

Graduation Address

College of Law and Business University of Western Sydney

29 April 2003

Fr Frank Brennan SJ AO BA LLB(Hons) LLM BD(Hons) DUniv

Chancellor (Mr John Phillips), Vice-Chancellor (Professor Janice Reid AM), members of the University Senate, members of staff, distinguished guests, ladies and gentlemen, graduates -

Thank you for the honour to address you this night when you gather to celebrate the achievement of those graduating here at the University of Western Sydney in the College of Law and Business. Being a Jesuit priest with a vow of poverty, I do not profess to know much about business, though I am of course in the business of heavenly returns where the yield is a hundredfold but with more hope than security. As a lawyer long involved with human rights issues, I am delighted to have this opportunity to reflect boldly with you about the future of the rule of law in our world - a future which commands the attention of us all whether we be graduates in law or business, university professors or not even graduates at all.

Tonight we salute those who have put in so many years of dedicated work so that the graduates might take that short walk here on stage collecting that piece of paper that symbolises achievement and hope for the future. We salute the graduates themselves and their loved ones who have given their constant support, often sacrificing much, so that tonight might happen and be the herald of a better future for the graduate, the family, the profession of law or business, Australian society and our world. As international citizens each of us must now start afresh considering our obligations and the paradigms of the future.

The present state of our world after the war in Iraq, with Australia having been a member of the Coalition of the Willing, provides immediate challenges to us who seek a better life in an ordered world. The post-World War II world order is now up for renegotiation.

In Washington and Baghdad, political leaders spent much of the last couple of months invoking the name "God" as if their actions were pre-ordained and justified. Such utterances confirm the prejudices of Australian humanitarian skeptics and call religious persons to a deeper reflectiveness about the relationship between divine presence and human action.

Just 14 years since the end of the Cold War and 18 months since the destruction of the World Trade Centre, we are only beginning to find ways for building and keeping the peace in a New World order. Tonight's graduates have a contribution to make as educated members of a public in a democratic nation that seeks to play its part beyond its own territorial borders. After 8 years of the Clinton presidency, this is the first time that the Republican Hawks have been in the ascendancy in Washington since the first Gulf War. These are very early days in the shaping of the New World order and institutions. There has been no equivalent moment

since 1945. Back then, Australia had an unequivocal commitment to multilateralism and diplomacy.

Sadly, Australia has been party to a rash new theory based on militarism and unilateralism. War is no longer the last resort. The UN is no longer the arbiter of justified force in the absence of direct aggression on a member state. Compelling evidence of threat and overwhelming prospect of better outcomes are no longer necessary preconditions for war when the national interest of the world's only superpower is equated with the common good of all. We need to discern new paths to peace honouring the ancient humane principle that the child on the Baghdad school bus and the woman in the Nauru detention centre be accorded the same dignity and place in the balance of events as the child on the Rose Bay School Bus and the woman in the Parramatta shopping centre. There can be no peace while the innocent, powerless Other is sacrificed for the sake of those privileged to be nationals or loved ones of the powerful.

Though there was spirited debate and cabinet resignations in the UK because of Mr Blair's ready membership of the Coalition of the Willing, Canberra compliance with prime ministerial directives was complete. It was very troubling to hear the mixed messages from Prime Minister John Howard and Mr Tony Abbott about the increased risks of terrorism to Australian citizens. Abbott, the Leader of the Government in the House, told Parliament, "There is the increased risk of terrorist attack here in Australia". Next day, the Prime Minister told us, "We haven't received any intelligence in recent times suggesting that there should be an increase in the level of security or threat alert." Regardless of who was right, their contradictory statements provided incontrovertible evidence that there had been minimal debate, discussion and discernment within our Cabinet and political party processes prior to making a commitment to war in such novel political circumstances.

Even more troubling that such a commitment could be made when all service chiefs who held the key command positions during the first Gulf War had questioned the wisdom of Australia's course. The Army's General Peter Gration had reconfirmed, "My fundamental judgment that it's wrong remains." Before the war began, he had said, "I have strong objections to the coming war as both unnecessary and likely to produce unpredictable and potentially disastrous consequences. The real threat from Iraq's weapons of mass destruction is much exaggerated and that threat can continue to be contained and deterred." The Air Force's Ray Funnell (who continues to serve on the government's Immigration Detention Advisory Group) said, "It's strategic stupidity on a monumental scale." He said the rationale for war was "weak" and the timing "inappropriate". The Navy's Admiral Mike Hudson said, "It's almost immoral." The day after President Bush proclaimed war, Hudson said, "I am deeply concerned that the aggressive manner of the United States, coercing others to join them in the coalition of the willing could irreparably damage the unity of the UN."

Before the war, RSL President, Major General Peter Phillips said, "We, like most Australians, are not yet entirely convinced that we have enough to justify a ground invasion. We will understand the difficulties that face the US, in that getting hard evidence that it can present to people, it's not easy. We're also trying to look to the future and just the terrible aftermath that could come from a ground invasion. We'd be looking for some reassurance that this had been thought through and was manageable." Just last week, Phillips repeated, "The reason we opposed the involvement of Australian troops was entirely about what would happen after this

war." The time for hard thinking and hard work about a just peace for the world is just beginning. This is a noble and pressing task for new graduates.

Also troubling has been the media's treatment of the united stand by religious leaders against the war. For example the Pope in his annual address to diplomats in January this year said, "One cannot resort to war, even when the intention is to ensure the common good, if not as the very last option, and in accordance with very strict conditions, and taking into account the consequences to the civilian population both during and after the military operation." Having observed that Iraq's population "already exhausted by 12 years of (U.N.-mandated) embargo," he said, "War is never inevitable. ... International law, honest dialogue, solidarity between states, and the noble efforts of diplomacy are worthy means of resolving differences between states." But this did not stop columnists from the Murdoch press repeatedly claiming that "the intervention in Iraq was theologically speaking a just cause consistently affirmed by the Pope."

Those of us who opposed our nation's involvement in the war feel a deep sense of shame that it came to this with such little public agitation. Democracy was reduced to the simplistic prime ministerial declaration to Parliament, "You have a right to protest, to dissent and to register your concern, but direct those protests to the government, to me, not to those who are overseas on our behalf", followed by the contradictory declaration to the protesters who did just that next day outside the Lodge that they were entitled to their opinion while the Prime Minister was entitled to his, with the rider later in the day, "You have a right to protest but you have to understand that the stupidity or otherwise of individual acts of protests will be judged by your fellow Australians accordingly". Those who are uncertain about our involvement in the war are besieged by a profound ambiguity. Even some of those who supported the war effort have a regretful righteousness - a sense of powerlessness that we could do no other in the face of evil than to participate in evil, hoping that greater evil could be avoided.

Most troubling for us as we watched the scenes of bombed out Baghdad markets hit by smart bombs fired by fallible pilots under direction of righteous politicians was the moral bankruptcy of arguments dressed in the guise of national interest. It was said to be in our national interest that these children and shoppers die as collateral damage in a campaign to make *our* market places safer now and in the future.

Over 4,000 Iraqis have arrived in Australia since 1999 by boat, without visas, seeking protection from persecution. 97% of them have been found to be refugees deserving our protection. 100% of them, whether they be adults or children, whatever the trauma they have fled, have been held in detention for months on end while their claims were processed. Those who have set out by boat from Indonesia seeking asylum since Tampa have been forcibly transported to Pacific locations. Iraqi women and children are still being held in detention in Nauru while their fathers and husbands are living lawfully in Australia as refugees. Our government which has transported them to such remote detention was party to the bombing of their relatives in Baghdad, all in the name of Australia's national interest and making the world a safer and better place.

For a year, I have been visiting immigration detention centres such as Woomera, Port Hedland and Baxter every month; each time coming away emotionally drained by the contact with desperate men, women and children behind the razor wire. Every two months I go to

Parliament House Canberra and meet with the political architects of this policy, thinking there must be a better way than rhetorical stand-offs in the media. The politicians are as convinced of their decency in implementing the policy as am I in decrying it.

After the 2002 Christmas fires, one detainee who offered to assist police with their inquiries was given a guarantee by senior immigration officials in Canberra. He would not have to return to a detention centre. He was moved to a motel for nine days and provided information to the police. The guarantee from Canberra was then withdrawn. He had no legal remedy and no political leverage. I thought the treatment he received was unAustralian. But on reflection, I concluded in the wake of *Tampa* that the treatment was very Australian. Asylum seekers who have arrived in Australia without visas have been used by government as a means to an end. Their detention has been used to transmit a double signal - warning other asylum seekers to take a detour to any other country but ours and luring those voters who appreciate a government prepared to take a tough stand against the one who is "other". The task of educated graduates is to contribute thoughtfully to a society that respects the dignity and basic rights of all, including those who are "other".

The secularism and materialism of Australian society, the simple majoritarianism of Australian democracy, and our own spiritual impoverishment can cloud our vision allowing us to substitute our self interest for the well being of the other, and our self-definition for the integrated self of the other. Congratulating you on your academic achievement thus far, I now join others in charging you with the social obligation to use your newfound skills and qualifications to build an ordered marketplace of ideas where the well-being of all persons will be fostered. Australia and the world of post-September 11 need all the help they can get from university graduates whose alma mater boasts "youthful dynamism and strong commitment to academic excellence".