not prepared her own meal. Before bed, she showers; prays then sleeps in her small room with a fan oscillating throughout the night - all to do it again the next day. Hardly any rest. Hardly any recreation. Minimal interaction with others - aside from my elder sister and I.

What I have just described must be interpreted literally. This is not an unusual routine. In fact, and unfortunately, a routine with virtually no rest is commonly imposed by employers upon domestic helpers. It is also, much to our dismay, not uncommon for employers to enforce strict rules to ensure compliance with these routines to a tee. Rules such as no going out without permission, no right to have access to the house keys,<sup>2</sup> no lollygagging with the children, and strictly no talking to the neighbours' domestic helpers.

I was twelve or thirteen when I realised that Desi deserved off days; deserved the right to get groceries from the nearby convenience store; and, heck, even the right to own a mobile phone to contact friends and family overseas. This was not some revelation I instantly had one day, but one that reached its apex after so many years of being a beneficiary of her care. I loved most of my domestic helpers so much that at a young age, I envied friends whose families let their domestic helpers tag along to Sunday dinners, and those who let them come on international trips. I wanted my helper to be with me all the time.

'Shouldn't Auntie get a rest day too?' I thought as I looked long-

ingly over at a family sitting at the neighbouring table in a Chinese restaurant. The kid was playing Rock, Paper, Scissors with their house helper as the parents, without even noticing, chattered about work and scarfed down their meal. I began to feel guilty at the mere thought of leaving the house for a holiday with my family. I would think: 'God, what is she going to do while we're gone? There are only so many chores she can do. She can't watch TV, can't call friends or family, can't really chit chat with other domestic helpers ... What's she going to do to pass the time?'

There were days in my adolescent years where I would innocently ask my parents why we were so incredibly reluctant to give these freedoms to our domestic helpers, and the answers were haphazard yet predictable:

1. 'Giving too much agency to the house helper would bring trouble home. Even if we trust her and she seems to be a loyal and proper person, you never know what she can stir up in the outside world. We do not want to be liable for her actions.'
2. 'It is for her safety. I had a friend of mine whose house helper ran away with a labourer and was impregnated. Now my friend needs to figure out what to do with her baby and how it affects her employment contract. Do not get me started on those runaway helpers.'
3. 'It will distract her from her work.'
4. 'She will think she is like family and that will complicate our employer-employee relationship because she is definitely not family.'

These are not unusual reasons. The domestic helper industry is so entrenched in the lives of middle-class Southeast Asian families that these reasons go unchecked -- collectively saying 'These are the balance of things. Good question. But these principles are tried and proven in many families, including ours, to keep the *amahs*<sup>3</sup> under control.'

When I was given the same automated response at a later stage of my adolescence, I had finally made up my mind that Desi needed more freedoms. I decided to ask Desi myself about what she felt about the arrangement and past arrangements with previous families. Same answer: it is the way it is.

'My job is to take care of you and the house while your parents are off earning money for your and your sister's education. I get paid for it so I can send my own kids to school,' Desi had a go at reasoning with me.

I persisted, however, 'Don't you ever want to go shopping though? For fun? I remember my parents letting one of our helpers shop years and years ago. I'm sure if I can convince them, they'd let you!'

'Sounds like a good time, but I'm sure your previous Auntie did something good to earn it.'

But that was not the case. It was just by sheer stroke of luck that my parents were in a good mood and had come around to fully trust that previous helper. Desi had already worked for 730 days non-stop with us. She has not done anything wrong - morally or contractually. Is not working two full years without any trouble enough to prove to my parents she was more than deserving of some outside time? It just did not make clear sense to me.

For the rest of her first contract, there were little glimpses of her exercising a small degree of freedom when I was the only one at home. We celebrated her birthday in secret; used my mobile phone to call home for a few minutes; and secretly watched Indonesian soap operas on my television under the excuse she was 'folding laundry' in my room. We would often take walks or play badminton in the little pockets of the afternoon before the Maghrib prayers<sup>4</sup> came on.

Desi was fortunate enough that, toward the end of her first contract, my parents eased the rules. The easing was permanently applied when my parents decided to renew her contract. She was allowed to have her own mobile phone on a prepaid plan, and to have a day off every two weeks. Because of this, she was able to connect with people from her background, and clock up on leisure time. It gave her something to look forward to every two weeks.

Unfortunately, not every house helper is as fortunate as Desi and the domestic helpers from my friends' families. This is not to say Desi or my past helpers had it easy. Many domestic helpers in the region are victims of domestic abuse, and, including my own helpers, labour exploitation. The International Labour Organization (ILO) classifies this line of work as domestic slavery or servitude. It is construed as 'all work or service which is exacted from any person under the threat of a penalty and for which the person has not offered himself or herself voluntarily.'<sup>5</sup> This includes 'traditional practices of forced labour, such as vestiges of slavery or slave-like practices, and various forms of debt bondage, as well as new forms of forced labour that have emerged in recent decades, such as human trafficking. .. to shed light on working and living conditions contrary to human dignity.'<sup>6</sup>

Modern day slavery does not have a settled definition.<sup>7</sup> The concept alludes to the idea of slavery perpetuated by a globalized society. Take the word slavery, slap it onto the phrase 'modern day', it will yield international human trafficking (including child trafficking), workers (read: victims) of the gig economy, and the forced migration of and foreign labourers.<sup>8</sup> Domestic servitude most often falls under the last category.

Modern slavery essentially requires the mass movement of people across borders for reasons such as work to enable these individuals to have better opportunities. However, better opportunities and pay are often pipedreams.

To those who share similar experiences with me, you might be thinking: 'Hang on, calling it slavery is a bit loaded. Surely this is some Western-lens bias going on. Because, clearly, my family had no choice but to engage with labour agencies. We needed them so my parent(s) can focus on their jobs and take on more overtime to bring home the bread and butter.' I hear you; but please bear with me.

Let us work through this by connecting modern day slavery with the domestic helper industry by examining domestic helper conditions.<sup>9</sup> Slavery has no set work hours. Slaves are meant to be waiting for their masters on hand and foot. Domestic helpers are no different. They are contractually obligated to work around the

clock. In short, the work hours as a domestic helper tend to be very murky.<sup>10</sup> This blurs the lines of rest and work times. Rest often does not necessarily constitute as rest since chores often never end. This is especially true to families with young children or large families. Messes would occur so often yet parents require the house to be kept clean all the time.

Often the work carried out by these helpers poses a safety or health risk. Desi often recounted this story from her previous family who lived in a mansion. Her employer required her to wipe their humongous windows every month. She would perch herself onto a little makeshift lift to reach higher corners of the windows. Desi had no specialized skills which equipped her to window wipe but was routinely placed in that position. The safety hazards continued, if not as directly, while she was with my family. A nail shard lodged in her big toe had festered into a bacterial infection because she was too afraid of the ramifications that came with telling my mother about it. Eventually I had to alert my mother - and only when it had started to substantially impede her ability to perform the housework. The hesitation and fear of communicating difficulties to one's employer would inadvertently (if not directly) pose as a health or safety risk.

To hammer the last nail into the coffin, helpers are often susceptible to witnessing and/or experiencing domestic violence. Helpers who solely witness domestic violence are often too afraid to report their employers to relevant authorities. In other cases, the lack of access to communication devices make reporting impossible. Unfortunately, those who are subjected to domestic violence form a sizable percentage of helper deaths.<sup>11</sup> This is a result of employers viewing helpers as commodities - punching bags, to be more frank. Newspapers often report stories of helpers experiencing crippling mental health issues, or even ending their own lives because of their circumstances.<sup>12</sup> Contributing to this cycle of abuse is the employers' refusal to acknowledge helpers' humanity and meta-physical human rights.

The points I have made so far do not even begin to fully encompass the complexities of the industry such as the parent-placeholder roles helpers play in their employers' childrens' lives; the role labour agencies play in the soliciting and managing of domestic helpers; how migration shapes and molds these helpers' identities in a new social landscape; and how the industry's geopolitical undertone reflecting the wants and needs of nations that famously outsource their labour to nations that have a high demand for their labour. Despite this, armed only with the points I have discussed, it is clearly fair to view the domestic helper industry as a stronghold of modern day slavery.

Where do we go from here? There is an upside to this. Countries that have a high demand for domestic helpers, especially in the ASEAN region,<sup>13</sup> have gradually recognized the need for domestic helper rights. The power here lies in legislation providing helpers with more agency and knowledge about their contracts. It is necessary for these helpers to be able to confidently depart from their employment contracts when unsavory or dangerous circumstances arise. Moreover, there has been more grassroots campaigning for domestic helpers to have legal days off. An ad uploaded to YouTube



called ‘Mums and maids #igiveadayoff’<sup>14</sup> by a Singapore-based organization garnered significant media attention in the ASEAN region. Its aim is to convey the message to employers that maids spend copious amounts of time with their children - so much so employers have lost touch with their children. While the ad has been openly criticized as turning a blind eye to the multi-faceted and gendered relationship between helpers and mothers by ‘shaming women,’<sup>15</sup> it has also been applauded for casting a humane light on the helpers.<sup>16</sup> It was high time to recognize that helpers have time and again formed inseparable and deep relationships with their employers’ children - essentially proving to the public that they are more than just commodities.

The movement for domestic workers’ rights have yet to gain enough traction in the public sphere for decisive legislative action to be taken. Singapore has entertained the idea of introducing laws for protecting these helpers, but Parliament is yet to propose legislative change.<sup>17</sup> Once an ASEAN country introduces a Bill in support of helpers’ rights, it is not too far-fetched to see a ripple effect surge through the region.

Until that day comes, I will continue to look back on the day Desi told me she loved me for the first time as personal ignition to push for change. It was a sunny Sunday morning which means the first thing I do when I wake up is to head straight to Desi, who was in the kitchen, to ask her what’s under the food cover for lunch. I noticed she looked crestfallen, so I asked what had happened.

‘Auntie mahu memberi tahu Mei something,<sup>18</sup> ok? Mei jangan marah atau... sedih, ya?’<sup>19</sup> she quickly grabbed my hands, squeezing them tight. It looked as if tears started to well up in her eyes. I mean, tears clearly did form but at the time, I was trying to deny that something awful had happened.

I shook my head, ‘Tak apa, apa yang masalah?’<sup>20</sup> At this point so many scenarios ran through my head: was she pregnant? Did she actually get caught up with shady characters now that she has newfound freedom?

‘Anak Auntie sakit, Mei.’<sup>21</sup>

Pause.

‘Kerana Anak Auntie... Auntie mesti balik Indonesia.’<sup>22</sup>

At this point of the conversation, a tear rolls down her cheek.

‘Auntie belum bagi tahu mamamu. Auntie mahu bagi Mei tahu dulu kerana Auntie sayang Mei,’<sup>23</sup> she wiped her stray tear as she spoke quietly, to ensure none of my family members were around to hear. She told me - in this increasingly frantic tone - that this news was sprung onto her earlier in the morning. More importantly, her other worry was how my mother was going to react in regards to her sudden resignation. Her plan was to make her a cup of coffee to put her in a good mood then break the news to her. I told her that my mother is likely to understand her situation, and that it is not her fault at all.

‘Auntie tahu Mei suka Auntie di sini. Auntie mahu tinggal di sini lama-lama sampai kontrak Auntie habis juga,’<sup>24</sup> she admitted as she persistently avoided my gaze whilst stirring my mother’s cup of coffee on the kitchen counter. I remember standing beside her, speechless. We were about the same height. I watched as the instant coffee powder turned the water dark. My gaze shifted towards her face, slightly concealed by her wavy bob cut. More tears had rolled down her cheeks.

‘Ok, Mei, Auntie nak pergi atas beri mamamu kopi. Jangan kacau,’<sup>25</sup> she beckoned me to leave the kitchen, sniffing as she wiped her stream of tears with her cotton T-shirt. I remember standing there, absolutely frozen. What was I supposed to do? I had resigned to the idea that there was nothing much I could do but to make this a less stressful experience for her.

‘Kacau, kacau,’<sup>26</sup> I jokingly said while tapping on the hot coffee cup. She quickly broke into laughter amidst her tears. Before heading upstairs to meet with my mother, she hugged me - squeezing me as tight as she physically could.



When looking at this picture of my first helper, my mother would make the comment: ‘Nasiah loved you so much.’

## Footnotes

<sup>1</sup>This means helper in Malay. I would like to also acknowledge the person who suggested this title for this piece, Herson Putra - one of my closest friends.

<sup>2</sup>What’s the point of possessing the house keys if you’re not allowed to go out anyway?

<sup>3</sup>A noun to refer to these domestic helpers. Whether it is a derogatory label is a discussion for some other time. So, note the leaky quote here.

<sup>4</sup>This would usually be around sunset. It varies depending on where you live. In Brunei, it would be around 6:30 PM.

<sup>5</sup>What is forced labour, modern slavery and human trafficking, International Labour Organization (Web Page) <<https://www.ilo.org/global/topics/forced-labour/definition/lang-en/index.htm>>.

<sup>6</sup>Ibid.

<sup>7</sup>See: Joint Standing Committee on Foreign Affairs, Defence and Trade, Parliament of Australia, Inquiry into establishing a modern slavery act in Australia (Final Report, December 2017) <[https://www.apf.gov.au/Parliamentary\\_Business/Committees/Joint/Foreign\\_Affairs\\_Defence\\_and\\_Trade/ModernSlavery/Final\\_report/section?id=committees/report-jnt/024102/25035](https://www.apf.gov.au/Parliamentary_Business/Committees/Joint/Foreign_Affairs_Defence_and_Trade/ModernSlavery/Final_report/section?id=committees/report-jnt/024102/25035)>.

<sup>8</sup>Ibid.

<sup>9</sup>See: Special Action Programme to Combat Forced Labour (International Labour Organization), ‘ILO Indicators of Forced Labour’ (Brochure, 1 October 2012) <[https://www.ilo.org/wcmsp5/groups/public/-ed\\_norm/-declaration/documents/publication/wcms\\_203832.pdf](https://www.ilo.org/wcmsp5/groups/public/-ed_norm/-declaration/documents/publication/wcms_203832.pdf)>. See more: Bridget Anderson, Worker, helper, auntie, maid?: Working conditions and attitudes experienced by migrant domestic workers in Thailand and Malaysia (Report, 13 December 2016) <[https://www.ilo.org/wcmsp5/groups/public/-asia/-ro-bangkok/-sro-bangkok/documents/publication/wcms\\_537808.pdf](https://www.ilo.org/wcmsp5/groups/public/-asia/-ro-bangkok/-sro-bangkok/documents/publication/wcms_537808.pdf)>.

<sup>10</sup>Ibid.

<sup>11</sup>See: Erin Cook, ‘ASEAN must confront its domestic workers abuse problem’, The Diplomat (Web Page, 22 February 2018) <<https://thediplomat.com/2018/02/asean-must-confront-its-domestic-workers-abuse-problem/>>.

<sup>12</sup>Annie Kelly and Kate Hodal, ‘I slept on the floor in a flat near Harrods: stories of modern slavery’, The Guardian (Web Page, 29 July 2017) <<https://www.theguardian.com/global-development/2017/jul/29/slept-floor-flat-near-harrods-stories-modern-slavery>>.

<sup>13</sup>It refers to the Association of South-East Asian Nations. Its present members are Brunei, Cambodia, Indonesia, Laos, Malaysia, Myanmar, Philippines, Singapore, Thailand, and Vietnam.

<sup>14</sup>I Give A Day Off, ‘Mums and Maids #igiveadayoff’ (YouTube, 22 April 2015) <<https://www.youtube.com/watch?v=jUxkOSkD8Rc>>.

<sup>15</sup>In a nutshell, the argument here is that mothers should properly play their role as mothers by spending more time with their children and maintaining the house. However, this is a whole discussion that is tethered but beyond the scope of the discussion here.

<sup>16</sup>Robin Hicks, ‘Ogilvy Singapore’s ‘Mums and maids’ campaign criticised for ‘shaming women’ and using social issue for PR’, Mumbrella Asia (Web Page, 23 April 2015) <<https://www.mumbrella.asia/2015/04/ogilvys-mums-and-maids-campaign-criticised-for-shaming-women-and-using-social-issue-for-pr>>.

<sup>17</sup>See: ‘Consider law to give maids a day off every week: Halimah’, Asean Trade Union Council (Blog, 20 June 2011) <<http://aseantuc.org/2011/06/consider-law-to-give-maids-a-day-off-every-week-halimah/>>.

See also: ‘100th ILO annual Conference decides to bring an estimated 53 to 100 million domestic workers worldwide under the realm of labour standards’ (Press Release, 16 June 2011), <[https://www.ilo.org/ilc/ILC-Sessions/previous-sessions/100thSession/media-centre/press-releases/WCMS\\_157891/lang-en/index.htm](https://www.ilo.org/ilc/ILC-Sessions/previous-sessions/100thSession/media-centre/press-releases/WCMS_157891/lang-en/index.htm)>.

See generally: Jaclyn L. Neo, ‘Riots and Rights: Law and Exclusion in Sin-

gapore’s Migrant Worker Regime’ (2015) 2, Asian Journal of Law and Society 137.

<sup>18</sup>Desi often mixed English into our conversations, similarly Mandarin as well. Mei is an affectionate nickname she has given me since Day 1. In Mandarin, it means little or younger sister - to signify my position in the family.

<sup>19</sup>‘I want to tell you something, ok? Don’t be angry or... sad, yeah?’

<sup>20</sup>‘It’s okay, what’s the problem?’

<sup>21</sup>‘My child’s sick, Mei.’

<sup>22</sup>‘Because of my child... I have to go back to Indonesia.’

<sup>23</sup>‘I haven’t told your mom. I wanted to let you know first because I love you.’

<sup>24</sup>‘I know you like me here. I want to stay here until my contract ends too.’

<sup>25</sup>‘Ok, I’ll be going upstairs to give your mother coffee. Don’t distract me.’

<sup>26</sup>Kacau has two meanings in here. One means to bother; another one means to stir or mix. I used the latter as a pun.





how do I shake this envy  
when I see you doing well  
sister how do I love myself enough to know  
your accomplishments are not my failures

– Rupi Kaur

Feminism is having a moment.

Social media has platformed a new age of feminism, redefining the ways in which messages of gender equality are able to be shared. As a result, smart and passionate exhibitions of feminism are more accessible than ever, increasingly exposing young women to information which will arm them with the weaponry they need to confront patriarchal norms. Picture the likes of Florence Given, Jameela Jamil and Clementine Ford – all women on the feminism frontier, championing change one enlightening upload at a time.

We are undeniably past burning our bras but, let us not allow my curated Instagram feed to lull us into a false sense of success. Yes, feminism is having a moment. No, we are not out of the woods. Why, you ask? Enter – internalised misogyny.

More prevalent than we might allow ourselves to recognise, internalised misogyny describes the perpetration of sexism and misogyny by women, against women. So is the nature of an internalised belief, we often do not recognise when we are acting or speaking from engrained misogyny, settled deep in our subconscious as a result of longstanding societal structures.

You would be forgiven for thinking at first instance, that shining a light on sexism perpetrated by women, dims that which should be illuminating sexism perpetrated by men. However, confronting internalised misogyny should not be mistaken as empowering the voices which shout, “women are sexist too”, as a justification for male perpetrated sexism.

Instead, it presents a conversation we must have with ourselves and other women, about consciously ceasing to contribute to our own oppression.

Remember that time you attempted to justify your distaste for another woman by referencing their personality, their interests or their body?

Too girly, too giggly, too masculine, too loud. She is arrogant, she is ditsy, or maybe there was ‘just something about her’. How often have you disguised an otherwise inexplicable distaste for another woman by reference to one of these traits?

That niggling resentment that creeps out of your subconscious at the first sight of another woman’s success. That is internalised misogyny.

These conversations are necessary albeit uncomfortable. The old adage that ‘growth does not happen from within your comfort zone’ rings true here. It is a confronting thing, especially for those who identify as feminists, to examine your own behaviours and unveil the fact that you’ve been projecting your insecurities onto other women. The pangs of jealousy that we are inclined to feel when we view the successes of others as failings of our own, draw out those internalised prejudices.

Women have consistently and extensively been told that we must fit ourselves into a designated space in this world. Fly under the radar and don’t cause a fuss. Play by the rules and be a “good girl”. Minimise yourself and you will be accepted. It is no wonder these patriarchal stigmas have crept into the depths of our subconscious, moulding themselves into a silent oppressor.

The first step in the direction of change will come with the courageous recognition of our faults. Empowered with an understanding that the inexplicable ‘annoyance’ we feel towards other women might be the product of internalised misogyny, we can call ourselves out when resentment rears its head. Women do not have to fit into a designated space in this world. There is infinite room in which all of us and all of our successes can co-exist. Let us not stifle the progression of gender equality with undue competition and misplaced annoyance.

Their accomplishments are not your failures.



# The End of the Dole-Bludger

So often in the Australian media we hear about the suburban bogey-man known as the ‘dole-bludger’. An allegedly rife class of people that leech off the Australian taxpayer, comfortable in the receipt of their welfare benefits – a laugh in the face of working-class Australians.

Anyone who has been forced to experience the dehumanisation which comes with reliance on Australia’s welfare system will tell you a very different story. The narrative of welfare recipients living a comfortable life at the expense of other Australians could not be further from the truth. The rate of the JobSeeker payment (formerly known as Newstart) has not been increased substantially since its inception in the 1970s, when it was made equal with the Henderson Poverty Line.<sup>1</sup> Since then, the discrepancy between the Jobseeker payment and the poverty line has grown markedly. In 2019 the Henderson Poverty Line was \$1,025.21 per fortnight,<sup>2</sup> whereas the maximum possible Jobseeker rate including Rent Assistance was \$750.<sup>3</sup> Accessing the maximum rate of payment requires recipients to meet a very particular set of eligibility requirements. Without meeting these exact requirements, fortnightly entitlements begin to fall egregiously low, creating a blatant disparity between what the government deems its citizens to deserve and what they receive in reality.

Besides the indignity of living considerably below the poverty line, welfare recipients must navigate the administrative nightmare that is dealing with Centrelink. It is common knowledge that attempts to contact Centrelink involve hours on hold, with no guarantee that your call will be answered. If you are one of the lucky few who make it through, you must liaise with Centrelink officers who are part of a casualised workforce in a field with extremely high turnover. This breeds employees who are often ill-prepared to deal with the diversity of their clients and armed with patchy or incorrect information.

Beyond these already numerous obstacles, recipients are also required to meet Mutual Obligations.<sup>4</sup> This alone dispels the myth of the ‘dole-bludger’ receiving something for nothing, as anyone receiving an unemployment benefit can only do so by completing the particular tasks as prescribed by a Job Plan. The Job Plan is supposed to act as a tailored contract between the JobSeeker and the employment agency. However, in reality, it is provided on a take-it-or-leave-it basis and affords no opportunity for negotiation. This means welfare recipients are obliged to attend regular meetings with employment agencies to prove that they are looking for work. Further, the Department have the discretion to place recipients in jobs, internships or courses. Evidently, Job Seeker comes at the price of personal autonomy.

Australia is the first country in the world to have entirely privatised employment services.<sup>5</sup> The result of privatisation is that companies are given financial incentives every time one of their clients are placed in a job, whether or not that role is appropriate or sustainable. The contract for employment agencies is worth a total of \$1.3 billion, making them the second largest government procurement after the Defence portfolio.<sup>6</sup> As a former employee of a Disability Employment Service, I can attest to the immense pressure that is placed on staff to force clients into jobs that are not only inappropri-

ate for their particular disability, but would exacerbate it.

These are the people we are supposed to yet are clearly failing to support.

The support services on offer would be vastly improved by providing individually tailored help, intended to find recipients sustainable employment – with the ultimate goal of helping them find a way out of the welfare system. Instead, as a result of being placed in unsuitable jobs that exacerbate their disabilities and mental health, disability service clients are often set back even further. This type of ‘support’ ensures a continuing, unhelpful relationship with Centrelink. Currently, if clients refuse any one of the Mutual Obligations, even for the purpose of self-preservation, they have their payments immediately suspended and risk incurring ‘demerit points’.

The very notion of a ‘dole-bludger’ is laughable to anyone who has had contact with this system. The dehumanisation and indignity welfare recipients are forced to endure to receive a payment that does not even meet the poverty line is appalling. To portray these individuals as having it easy is not only incorrect, but cruel. 84% of JobSeeker or Youth Allowance recipients state they must skip at least one meal a week to make ends meet. 47% must skip five meals a week. 66% do not use heating in winter.<sup>7</sup> This is not to mention that often those receiving welfare are managing a myriad of other issues such as disability, homelessness, mental health or domestic violence. The toll of being a part of this system is difficult to imagine, even before these individuals endure the societal stigma of being a ‘dole-bludger’.

When introducing Centrelink and the Work For The Dole scheme to parliament in 1997, Prime Minister John Howard stated that ‘we have a solemn obligation to help those in our community who are deserving of help’.<sup>8</sup> However, this was immediately qualified by stating that the community has a right ‘to ask of those who are receiving help, where it is reasonable to do so, that they do something in return for that assistance’.<sup>9</sup> This has been the foundation upon which we have built our welfare system: that no one is deserving of help simply because they need it. That we must ask our vulnerable to jump through hoops if they wish to receive any assistance.

There is a pervasive feeling when dealing with the administrative labyrinth that is Centrelink, that the system is designed to be inaccessible. The constant administrative errors, clerical obstacles and the inappropriate Mutual Obligations radiate an air of deterrence. A recent Anglicare report on the efficacy of Centrelink condemned the welfare system, stating that ‘it is deliberately designed to make it hard for people’<sup>10</sup> to access. The excessive automation and encumbrance of dealing with the system operates to dissuade people from accessing it, which results in only the most at risk and desperate in our society being forced to rely on it.

However, with the unprecedented event of a worldwide pandemic all of this has changed. The impact of Coronavirus has meant that many people who never expected to rely on welfare have now been forced to endure the same process previously reserved for only the most vulnerable. The interminably long queues at Centrelink offices and the need to call the phone line countless times simply to be connected, let alone the ensuing two-hour wait on hold, has appar-

ently shocked our nation.<sup>11</sup> Many Australians have now faced the consequences of making our welfare system so impossibly difficult to access. What should be a safety net for all Australians when they need it most is, in reality, a demoralising bureaucratic nightmare – that is certainly not what the narrative of the ‘dole-bludger’ would have us believe.

Those who assumed they would never have to rely on Centrelink have now been forced to confront their ideas about what a welfare recipient looks like. It is an awful thing not to know where your next pay cheque is coming from, whether you can afford to pay for food, rent or bills this week, and to learn how truly close you are to financial hardship. It is dreadful that so many Australians in recent months have learned that one event can change your whole life and leave you totally vulnerable. Yet, this is something that many Australians already knew, and that the rest of us have chosen to ignore.

Very suddenly, more and more Australians who do not fit the media’s stereotypical, villainous image of a welfare recipient have been forced to apply for Centrelink and consequently, attitudes are changing. The unacceptably low rate of the JobSeeker payment was almost immediately increased to include a temporary supplement of \$550 a fortnight. Mutual Obligations have been suspended. It seems that as a nation we have realised how crucial it is to protect people when they are vulnerable – but only after the people who started applying did not fit the long-held paradigm of what a welfare recipient looks like. We are now beginning to understand how difficult it is for the average person to live under the poverty line for an extended period of time, and the government has raised the rate accordingly. It is as if we knew all along that these conditions were unacceptable but would only protest them when they affected us personally.

This is an awful and unprecedented time, but it also presents an opportunity. For those who never expected to rely on government benefits, this may be a chance to understand the indignity of dealing with Centrelink and develop the necessary compassion for the vulnerable in our society. Welfare is a safety net, not a hand-out. Right now, people may be closer to needing that safety net than they realise. But that should be acceptable. As a society, we should protect and have empathy for people in need.

I hope that this is an opportunity to bring an end to the ‘dole-bludger’ stigma, and to work towards reform in a system that so desperately needs it. No one should have to endure shame and disempowerment as a result of receiving government benefits: not those affected by Coronavirus and not those who already relied on welfare.

For those who have failed to care about the unacceptable state of our welfare system because it has not affected them, this experience demonstrates that hardship can affect anyone, and no one should have to prove that they are worthy of protection. Everyone deserves our compassion, especially when they are most vulnerable. Everyone deserves help when they need it most.

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<sup>1</sup>Australian Unemployed Workers’ Union, Newstart vs Poverty Line (Web Page, 23 September 2016) <<https://unemployedworkersunion.com/newstart-vs-poverty-line/>>.

<sup>2</sup>Melbourne Institute Applied Economic & Social Research, Poverty Lines: Australia (September Quarter, 2019), 1.

<sup>3</sup>Services Australia, A Guide to Australian Government Payments, Report (March 2020), 29.

<sup>4</sup>Services Australia, Mutual Obligation Requirements (Web page, 5 June 2020).

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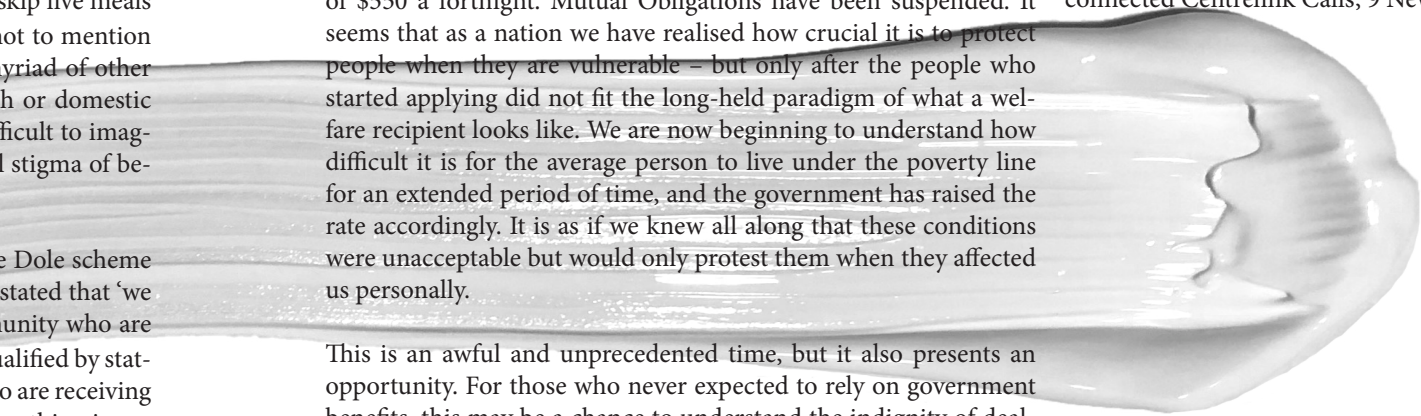
<sup>7</sup>Australian Council of Social Service, Survey of People on Newstart and Youth Allowance (29 July 2019), 2.

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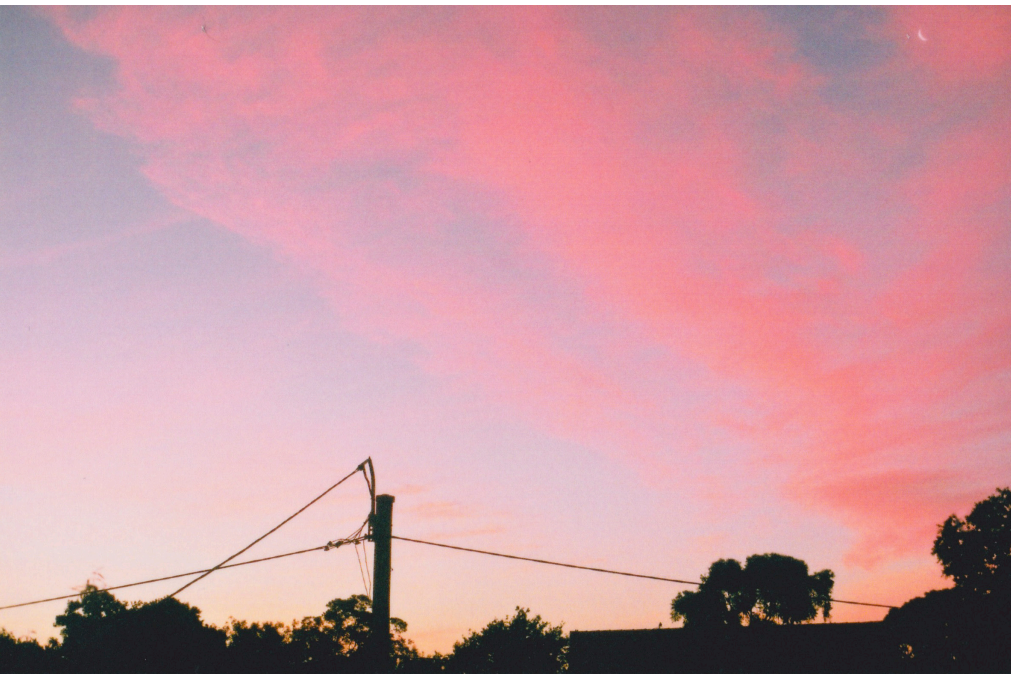
<sup>9</sup>Ibid.

<sup>10</sup>Anglicare Australia, Paying the Price of Welfare Reform (May 2018), 95.

<sup>11</sup>Eden Faithfull, ‘Frustrated Jobseekers Continually Met with Disconnected Centrelink Calls’, 9 News (10 April 2020).







‘... Arts at Melbourne, and Monash offered me a CSP, so here I am!’ the girl in front of me smiled brightly at me as she finished her explanation.

‘Yeah, awesome!’ I exclaimed.

It was not necessarily something for me to be so enthusiastic about, but I really didn’t know how to respond anymore. This was about the eighth time I had heard the exact same explanation now, and I was starting to get a little concerned. I felt as though if someone cared enough to watch me closely, they would be able to see the visible deflation in my demeanour as it became steadily more apparent how little I had in common with my new law school cohort. There was an undeniable pattern forming here. Twice or three times I could write off as a coincidence, but eight twenty-something, effortlessly beautiful, ex-Melbourne Uni, Bachelor of Arts-holding, CSP students? Had I missed multiple memos?

‘So, what about you?’ pretty blonde asks me. What about me? Oh god, I needed to come up with something interesting. What should I mention? That I had just graduated as well? That I had come back from overseas? That I worked in the legal field? Why was I wanting to impress her, anyway? I had never even tried anywhere near this hard on any date I had been on.

At about the fifth ex-Melbourne Uni student, who greeted three other students she knew while explaining to me that she had just finished her Bachelor of Arts, I had begun to feel hesitant about giving my introduction. However, I couldn’t understand why I was hesitant. I had gone to RMIT and completed a decent degree where I had done well in quite a few law subjects, I worked in the field, I obviously had the grades to get into the JD, I was fine – what the hell was my deal? The last time I had felt this awkwardly out of place was when I had started primary school after moving to Australia as a kid. This was not something I wanted to revisit – I had come too far to be at square one again, so I decided to ignore it and proceeded to have the same conversation nine times.

I remember making a mental note to check the census dates while walking to listen to a panel of current students sing the praises of the Monash JD.

I also distinctly remember a particular moment of panic I had at orientation that day – oh god, was this first day an accurate taste of the notorious networking events in the industry? What would I talk to people about at those events if I had nothing in common with them? Did that not put me at an automatic disadvantage? After all, who are people likely to remember more, the student who could hold a conversation with them about something they had in common, or the one who could only nod, laugh and respond with the occasional ‘oh really? Wow!’?

Seated in front of the panel listening to a final year student, who was someone important in the JD LSS, I heard the term ‘imposter syndrome’ for the very first time. He was explaining how you shouldn’t let this feeling hold you back, and how anyone can experience it. I had a light bulb moment when I realised this was what I had been feeling, never knowing that it had been given a name.

I looked back at him and tried very hard not to show my thoughts on

my face. I found excessive smiling tiresome, but a sceptical look was never too taxing for my face to pull together. Him? Imposter syndrome? His introduction made him seem like the poster child of a law student from a Group of 8 University. Scepticism aside, I was a little reassured. If someone like him could experience what I was feeling, like I didn’t quite belong here, maybe I would be just fine.

But was I not making myself feel that way, at no fault of anyone else? Not a single person had said anything to me to make me feel like I didn’t fit in – it had only been two hours, for god’s sake! This was not a scene from Legally Blonde, no mean girls were out to get me, and I needed to get a hold of myself. There were still four long years ahead.

Since that day, the term ‘imposter syndrome’ has stuck with me. Does this feeling ever really go away? Whether it be applying for new jobs, wondering if you should even bother to apply for a clerkship, or take part in a competition or social event at university, it can cause a lot of doubt in yourself. There have been moments and events over the years that have exacerbated the feeling. Comparisons of how much time is spent studying, what your goals are for your career, and particularly what grades you’re achieving. I have even encountered it in small moments at work, in casual conversations where occasionally the stark differences between the lives of those who currently practice law and your personal experiences become obvious.

At university, the ultimate dilemma sometimes becomes the choice between removing myself from situations that make me feel this way and, well, maintaining friendships.

Some may scoff at this feeling or write it off as a flaw of the person experiencing it, but it can be difficult to form a lasting connection with someone you have no common ground with. If the group you are sitting with is talking about personally knowing people associated with the Freemasons in Melbourne, and the only knowledge you have about the fraternity is from some Dan Brown book, undoubtedly you might question the situation you find yourself in.

I am sure this is not a unique experience. Personally, my favoured way of dealing with it is my usual way of dealing with most personal things: just ignore it and do your own thing. This presents a real dilemma in a world where networking, engagement and being friendly with the right people can be the key to the career you want. It can also be a little isolating.

The feeling seems to be limited to neither only certain people nor just law students. A particular conversation with a lawyer at work, who has the kind of career I can only hope to have, revealed that they are also familiar with imposter syndrome, which nearly caused me to go into a downward spiral of hopelessness. So, it never ends?! Do I reassure myself that this happens to successful people as well, or have a crisis at the fact that this is inescapable?

Considering current circumstances, this worry now seems insignificant. Chalk it up to becoming a jaded law student close to finishing, too tired to care anymore, or just a person in the age of COVID-19; the way I see it, I’m here because I wanted to be here, and purely because of that, this is exactly where I belong. I don’t care who knows a Freemason – I want to settle divorces someday, and the rest does not matter.

At least, that’s what I tell myself.



# Never Again

Us versus them – the rhetoric used to spread fear and violence. Couple this with war, concentration camps, propaganda and the deadliest genocide since WWII you'd be forgiven for thinking you were back in Hitler's Germany. When the Holocaust ended, survivors began to say, 'never again'. Never again will a genocide devastate and destroy people.

Fast forward to 1992. The heart-shaped country of Bosnia and Herzegovina was a paragon of peaceful multiculturalism, where cultural and religious intermarriages were celebrated. This was until the country was broken into two by the aggressive Serbian military forces. They descended with the intention of exterminating Bosnian Croats and Muslims. Nothing and no-one were off limits. Water, electricity and food all cut off. Bosnian Muslims filled concentration camps and were routinely tortured, raped and killed. Only a momentary change of heart of a former classmate turned soldier saved the life of my family friend from death-row.

A sea of white enveloped the bodies and homes of non-Serbians in a dehumanising rule symbolic of our otherness. Amongst the sounds of bombs and sights of snipers, radios and televisions spread propaganda and war inaccuracies like wildfire. Political speeches turning neighbour against neighbour were ubiquitous; 'for every killed Serb, we will kill 100 Muslims'. My mum recounts stories of a broadcast stating that Serbian bodies filled her local stadium: Tuzanj City. From her apartment, she could clearly see the stadium, and that claim was evidently a lie. She also recounts a broadcast claiming Serbian bodies filled the Jala River. Yet, the water did not reach a height to flow, let alone to support the number of bodies the Serbians claimed to be in it. Her window and the television stood side by side, yet each revealed vastly different realities. It was as though my mum was living in a film and the rest of the world carried on. She could not believe that the media could be so wrong.

Following three years of war, of hiding from bombs in the bunker underneath the apartment complex, barely enough food to survive, my mum received an opportunity of a lifetime. Her aunty and others from Australia had somehow raised enough funds for her to escape the war. But one bus-ride to freedom became a weighty reminder that it was not over, not yet.

*I clutch onto my documentation – one that will save me and let me leave the terror behind. I feel the movement of the wheels over the road, the curves and bumps jerking the few passengers momentarily forward. Each person had a tired, almost forlorn look. Outside, the rolling hills and mountains fill the surroundings. On the misty window I could almost see my reflection, merging with the surroundings; my eyes sunken, my reflection stares back at me as though I had committed a crime.*

*I look back and can't believe I made it on this bus in one piece...*

*The bus to Croatia is the first stage on my journey to Australia, to seek refuge with my aunty who I have not seen in decades. I dream of*

*Australia – walking freely on a sunny day, watching people surf, and basking in the rays of sun without the fear of a bomb falling.*

*Normally, the bus ride would take 4 hours. But since we were avoiding the areas of war, the bus ride was 24 hours long. As night fell, the cold began consuming my frail body. A pang of hunger brought me out of my head and back into the bus as I failed to recall the last time I had eaten a proper meal.*

*The bus abruptly comes to an abrupt halt. Three uniformed soldiers enter the bus. The air filled with a strong smell of cigarettes, coffee, and an unwavering tension. My heart starts to race. My palms start to sweat. I tighten my grip on my document. I proceed to slightly lower my gaze.*

*Guns. They were strapped across their bodies. They make an announcement asking if we have certain documentation. On instinct I blurt, 'lična karta' instead of 'identifikacijska kartica.'*<sup>1</sup>

*Without skipping a beat, the gun is pointed to my face.*

*The soldier starts screaming. 'How dare you say that filthy word?'*

*It had dawned on me that I had angered the Croatian soldier by blurting out a word used by Serbians. The growing animosity between the countries had made the rare differences in each of our languages more apparent.*

*I try to slow down my breathing. The pounding of my heart in my ears is deafening. I am so close to escaping. Why now... of all times.*

*The gun is lowered. 'I can't stand the sight of you all. Get out of my face.'*

*The soldiers leave the bus. I try to regain my breathing. We drive off.*

My mum often tells the story of how she escaped Bosnia in 1995. Usually, when she tells it, it has a comedic end; something about how her goddess-like beauty disarmed the male soldiers. But no matter how many times she recounts this to me and tells me that she was lucky it worked out for the better, I cannot shake the ominous tone of the story. My mum survived. However, many of my family members and others did not share the same fate. 100,000 dead. 20,000 missing. 2 million refugees. Although time has passed, the genocide is never really over. Although a ceasefire was declared in 1995 and a peace treaty was implemented shortly after, the war is not truly over. I cannot fully shake off the idea that, your fate is decided by a sentient manifestation of propaganda.

Decades later, the effects of the war continue. It is evident as my mum flinches when she mistakes the sound of fireworks or loud noises for snipers and bombs. She was only in her early 20s when the war broke out – the same age I am now. She missed out on countless opportunities as a young adult – ones that many of us wouldn't even bat an eye at or second guess, such as freely going to and from university. Although she admirably still attended classes, she was constantly in fear of being shot at by a sniper or being hit

by a bomb.

Although Bosnia is currently at peace, the country remains ethnically divided. Even today, we continue to face the ongoing rise of fascism, ethnonationalism, racism, and Islamophobia. You only have to look to the Christchurch massacre to see it is alive and well. What hits a little too close to home is that the shooter, inspired by Serbian nationalism, was listening to a Serbian song that praised a Serbian war criminal, as he shot 51 Muslims that day. It feels like we are forgetting, either that or are wilfully misconstruing the truth. There have been many attempts by ethnonationalists to revise history and alter historical accuracies. There are those who still deny the genocide ever occurred or downplay its atrocities. Ignoring the crimes committed in the past is not a form of patriotism. Instead, it paves the way for future crimes, genocides and further divisions. The information we consume and willingly accept can be fraught with propaganda. It attempts to make people doubt each other, to disrespect each other, to drive wedges and divisions between people. Reflecting on the genocide and more recent atrocities, my mum knows that people can be drastically influenced to disregard their humanity to the point of being capable of unspeakable cruelty. Almost like a mantra she says 'never again' is merely 'time and again'.



*Mum: second from right*

## References

<sup>1</sup>Both words mean "Identification card". The former being Serbian and the latter being Croatian. My mum had an unfortunate slip of the tongue with the very few distinct words that set the languages apart.



# THE SCIENCE OF THE PAST

If you are an average human being like me, you will spend a significant amount of time delving into your past.

We fixate on it even as we move forwards, constantly ruminating on what has been and what could have been. Oftentimes, this obsession with the flaws in our past can harm our present health and happiness. We may all present ourselves as motivated, passionate, and oh-so-stable people during the day, but when our reserves of optimism run dry at night, the mental demons can come prowling.

If near-death experiencers are to be believed, life is just a series of flashbacks to your best and worst moments.<sup>1</sup> But have you ever wondered why you can remember the bad so much clearer than the good? Psychologists believe that positive episodic memories (or good definitive moments in the past) are recalled with great technical accuracy but very little ‘real’ neural activation in the emotional centres of our brain.

However, the opposite is true with negative memories.

*One of my most embarrassing moments occurred in primary school when my skirt hitched up into the waistband of my underwear. I was oblivious to this until I performed at an assembly and someone took pity on me. I doubt anyone else even recalls the incident, but that moment of discovery is still visceral 16 years later.*

So why are negative events so deeply embedded in our long-term memory, and so effortless to recall with emotion? It is believed that this is an evolutionary survival mechanism designed to avoid future pain.<sup>2</sup> Our distant ancestors, who had to venture into the wild because they did not have the luxury of ordering CavemanEats™ obviously had good reasons to encode fear so potently. Survival is the best motivator, after all.

However, it is less certain why pain from undesirable social interactions can last just as long. Social psychologists believe that such negative interactions are encoded strongly in memory because human beings are driven to avoid ostracisation.<sup>3</sup> Scientifically speaking, because certain biological needs are more efficiently fulfilled alongside others, people learn early on that acceptance by their community is vital. Aeons ago, humans needed each other’s help for many pressing issues: finding food, building shelters, and fighting predators. If one was clearly incompetent at these tasks, they were less desirable to keep within the community, and subsequently ostracised. This impacts on long-term survival, as more personal energy must be expended for fewer gains.

*Thinking back, I cannot help but wonder if the ‘skirt incident’ is remembered so vividly because it falls against the backdrop of being a new immigrant to Australia, feeling othered and confused about why it bothered me so. However, my story is not a cliché of the lonely ethnic child ousted from mainstream society. I like to think of it as a narrative about learning to fuse identities, and eventually letting go of the idea that I could only truly be one or the*

*other. Like an anxious tightrope walker, I inched along until I realised that there was no rope... but only an invisible line drawn on the ground.*

Like every good Pinterest quote: ‘You are who you are today because of who you were yesterday’. If we want to come to terms with how things stand in the present, or glimpse at what the future may be, the way that you view the past (and all its failures) will have a definitive effect. Your mind creates your reality.

I want to introduce you to the field of ‘narrative psychology’, which contains a fundamental principle known as ‘life narratives’.<sup>4</sup> These are the stories (and lies) that we tell about ourselves, elucidating our daily experiences and giving them continuity and meaning. Such narratives change over one’s lifespan, in the face of different challenges and environments, and vary in length and focus depending on why we are telling them. In his book, ‘Seven Basic Plots’, best-selling author Christopher Booker says that the best stories always contain one (or more) of the seven basic plots. The most famous of these are the stories of ‘rebirth’ which centre around a definitive event that forces the main character to change their ways and be ‘reborn’ as a different (sometimes, better) individual. In science talk, these narrative structures are understood as ‘redemptive’ and feature a sequence where an affectively negative experience is proceeded by an affectively positive outcome.

*My parents always taught me to celebrate who I am, whoever that may be. My father had always scorned the Chinese tradition of wanting sons. Despite an upbringing in the countryside where defined gender roles persist to this day, he did not believe that women were inferior in any meaningful way. Though his mother and sisters were not well-educated, my father admired the girt that they had to survive in a man’s world stricken with scarcity and war. The Chinese phrase that ‘women hold up half the sky’ is well-known, but dad always told me that the sky would collapse if it were not for women.*

Psychology professor Dan McAdams from Northwestern University argues that the stories we tell are more than vague reflections of personality. He posits that they are capsules which contain and form personality over time.<sup>5</sup> According to him, the events and emotions that one chooses to include in their narratives become ever-closer to absolute truth the more that the narrative is told. This may explain generational differences in worldviews and beliefs. In fact, differing narrative elements are observed across different generations. This is evident in similar stories of struggle and hardship

that correlate with punishing world events such as war or famine, as opposed to stories of plenty and hope as new technologies emerged to offer glimpses of a better future. Life narratives also change across the lifespan, with a study conducted by Associate Professor Kate McLean at Toronto University showing that older adults often told thematically coherent life narratives summarising major gains and losses before concluding on their overall worth, whilst younger adults tended to tell flexible and inconclusive stories about challenges, change and growth.<sup>6</sup> Overall, it was these flexible plots (regardless of the participant’s age) that correlated positively with higher life satisfaction and happiness.<sup>7</sup>

Proponents of life narratives joust in a perpetual debate about whether the human experience led to the endorsement of such ‘redemptive’ narratives. Alternatively, if the wide-spreading of them in popular fiction has wriggled into our collective consciousness. I am not an accredited academic, so I do not get a say.

However, I like to think of the answer is akin to a Möbius strip - stories are life, and life is stories.

*I have never felt that being Asian in Australia was some kind of misfortune. But for a long time, ‘Asian-ness’ was the only identity that I thought could ever define me. In all the ways that mainstream Australians explicitly or subtly rejected the culture that I had brought up to experience the world through, our family and friends celebrated them. In my young mind, there was no ‘Us vs Them’ scenario – only two distinct groups that existed like happy parallel lines.*

*In school, mum got up early every morning to cook lunch for me. She would layer rice at the bottom of an aluminium lunchbox and carefully spread out stir-fried vegetables and meat on top. As she secured the lunchbox with an elastic band she would sometimes say: ‘Study hard. Remember that we came to Australia so that you could have a better life and become a good person’. Then she would put my lunch box into an insulated bag that she made herself because none of the ‘lunchbox bags’ at the shops could snugly fit an Asian style lunchbox.*

To misquote American novelist James Baldwin, who illustrates my arguments with more eloquence, we all think that our ‘heartbreak and pain are unprecedented in the history of the world’. It is an irony of human consciousness; we experience being someone, but we have no real reference point as to what that means. A rich man who becomes widowed does not feel ‘less pain’ because he is financially better off than a poor widower. A mother who has lost a child does not feel ‘better’ just because her neighbour lost their entire family. Human pain is not comparative at an individual level of experience.

Whether consciously or subconsciously, painful events like failures and humiliations can be easy to brush under the carpet. From small public failings, to bitter words that lash out and fall into ugly silence, to losing people that we thought we could not live without and then guiltily doing exactly that... social norm dictates that we willingly share our successes but hide our pains until they come back to haunt us. Yet, consistently emerging research has suggest-

ed that a meaningful life narrative promoting long term satisfaction is redemptive.<sup>8</sup> This redemption occurs when we recognise and embrace the imperfections of our past so that we can continue living with them in the present.

It is said that people are not born happy, but they can leverage their circumstances to create happiness.

*I have always been jealous of how easily some people seem to exist. In school, I sat next to a boy who was the quintessential Aussie lad. He was good at football and atrocious at mathematics but treated everyone around him decently and genuinely. He had a giant golden retriever that we all joked was his alter-ego. After school, we would sit together on the front gate with our hands and shoulder brushing. The figure of his dog lopping suddenly into view was always enough for us to jerk apart in embarrassment. Then he would recover and leap up, clapping his hands, and saying ‘Dance, girl! Dance!’ at which the dog would stand up to put its front paws on his shoulders.*

*‘It’s dog-trot!’ he would pronounce repeatedly, and they shuffled around until I could not help but laugh.*

Psychologists suggest that our minds are modelled and self-perpetuated by narratives, especially those that we habitually form, solidify, and subtly reinforce by repeated telling. It follows logically then that framing our experiences through redemptive narratives, in which challenges give way to learning and triumphant growth, may lead us to be happier and more fulfilled.

Lucky for us, research has shown that there is a certain degree of ‘fake it until you make it’ in telling life narratives. People tell their stories first and then live their way into it over time because the way we retell events actually alters our memories of them. Psychology researchers Ian McGregor and Holmes conducted a study where participants were provided with an ambiguous story about a relationship breakdown and asked to tell a slanted version that places the blame on only one party.<sup>9</sup> After reading the ambiguous vignette again two weeks later, participants overwhelmingly said that the person they previously championed was relatively innocent. Almost a year later, the participants could barely recall any details of the vignette, but they still knew who to blame. Applying that to ourselves, the stories of failure we tell where the blame is unfairly placed on ourselves become truth the more that it is told. We dig our own metaphorical graves and damn ourselves to it by thinking so.

*I had a teacher who taught me public speaking many years ago. On one occasion she asked me what I thought was different between a good speaker and a great one, and I answered ‘practice’ like the excellent student I was meant to be. But she said no, and that what truly made the difference is that whilst good speakers ‘know that they’re good at speaking’, the greats can deceive themselves into ‘believing that every audience wants to hear them speak’.*

In the same vein, we have to tell our story like it is the most interest



ing and precious thing in the world and believe that it is inherently meaningful. However, I must warn you that telling unrealistically happy stories about painful events will likely leave you worse off in the long run. Such stories require more lying to maintain and can suppress personal growth. Studies on people who had weathered major life challenges, yet told stories that glossed over conflict, showed that they tended to become happier over the course of two years but failed to make any gains in ‘ego development’, which measures the complexity and sophistication with which a person views the world. Ego development is also coincidentally a long-term predictor of life satisfaction.<sup>10</sup>

As we near the end of this article, you may be asking “so, what do all the little segments of your story mean? What happened later? How does it end?”

*I do not know.*

Hopefully, I will not know for another few decades. But I can predict that it will be a story deeply flawed and wrought with confusion and adversity, just like all good stories. It is nothing to be worried about. For whatever reason, we always see the cloud and never the silver lining. But it was there, and it will still be there if you look hard enough.

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Artist: Scott Reid



Artist: Alana Morgante





# Mapping Loss



The plaque on my desk cries ‘Dr Denis Backman’. It mocks me. Once it shone with copper and glittered with falsehoods, but now its brassy edges tell me I have been here far too long. Watching streams of broken people trickle through the stark gates, I have learnt the dangers inherent in dealing with uncertainty. Measuring in degrees is risky and these days I feel the burden heavy my every move. I was never helping people. I was merely setting them back onto the path dictated by social norms; teaching them how to pretend to be themselves. Nothing turned out the way it was meant to. I realise now that I came here under false pretences. I have spent my life chasing a ghost. I have been trying to piece together the parts of my broken father with theories I gathered from psychiatric texts and the mentally disturbed. I’ve been claiming to save the world without ever intending to bear witness to it. In thirty years, the only things that have become clearer to me are that the human psyche knows no absolute rules and social structure is an endless map of contradictions.

Last night my father died. In many ways it was predictable and I guess, to some, I should have been prepared. The human body can only handle so much self-destruction before something gives out. I’ve seen it so many times before. A race between the body and the mind to collapse under the relentless pressures of alcoholism. The news had hit me like a tonne of bricks. I had never expected so much pain for a man I had lost so many years before. I never realised his presence in my daily life. This morning, that cold feeling stayed with me. It had settled during my restless night and lingered well after the sun rose. I fear the creeping bias of isolation. I have spent my life trying to measure the uncertainties he left behind. I never understood the things he taught me, the things I should have held on instinct. Instead, the questions without answers have chased me through my life. Now, they seem so final, as though the questions are answers in themselves. Their web of doubt threatens to trap me, to smother the life out of me. There is too much darkness in faces that mask broken minds and I can’t bear to confront my dredged routine. I am paralysed at the edge of my capabilities, staring meekly into the abyss of my inadequacy. I can never help him.

My father ceased to exist long before he died. He was the sum of rumours, false hopes and character flaws. I recognise them within myself, but I don’t want that connection or the bond of recognition. The damage he left behind sowed the seeds of self-destruction. Perhaps the man we’d loved had never really existed. What remained was merely a

residual presence in shifting constructions of self. We blamed him for the pain we felt after he left us; for all our failures and our inadequacies. But not even my father had power enough to shoulder so much responsibility.

As the man we loved had faded, my mother had grown louder – as though she was hoping her noise could fill his silence. Her mask of happiness had been impenetrable. Her smile had never faulted while she willed traces of the man she loved back to life. But she was not enough, and neither was I. We witnessed his internal torture as he morphed into an ugly, depraved figure. There was a void within him, and he filled it with bitterness and rage. He slowly lost every friendship he had ever made. I don’t know whether he did the things they say. I suspect some truth is lost in the bitter cloak of betrayal. By all reports he drank, lied, cheated, gambled, stole and laughed only at others’ misfortune. He used his charm as a lure and exploited all who fell under his spell. My mother turned a blind eye to what he had become. She drenched him with love and ignored any indication that there was a change. Until after he had left she refused to believe any of the bad things they said about him. But she was gutted by his desertion. She continued with life, but her eyes showed the truth; the light inside her had gone and she no longer cared. She no longer believed in love. He had taken her spirit and her purpose.

‘Denis, I am sorry, but they are lining the halls,’ Beryl was stressed.

She came armed with tea -- glancing at my watch I realised it was mid-day. I had been here for hours staring at my walls and sifting through memories of my father. She was giving me time. I knew how difficult her morning must have been. It was a selfless act which I probably don’t deserve. She’d called me last night to express her condolences and offer to make arrangements to cancel my day.

‘For a man I barely knew and haven’t seen for years? That won’t be necessary Beryl,’ I snapped at her.

She had been my assistant for twenty-four years. She was a strong woman, uneducated but quick as a whip. Any traces of youth or beauty had left her long before we first met. She wore her hair short and donned skirt suits like they were a uniform. Her strict no-nonsense approach and gruff manner had bothered me in the beginning, but it has saved me so many times I’ve come to respect her for it. This wom-

an lived for rules and structure, but she had a heart. She made my life easier. Now, her presence filled me with shame.

‘Beryl, what am I doing here?’ it escaped my lips. ‘It’s okay, Sir. I will fix it. Go home.’ The stress had vanished from her face and I realised it wasn’t the crowd causing her anxiety – it was me.

‘No, Beryl. I mean why am I here? Why did I ever come here?’

Her face creased. She understood my meaning. She had watched while doubts had clouded my thoughts. She had possibly even resented her dedication. It had never occurred to me before then that she may have known the questions of loss.

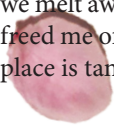
‘I think it’s for the families, Sir. I think you want to help them get their loved ones back. Please don’t act too rashly. Allow yourself to grieve before making any changes.’

I had no words to offer in response; no brilliant summation of my thoughts and no way to express my resolve. Beryl smiled softly and walked away to set about rescheduling my appointments.

As she left me to face my thoughts I realised that I choose to know that people loved him once. I remember him before he was entirely devoid of goodness, before desperation stole his spirit and lathered him with darkness. He used to have this glint in this eye; it was the perfect match for his wicked smile. He had a voice that couldn’t be mimicked and a personality that couldn’t be tamed. He was the focus of any room because he overpowered even the strongest spirit. He had the power to mesmerise. When he laughed, they followed and when he sang, they swooned. People were drawn to him; they trusted him and listened to him. They never realised the weight they put on his shoulders or recognised the responsibility he felt. Before everything changed, I had watched him with so much hope and so much pride. Before he entwined himself in all things seedy, filthy and bad. Before he let go of everything, without a twinge of remorse.

My perspective might be clouded in idealism or warped by denial. My integrity may be questioned. I choose to diminish the importance of him letting us go. This isolates me. I am the only person who remembers glimpses of the man we lost. The man who contributed more to making me the person I am than any other. I am the one who embodies

the traits of the man they learned to hate. I tell myself sometimes that it is hard not to be obscured by insecurity. That sometimes, we find solace in ambiguity and take comfort in dislocation. I’ve watched in vain as the fence blackened with age and the twisted shrubs huddled closer to this bleak world. I’ve written prescriptions and divulged heavy books flooded with theories that will find their merit long after I die. I’ve done nothing but watch while we melt away into the oblique. I don’t know whether his death has freed me of a curse or broken my spirit, but my desire to leave this place is tangible.





# A letter to pre-JD me

## Dear You,

It is so funny that we are here now. Don't get me wrong, you always appreciated that all of your interests led to the law in one way or another. But you saw so many of your friends go through this particular degree and you swore it was not for you. Don't worry though; you won't spend your time saying that you are absolutely loving this experience, because that wouldn't be truthful. You'll get through it but most of the time it will be difficult. In saying that, you will also learn so much about your own determination and resilience in the process.

I'm not talking about the actual content or exams or the constant responsibilities you take on. That stuff is always challenging. I'm talking about the effect on your mental health, that you wouldn't have been able to anticipate. You know, being all 'fine' until you're just not. You'll cry the most you've ever cried in your life during this degree. Each time you do breakdown it will feel more like the new normal.

Let's not forget about the extraordinary expectations you set for yourself and the feeling of never being able to celebrate your achievements. Where do those expectations originate? You literally created them yourself. And we all forget how much of a bubble law school is – Everyone is so incredible. When you spend time comparing yourself to your peers, you spend time devaluing your own achievements as a result. And they are great, so shut up.

You'll have moments when you struggle with actually being 'present'. You'll fall into the trap of living your life 'next week' or 'when you've have submitted that last assessment' or 'sat your last exam'. You'll be pushing onto that next deadline and only then allocating yourself time to relax and breathe or do something you enjoy. Those days motivate you because you swear you'll get over the hump and feel reborn. But then, you'll get there and the days are the same. Nothing magical happened, the sky did not open up and coat you in a rejuvenating beam of light; the day is just like any other. You'll feel so consumed by your life in the law that you'll often feel like you have nothing else that is exclusively for you. It'll feel like you are losing your sense of self from time to time, but don't worry you'll get her back. I can't say exactly when, but she's there.

I want you to know that undertaking something so mentally and physically exhausting has a different effect on everyone. You'll hear things like 'I haven't slept for months' and 'I'm just about due for my daily breakdown'. You'll find those same phrases slipping out of your own mouth too. Everyone will laugh and you'll laugh along, but you'll leave those conversations wondering if that person is actually okay or whether there is something wrong with you. You'll begin to wonder what the inside of their head looks like. Is it coloured with shades of pastel, imbued with softness, an intrinsic feeling of safety, and the occasional cool breeze that sweeps in if it ever gets too hot? Or is it all black, them holding a hole-ridden umbrella, attempting to shield themselves from a torrential downpour that is trying to wash them down the drain? Perhaps it's both.

Sometimes you'll feel like you are watching an uncomfortable movie, where the end goal is 'ultimate success'. It sits at the very top of an enormous mountain and to get there everyone has to carry their load, like little ants. It doesn't work how you think, though. The more you stack on your back to carry, the more you are praised and looked up to, so you keep stacking on more. I am confused. Everyone is working hard in this equation, but what happens to the person underneath all of the mounting weight? Sometimes all anyone can see is two tiny little legs and the sound of a muffled 'I'm under here'. By the time they reach the top of the mountain, they are drained. That is how I feel about law school. You have never done enough and you are never doing enough until you can't do anymore.

Never fear, you don't trudge through the mud throughout this whole process. You will realise what you value. And you value people. You value their stories and why they may need help. You value the lawyers that listen to them and act with their greatest tool, their knowledge of the law, to help make their lives better. It's not about coming into the situation, lifting someone up and saving them from themselves. It's about walking alongside someone and letting them know that you are there to guide.

But for the sake of making your life a smidge easier, I'll let you in on a little of what to expect. Of course, I won't tell you everything because I don't want to spoil it. You'll volunteer in the area of family violence and you'll experience many vulnerable clients. This is an area very close to your heart. They'll tell their stories and why they need protections in place for themselves and their children. Parts of it will resonate with you, because no family is perfect. Parts of it will not, because there is only so far you can imagine being in someone else's shoes. You'll bear witness to this, through the lens of the law. Things will happen in the courtroom, strong recommendations from lawyers, orders handed down in favour, and, happy tears. These are bittersweet days. You'll wish you didn't have to be part of this context, but you'll also appreciate that you can see how the law is so important in altering someone's path in life.

I guess what I am saying is take care of yourself every single day, not just when you have pencilled in time to. Oh, and something to know as early as you can - You cannot measure your self worth by how productive you are. I don't care what anyone tells you, that is not a legitimate way to measure anything. Ticking off things on your 'to do' list is satisfying, but there are days when nothing will get done and that's fine. Life doesn't stop for anyone and when you look back on the 3 years ahead of you, you'll want to be able to describe them genuinely.

In a nutshell, ours has gone like this: It was a lot, but I quickly learnt that I had to be kind to myself. There's only one me and I really want to like her at the end of all of this. Now nearing the other side, I can finally start to see why I put myself through it.

## From, another you



*Time (noun): the indefinite continued progress of existence and events in the past, present, and future regarded as a whole.*

Our lives fall within a period on an infinite continuum - time. Time exists regardless of what it contains. Everything that occurs, has ever occurred, and will ever occur falls and settles somewhere on the invisible line of time, and here it remains.

We physically remain, always, in the ‘present’: existing or occurring now. But need the mind remain in time with the body? While physically in the present, the fluidity of thought allows time, too, to become fluid. Yet, the mind need not remain physically instilled on the notch that is the present. Virginia Woolf wrote ‘the extraordinary discrepancy between time on the clock and time in the mind is less known than it should be and deserves fuller investigation.’<sup>1</sup>

Woolf further explores the dichotomy of clock-time and mind-time in her novel Mrs Dalloway. When I read Mrs Dalloway for the first time, I was intrigued by the way in which Woolf so delicately yet accurately explores the coexistence of clock-time and mind-time. In 2020, I felt myself becoming more preoccupied by the idea of time; with its passing becoming less and less structured. Returning to the novel with fresh curiosity, I found it magnificently relevant and comforting.

The representation of time in the novel illustrates how these two forms of time coexist. The entire novel is set in London during a period of less than 24 hours on the 18th of June 1923. Despite this, the novel actually covers a much wider time-span. Writer Bernardine Evaristo described the novel as ‘not so much a day in the life, as a life in a day.’<sup>2</sup> This aptly describes how the plot oscillates between varying experiences of time and the present.

Woolf is known for her ‘stream of consciousness’ writing style, which she uses when the characters’ experience time in their minds. As the time in the character’s minds becomes fluid and formless, so too do the paragraphs describing their thoughts. These thoughts often feature, distinctly, an absence of time. When a character is deep in thought, their sense of present time is lost. The writing flows from thought to thought, without logical connection.

However, just as clock-time is never fully absent from my mind, the characters’ thoughts are often brought back to the present moment. These paragraphs of free-flowing thoughts are interjected with Woolf’s constant referral to clocks. This serves as a reminder of the relentless passing of time, and provides an anchor in the present.

While the novel occurs chronologically throughout the June day, Woolf regularly states the current time. These curt statements of the present time are always quite shocking: ‘Bells struck eleven times’. Rather than stating that it was 11 o’clock in the morning, the bells struck, drawing the reader back to the present moment somewhat jarringly. This starkly contrasts with the fluid thoughts, creating a clear distinction between clock-time and mind-time.

Woolf gives clock-time a lot of power, notably when she states the time as 1 o’clock in the afternoon: ‘Shredding and slicing, dividing and subdividing, the clocks of Harley Street nibbled at the June day, counselled submission, upheld authority, and... announced... that it was half-past one.’ The clock is given the authority to literally eat away at the day. While nothing can possibly alter the passing of time, these clocks are given that very power. Furthermore, the clock has the ability to cut through time in various ways, emphasising clock-time’s authority and power.

The protagonist, Clarissa Dalloway, is haunted by the passing of time. She fears time, as she knows each passing moment leads her closer to her inevitable death. While she is out in London, ‘Big Ben strikes. There! Out it boomed. First a warning, musical; then the hour, irrevocable.’ While hearing the clock initially merely reminds Clarissa of the time, her thoughts soon become clouded with the realisation that time irretrievably escapes with each passing moment.

Clarissa often loses herself in her thoughts; her mind often wanders to flashbacks from her past. It becomes clear that Clarissa rarely lives within the present moment. Woolf gives the reader the wonderful joy of experiencing, along with Clarissa, the ‘ebb and flow of things’ within her mind. However, the time on the clock regularly interrupts Clarissa’s intermingled thoughts of the present and the past, serving as a reminder that, despite these fluid, rambling thoughts, time is still passing.

Within those flashbacks, thoughts of an ex-lover drift into Clarissa’s mind. She considers this relationship: what would her ex-lover think of her today, given the way in which she has aged? Has she aged well – or at all? Is she, in truth, still quite young? These ruminations serve to elucidate Clarissa’s progression through time as a judgement on her past, present and future self. These thoughts end in an abrupt referral to Clarissa’s actions within the present moment: ‘...Now, where was her dress?’. Despite getting lost in thought, Clarissa snaps back into the present, serving as a further reminder that clock-time is endlessly ticking.

Clarissa ‘feared time itself...the dwindling of life; how year by year her share was sliced; how little the margin that remained was capable any longer of stretching, of absorbing, as in the youthful years’. Clarissa is aware that time existed before her and that it will continue to exist after her death, which disturbs her. The passing of time at the same, constant speed brings Clarissa distress: ‘All the same, that one day should follow another; Wednesday, Thursday, Friday, Saturday; that one should wake up in the morning; see the sky; walk in the park... after that, how unbelievable death was! — that it must end...’ This offers an explanation as to why Clarissa spends a majority of her time lost in thoughts of another time: in her own thoughts, she is able to move at the speed of her choosing, and to escape the present passing of time.

The time in Clarissa’s mind preoccupies her conscience with fears and thoughts of the past. While the time on the clock keeps her in tune with reality, it simultaneously feeds this fear. Woolf establishes a connection between clock-time and mind-time that essentially controls Clarissa’s character.

Earlier this year I found myself preoccupied with the feeling that time was slipping away and passing increasingly quickly. Turning back to this novel, I found that it soothed me. While clock-time passes ceaselessly, mind-time allows us to ebb and flow, like Clarissa, within time at our own pleasure.

References

<sup>1</sup> Virginia Woolf, Jacob’s Room (p 444)

<sup>2</sup> Penguin Podcast Bernardine Evaristo





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