The Chamberlain Case

It's a strange experience of *deja vu*, reading John Bryson's *Evil Angels* while the Royal Commission of Inquiry is proceeding into the conviction of Michael and Lindy Chamberlain for murdering their nine-week-old daughter Azaria at Ayers Rock in 1980.

For one thing, reading a book rather than digesting disconnected daily media reports over the years brings the issues into perspective — at least as far as the evidence of what happened over six years ago. Many people may now be sick and tired of the Chamberlain case — a luxury now available to those of us who could not make head nor tail of it, but not to its victims, their friends and their church, the Seventh Day Adventist. For many people, it is unthinkable that Lindy Chamberlain could have been innocent and yet sentenced to life imprisonment for murdering her daughter. "There must be something in it," was a common response of a couple of years ago. Yet, as the Royal Commission of Inquiry unfolds, it appears that there was nothing in it: if you leave aside trial by media, police bias, shoddy scientific evidence and popular prejudice.

Members of the left and the labour movement have historically often been the subject of grossly unfair police and legal actions. One has only to recall McCarthyism in the 1950s and, earlier, the Sacco and Vanzetti judicial murders. In Australia, Aboriginal people would have a fair claim to being the main contemporary victims. The puzzle is, why was the left virtually silent or unconcerned about the Chamberlain case? If the Chamberlains had belonged to some left sect (or been Aboriginal), rather than the Seventh Day Adventist Church, the matter would have been seen very differently. One difference was, of course, that it wasn't a case of religious persecution in the same way that frame-ups of left wingers are often part of a wider campaign. Nevertheless, suspicion and hostility to a non-mainstream religious group definitely played a role.

But of course it was more than just popular prejudice. The Chamberlains, on all the evidence, forced themselves to "accept" the devastating loss of their daughter because it was God's will. It was their life-jacket right from moments after the child was snatched, when Michael Chamberlain stumbled into an adjoining campers' tent and yelled "You are playing Christian music, what does that mean?" Amy Whittaker, nurse and social worker said calmly "It means we are Christian people." Chamberlain begged them to pray and then, after going outside, shouted "I am a minister of the gospel." Such bizarre responses aroused the suspicions of the police, particularly when, after a couple of hours, the Chamberlains appeared to calmly accept their loss. (Though even Christian faith couldn't prevent Lindy Chamberlain from bursting into tears hours later and then, from time to time, through the two inquests, the murder trial and the appeals.) "No normal mother would behave like that" then became a widespread expression of the reason why she had to be guilty. (Wasn't it one of novelist Albert Camus' characters who was convicted of a murder with part of the evidence being that he "hadn't cried at the funeral of his mother?"") Some feminists picked this up, but few others on the left did. Lindy Chamberlain wasn't "normal", just as none of us are in another way: though she broke down many times in the court, during her trial she barely concealed her anger and contempt for the prosecutor who was committing in her eyes, the monstrous crime of accusing her of killing her own baby. Her own counsel privately asked her to be "more demure", or perhaps he should have said more "ladylike" or "motherly".

Just one small example will suffice to outline the police-journalist relationship which helped jail Lindy Chamberlain. While drinking on a plane flight, a policeman hinted to two reporters, in that confidential way which occurs when someone has some hot gossip, that the killing of Azaria was probably some weird religious ritual. Bryson outlines it:

During the search of the Chamberlain's house at Avondale the detective had discovered a Bible in which a passage marked in the Old Testament, described a ritual slaying inside a tent. The weapon was a tent peg. The victim's head was cut off. The story was outlined in red. Apart from the presence of a tent in the narrative, there was not much to connect it with Azaria Chamberlain. The slain was a charioteer, the captain of an invading army ... the captain was not decapitated after death, even if, as the police supposed, Azaria was. For all that, the story enjoyed...
exalted currency in the press rooms and
around police depots. The one particular
which did not change in the retelling was
the vivid and convincing detail that the
passage was coloured — in some versions
underlined — in red...

The Bible had been in Lindy
Chamberlain’s family, according to an
inscription on the fly leaf, since 1884. In
keeping with the fervour of the times, the
stories were generously illustrated, with a
process not much different from etching.
This is not now a popular technique
because it breaks down, and transfers
colour to the opposing leaf.

The “special connections” which
a number of journalists had with the
police was a material factor in the
grotesque miscarriage of justice of the
Chamberlain case. Another, perhaps
more important, factor within the
courtroom was the “expert evidence”
which helped construct the scenario of
a baby’s throat being cut in the car, the
“arterial spray” within the car, and the
placing of the baby in Michael
Chamberlain’s camera bag. The expert
evidence is now in tatters, particularly
that which specified the presence of
baby’s blood (foetal haemoglobin) in
the car.

The third leg of the Chamberlain
case was outlined by Denis Barritt, the
magistrate in the first inquest who
upheld the view that Azaria was taken
by a dingo:

Police forces must realise, or be made to
realise, that courts will not tolerate any
standard less than complete objectivity
from anyone claiming to make scientific
observations.

The NT police, it is said, were out to
disprove the basis of this criticism
from then on.

On each of these questions: the
reliability of the police, popular
prejudice against minorities,
questioning “experts” and trial by
media — the left has a position based
on its own experience which should
have alerted it to the possibility or
probability of a frightening
miscarriage. Yet there were no articles
analysing the case in the left press, no
petition campaigns, no participation
in what became a grass roots campaign
for justice. Why? Partly because, as
layer on layer of evidence was
submitted, the case became complex.

It would have been a lot of work to
understand it. But other people, not
only Seventh Day Adventists, worked
out what was happening. So there
were other factors, including I
suggest, the left’s narrow definition of
politics. The Chamberlain case was
not “political” — yet it occurred
because of prejudices and processes
that, in other contexts, would be seen
as highly political.

Another important reason may
have been that the left’s instinctive
reductionism cannot explain the
events. The combination of popular
prejudices with the actions of
journalists, police and forensic experts
cannot be reduced to the will of media
proprietors, reactionary governments
or business interests. But this realm of
cultural politics, in the broadest sense
of culture, is becoming more and more
important in understanding social
attitudes and how they change. Not
only that, it must be said that the left
probably shied away from the case
because of its association with what
was perceived as a “crankish” religious
group.

So, while the left is pondering its
future and about social change in
Australia, it might do well to ponder
on the deeper reasons why one of the
most celebrated cases of legalised
injustice to an individual passed it by.

David McKnight
China's Environment

China has a population of over one thousand million in a country only slightly bigger than Australia. The people of China have a low standard of living, although all are fed, clothed and housed. Most Chinese would like to experience a higher living standard. A large population and the quest for economic growth are the major underlying causes of most of the environmental problems that affect or threaten China today.

The Chinese vision of the optimal future contains flying machines and tall mirrored buildings. In some respects this vision resembles that of conservative Australian politicians, with their touching faith in the magical qualities of tall glass hotels and curving concrete dams. However, the Chinese vision acts to reinforce the most effective of their environmental policies — one child per couple. The posters of people in technological wonderland show parents and single daughter with heads proudly raised in the sky. These advertisements are plastered on mud brick walls along rough dirt roads full of people, puddles, chooks and dogs. There are no ornamental plants in the village gardens. There is no waste strip beside roads, railways and streams. China would be very rich if it had only the population of Australia, but the present numbers at the present standard of living strain against the basic resources of arable land.

In well-forested Manchuria, half the harvested wood is used for heating. Some parts of the country are so lacking in fuel that farmers burn their stubble for very necessary winter warmth. The loss of organic matter necessitates fertilisation. Fertilisation is also required to improve yields to compensate for the loss of arable land to high-rise apartments, roads and factories. Fertilisers demand irreplaceable fossil fuels that are also essential for transport, electricity generation and industrial activity. Fossils cannot indefinitely fuel growth. Increasing living standards must ultimately depend on adjusting population to sustainable resources; thus the environmental virtues of the one child policy.

Unfortunately, even a one child policy does not immediately halt population growth which continues to respond to past fast increases through the medium of the reproductive age group. Thus, growth in industrial
production is being planned and implemented in a context of population increase. This industrial growth produces some unfortunate by-products. Heavy metals pollute water where factories have been dispersed to the countryside, while water and air pollution characterise the big industrial cities.

The air pollution is heavily flavoured by coal. This sulphur dioxide and particulate pollution has a flavour and effect very different from our petrochemical mixes with their nitrous oxides and ozone. The traffic in Chinese city streets is dense, with the dominant vehicle being the bicycle. This non-polluting form of locomotion is leavened by a rich variety of petrol-driven vehicles and the occasional cart drawn by napped horse. If the mix changes more to motor vehicles it is likely that the Chinese countryside could suffer the acid rain syndrome that is currently destroying much of the European forest estate, as this syndrome requires substantial quantities of both types of pollutant.

China has a higher percentage of its land under native forest than Australia. These forests are extremely rich in species, some of which, such as the gingko and dawn redwood, are famous as living fossils. The forest estate has been declining, particularly in Manchuria where the rich volcanic soils on gentle slopes can be used for agriculture. One of the most popular crops in the higher part of this region is ginseng, which also grows naturally in the forests.

As part of the UNESCO “Man and Biosphere” program, the Chinese have set aside forest reserves that put to shame the efforts of the various Australian governments. For example, the Biosphere Reserve at Changbai Mountain on the Korean border covers 190,000 hectares (ha), most of which is highly commercial forest. These forests will remain in their present delightfully virgin state, unlike most Australian forests. There is only about 35,000 ha of tall eucalypt forest in Australia that is left in large enough stands to have any chance of long-term viability, and all this area is threatened.

The scientists of the Academia Sinica have sought to understand regeneration processes in order to be able to devise the most appropriate silvicultural methods for those forests devoted to wood production. They have been extremely successful in this program, but the general feeling is that natural forests are being cut at a rate in excess of their potential sustained yield. However, the steep hills that abut the rice paddies of the wetter countryside are increasingly used for the establishment of plantations, and their growth probably compensates for the loss of production from the native forests.

Although there are communication problems between scientists and managers, the lack of a strong profit motive undoubtedly leads to more rational land use decisions than those which occur in Australia where the land use decision-making process is heavily distorted in favour of commercial oligopolies.

Environmental problems are of three types. The first is the maintenance of the heritage values of the natural and cultural landscape. In this area the Chinese seem, at present, very advanced, although the Red Guards were fond of smashing ancient monuments in the not too distant past. In the second area of productivity maintenance, hasty industrialisation and an increasing reliance on fossil fuel bode ill for the future. However, it should be remembered that traditional Chinese agriculture, as still practised over most of the country, is extremely energy-efficient and is in harmony with the environment, unlike western agricultural systems in which fossil fuels and irreplaceable soil are turned into food. Environmental impact on human health is the third problem area. Air and water pollution problems are locally severe, but the main environmental health problem, that of providing enough food for the people, has been solved.

The Chinese have demonstrated convincingly that starvation is a political, not a Malthusian, process in the world today. They may also demonstrate that the solution to the problem of low living standards is an adjustment of human numbers to the desirable per capita sustainable yield of the planet. Alternatively, they may attempt to follow a destructive quest for economic growth at all costs, following the model of the capitalist and state socialist countries of the rich and predatory parts of the world.

J.B. Kirkpatrick

Manual Handling

In October, changes to legislative and award restrictions on women’s employment were announced at a national conference convened to review the processes for removing their discriminatory effects. As a result, many topics are now on the occupational health and safety agenda which would probably not have been addressed without pressure having been exerted to overcome the effect of the old legislation.

After the conference, the ACTU and the CAI (Confederation of Australian Industry) issued a joint statement on areas of agreement. Manual handling is at the top of their list. Manual handling activities — pushing, pulling, lifting, and moving loads — contribute to about one-third of work-related injury as well as general ill-health. Workers in most jobs and industries undertake manual handling. A participatory strategy to prevent injury from manual handling would need to be a core part of any workplace health and safety program.

In keeping with the 1983 Accord, the National Occupational Health and Safety Commission has established a Working Party to develop a Code of Practice on Manual Handling. The Draft Code and an accompanying Discussion Paper are to be distributed in December for two to three months of public comment.

The commission has no power to enforce standards, except in areas of Commonwealth government
employment and the territories. The Draft Code of Practice can be picked up in state health and safety legislation; and it can be developed for specific industries and work processes and then incorporated into negotiated agreements on workplace health and safety.

The notorious “weight limits” — of Wollongong Jobs for Women v. Al&S fame — are the only existing legislative provisions for manual handling. These limits are set for juniors and adult women (16kg) but not for adult men. These provisions are grossly inadequate and can operate to restrict women rather than restricting hazard. Sex-specific provisions of this kind are inconsistent with affirmative action and the Sex Discrimination Act. Beyond a paper inconsistency, they contribute to the sex-segregation of the workforce and to the exclusion of women from many areas of work. They can also be used unlawfully, as was shown in the case against Al&S.

The Working Party on Manual Handling is proposing a comprehensive preventive approach involving hazard evaluation and, where necessary, redesign of the job or task. It is consistent with the principle (and formal purpose of state occupational health and safety laws) of fitting the job to the worker and not the worker to the job. The principle of prevention encourages reduction of load-bearing and consultation between trade unions, employers and workers. The proposed Manual Handling Injury Management Plan, to be undertaken through consultation in the workplace, requires systematic reporting of injury, and job analysis to identify job demands and potential hazards. The Draft Code, therefore, focuses upon the working environment rather than categories of workers to be rejected.

Implementation of the Draft Code of Practice on Manual Handling is remarkably similar to affirmative action as a strategy to obtain equal employment opportunity. With the involvement of unions, work for both the affirmative action and manual handling plans can be undertaken together. The possibilities and problems are similar too — see the special supplement on Affirmative Action in ALR No. 96.

In some industries and workplaces, the level of manual handling is already being limited and reduced by smaller packaging, job redesign, and co-operative work practices. Both the QNU (Queensland Nurses Union) and the BWIU, for example, have recognised the problems created by the heavy, cumulative loads their members handle over a work shift; the BWIU has started a campaign to reduce these problems by limiting the size and number of besser blocks.

Taking risks and performing heavy, arduous work in certain kinds of jobs is identified with masculinity, although not so much with the economic and authority relations that keep men performing very heavy and wearing work. Querying existing relations, and proposing alternative ways of organising work could threaten patriarchal relations and the standard defence (what Hester Eisenstein calls ‘class/income/masculinity protection’) against women entering areas of work where the prevailing system of values can be challenged.

Chloe Refshauge