

## **“Powerlessness: Living, yet not Living”**

Address to FCRC Conference 7<sup>th</sup> September 2011

At the outset, I want to be clear with you about what I am doing and about what I am not doing this afternoon. Unlike Kat Lane, I am not going to provide heavy-duty content. You and she know far more about financial counselling. I appreciate that I am not everyone’s cup of tea. I can’t do much about that. I have been an advocate for over three decades. I am the Principal Solicitor and Acting Director of West Heidelberg Community Legal Service. The Legal Service is based in a Community Health Centre.

I want to address you about stories, and I want to talk to you about the power of words, and mental health, and war. I will even be talking to you about Formula One cars, and herds of cattle, and herds of humans. My context is casework issues, and campaigns. I say that we must make the link again and again between our casework, that is, the work we do for individual clients, and campaigning. For reasons I will set out, it is essential that we not entirely individualise our work. I appreciate that this has implications for the way we work, our ethics, but that should not be used as a means to avoid campaigning for our clients. We should not privatise our work; it should not all be behind closed doors. That does our clients a disservice. (Some of our work does have to be behind closed doors though. We must respect our clients and their stories.)

I am honoured to be given the opportunity to address you. I do ask that you note that this week is National Poetry Week.

### Sun, moon and stars?

I do not regard myself as persuasive as my friend and professional colleague, Denis Nelthorpe. I thought of him when I read an account by Saul Alinsky, in his book Rules for Radicals. He, Alinsky, was confident that he could:

*Persuade* a millionaire on a **Friday**, to  
*Subsidise* a revolution for **Saturday**, out of which he could  
*Make* a huge profit on **Sunday**, even though he was certain to be  
*Executed* on **Monday**.

It is not difficult to construct a story. We are attuned to listening to others. Strangely enough, many of us are not so attuned to listening to ourselves. Worse, and unnoticed, our society can direct its citizens to listening to some stories, and not to other stories. I will talk to you about where we can tell the stories. I will explain that we have to prepare for stories to unfold. Stories take shape themselves. While details cannot be foreseen, we must expect that the unexpected will occur.

Martin Luther King said that the line of progress “...is never straight.” We must expect to make mistakes. We must expect that we will lose battles.

We must toughen up. This work is important but difficult work. We might lose battles, but we must win the war.

### Stories reveal

I want to describe one person’s response to his country’s characterisation of going to war as a patriotic adventure. He and others believed that WW1 was a form of trade war. He was responding to what we today call the “10-second grab”, the propaganda of the day. He, the poet Wilfred Owen, fought on the front line, in the trenches. In this poem he reveals the future of a young man, Jim. The public was told that the Allies were winning the war. The truth about what the soldiers were going through, and the implications for their futures, was withheld. To set the scene I use a small portion of a musical Suite first performed after WW1.

**The Planets:** "Mars, the Bringer of War" -- Gustav Holst [To 0.33]

**"The Chances"**, by Wilfred Owen.

I mind as 'ow the night afore that show  
Us five got talkin' -- we was in the know.  
"Over the top to-morrer; boys, we're for it.  
First wave we are, first ruddy wave; that's tore it!"

"Ah well," says Jimmy, -- an' 'e's seen some scrappin' --  
"There ain't no more nor five things as can 'appen:  
Ye get knocked out; else wounded -- bad or cushy;  
Scuppered; or nowt except yer feelin' mushy."

One of us got the knockout, blown to chops.  
T'other was 'urt, like, losing both 'is props.  
An' one, to use the word of 'ypocrites,  
'Ad the misfortoon to be took be Fritz.

Now me, I wasn't scratched, praise God Amighty,  
(Though next time please I'll thank him for a blighty.)

But poor young Jim, 'e's livin' an' 'e's not;  
'E reckoned 'e'd five chances, an' 'e 'ad;  
'E's wounded, killed, and pris'ner, all the lot,  
The bloody lot all rolled in one. Jim's mad.

## History

Some terms first, then some history. "A blighty one" – a term used in WW1 – a slight wound that causes the recipient to be sent home to England. "Mad" = "shell shock". (Today: "PTSD").

Wilfred Owen enlisted in 1915. Gustav Holst completed the Suite known as "The Planets" in 1917. On 4th October 1918 2<sup>nd</sup> Lieutenant Wilfred Owen won the Military Cross. Exactly one month later, on 4<sup>th</sup> November 1918, in northern France as the Allies broke through the Hindenburg Line, Owen was killed. This was a week to the day before Armistice Day, 11th November 1918. His mother received the telegram of his death as the church bells were pealing the Armistice. Wilfred Owen was just 25.

## War, Poverty: stories correct the record

The horror of War can create "living, and not living".

Although it cannot be compared to the effects of trench warfare, grinding, pointless Poverty can create a sense of "living, and not living." Working with the poor and powerless, I believe that we all of us witness this phenomenon, every day. Society turns its face away. Adam Smith got it about right:

"The disposition to admire, and almost to worship, the rich and the powerful and... neglect persons of poor and mean condition... is the greatest and most universal cause of the corruption of our moral sentiments."

## Stories set the scene for change

Owen disclosed the horror of war to a society that was drip-fed on the rhetoric, the propaganda, of the

romance of war. We have a similar task as Owen, but with poverty. We must unearth eloquence, but avoid rhetoric. We must tell the stories that are not told. A person whose story is not told does not feel alive. Multiply that by thousands, when contemplating the poor and the powerless. The poor survive, but make no mistake: mere survival can be a form of living death.

### Assessing strengths and weaknesses

I will be addressing you about assessing the strengths and weaknesses of:

- the people we work for,
- ourselves, and,
- our opponents.

Why? I cannot improve on a text written five centuries before Christ was born. It is called The Art of War, and was composed by Sun-Tzu. The Art of War is a masterpiece of strategy. It is also poetry.

“Know the enemy,  
Know yourself,  
And victory  
Is never in doubt,  
Not in a hundred battles.

He who knows self  
But not the enemy  
Will suffer one defeat  
For every victory.

He who knows  
Neither self  
Nor enemy  
Will fail  
In every battle.”

Notice that you are not hearing about superior resources or inferior resources. You are hearing about knowledge and ignorance. I think it was Plato, who said “There is only one good, knowledge, and only one evil, ignorance.”

Be on your guard against the defeatist, who tells you that something valuable or worthy cannot be done because of a lack of resources.

We must be professional. What does that mean? Set up a space between two people. Act ethically. What is to “counsel”? The Concise Oxford Dictionary definition is: “give advice to (person) professionally on social problems etc.”

### Stories that lack fairness and justice

We expect that in Australia people will be treated as innocent till proven guilty. People can think that someone has done wrong, but we don't convict on the basis of opinion. The following is taken from an opinion piece published in the *Herald-Sun* on 6 September 2011, which I used merely as an example. It commences:

"Julia Gillard has never paid any one for sex. And she has never been accused of misappropriating union funds to pay to for sex. But she is supporting a politician who key Labor figures believe has done both things...All that voters like me see is a Government willing to stand by a politician who is alleged to have spent union funds on prostitutes. This is a double standard..."

-- Susie O'Brien, "Julia Gillard has let down women by supporting Craig Thompson"

A journalist in *The Australian* recently told his readers that the unionist who Gillard had been in a relationship with years earlier had misbehaved. *The Australian* later apologised unreservedly. Stories such as these can take hold. But the difference between our people, the people we represent, and these people, is that people in power can respond.

Think about say, a single mother living in Office of Housing premises. The place has worms; the walls have sooty mould, and the kids suffer bronchial conditions from the damp. The government is the landlord. Imagine taking on the government on your own.

#### Our communities: the people we work for

I will be speaking at a seminar tomorrow (8<sup>th</sup> September 2011) about the research that I undertook for the Victorian Law Foundation on what was originally entitled "Using poverty as a defence". My research took me to Vancouver. When I was in Vancouver, I had related to me a characterisation of the people in downtown Vancouver:

"60% have mental health issues, 70% are drug addicted, and 100% aren't sleeping."

Some people wonder why the poor and powerless don't do something about their situation. The lack of sleep seems to be a constant. In the words of Saul Alinsky, the author of Rules for Radicals, why start figuring out how to spend \$1 million if you don't have it? Alinsky wrote:

"If people feel they don't have the power to change a bad situation, then they don't think about it."

Alice Walker, author of The Colour Purple, puts it a different way:

"The most common way people give up their power is by thinking they don't have any."

Hear Martin Luther King, in his book Chaos or Community? :

"Oppressed people ... have been schooled assiduously to believe in their lack of capacity."

Personally, I think it's mostly about a lack of sleep. I am not being trivial. Those who trivialise the plight of the poor and the powerless set them up to be exploited. Sadly, the poor and powerless make it easier to be exploited, because they often show little respect for themselves and each other. The powerless are disorganised. But the poor and powerless have a vast array of stories, to great depth. And the poor have the numbers.

#### Ourselves

We are passionate and honest and thoughtful and hard-working.

I am not here to pump up your tyres, though. Apart from events such as this, we are scattered and not well organised. The mix is not right.

#### Our opponents

Our opponents display boundless self-interest. There is the old saying that in a horse race, back the horse called "Self-interest". Our opponents are few in number. Our opponents know the value of organisation. But we over-estimate them. All they have is money.

I believe that many of us under-estimate ourselves and the people we work with. We certainly underestimate the power of their stories.

#### Will anyone listen? Where to tell our stories

My oath they will!

We can tell our stories:

To our communities and ourselves  
To the world

Where?

Local community groups  
The local newspaper  
Church pulpits  
Government agencies  
The courts  
Parliament  
Radio  
Television  
The Internet  
Universities

As my colleague Denis Nelthorpe has said: "Poverty has its advantages! Use them!"

Be careful – we, and our communities, are fragile: Formula One

Clive James is a motor racing nut. In 1984 he attended a press conference of a Formula One driver, Niki Lauda. Lauda talked about how to win races. The secret, Lauda, said, "*...is to win going as slowly as possible.*" Clive James thought about this, and concluded that it was a rule for life. Formula One racing cars unleash extraordinary power. Go into a corner too fast, and the driver risks spinning out, or blowing up the engine. You can't win unless you finish. If you are kind to the car, you are most likely to go the distance. You need to be aware of your tolerance. In order to apply energy, you must economise on effort. We are similar to those Formula One cars. Maybe frail if we mis-handle ourselves, but with enormous power.

Having said that, the words of Gustave Flaubert appeal to me:

"Be regular and orderly in your life, so that you may be violent and original in your work."

I don't want to criticise, but I reckon some of us got that the wrong way round.

The following are all cases from the last fortnight. I could go on but I will confine myself to these. I preface these cases with the following: be wary of the lawyers! Consider that lawyers want everything to go to court. An American academic warns that in the legal system, the "conflict":

"...actually becomes commodified, like a piece of property... it is the lawyer who ultimately exercises ownership over it and makes a living from negotiating it."

Charles Lamb tells us:

"He is no lawyer who cannot take two sides."

A confession: one of my best friends is a lawyer. I have already quoted him in this Address.

Example 1: Somalis in need of care and protection

My Community Legal Centre has recently commenced a Housing project. We are based on a large

public housing estate. The soil is crap, and the housing is old. And there is not enough public housing. How do the authorities deal with this? Let us take the example of a woman, who is shortly to give birth to her fifth child. She is living in overcrowded conditions. The hospital warns her that if she doesn't find better accommodation it may notify "the welfare". She is between a rock and a hard place. The rock is a government agency, the State Government Department of Human Services. The hard place is the State Government Office of Housing.

My initial thoughts were this: the Legal Service could defend a Protection Application. She has been a good mother to the four older children. Admittedly, the case would take months to come on, and it would take days to resolve.

In the last couple of days I have begun to think about the case in a different way. Why defend the case? Why not bring a number of families together with their children; these are families who are suffering overcrowding; assemble the media and announce that these families petition the government to issue Protection Applications against all of them, because they and their children need to be protected. They need to be protected from the uncaring Office of Housing.

I have to tell you that this approach has not met with "high-fives" from all my colleagues.

Once again, I rely on the words of Sun Tzu:

"The Warrior skilled  
In indirect warfare  
Is infinite  
As Heaven and Earth,  
Inexhaustible  
As river and sea,  
He ends and begins again  
Like sun and moon,  
Dies and is born again  
Like the Four Seasons."

What I anticipate doing is writing a letter to the hospital, suggesting that if the hospital were to report my client to the Department of Human Services, that such action would be a breach of the Charter of Human Rights. I would send a copy of that letter to the Office of Housing.

I would not be surprised if that correspondence triggers an offer of housing to my client. This is an example of "indirect warfare".

#### Example 2: Young people and Infringements

Recently a young man attended the Fines Clinic of the Legal Service in relation to three fines he had received. They totalled over \$1300.

One fine was for, being a Learner Driver, not having an experienced driver sitting beside him. The second fine was for the unregistered motor car and a third fine was for having no L plates. We organised for the matter to be heard at the Children's Court. He had driven his friend's car. His friend's mother had died recently, and his friend was drunk. His only income is Youth Allowance. His family is completely reliant on Centrelink payments.

The Registrar quashed the fines altogether.

I have learned from court staff that very few young people attend court in relation to these matters. I have organised for a story to appear in the local paper. It will explain to young people that the volunteers at the Fines Clinic will be able to help them fill out the forms for court. In my dealings with the media, I have announced that I as Principal Solicitor *guarantee* that if a young person comes into the Fines Clinic, and

attends court, they will get a better result. I do not guarantee that they will have all fines cancelled, but they will do better. I haven't told the volunteers about this yet; by the time the journo arrives they will know though.

There is simply no way that the court would dare maintain the fines as they are. Fines for young people are ridiculously high, and court staff want young people to attend.

### Example 3: "Drunk in public"

It's Thursday afternoon in the Special Circumstances List at Melbourne Magistrate's Court. The man I am representing has previously told me that he has five, yes five, mental health conditions. He also has a problem with alcohol. On this occasion, he was found by the police asleep at the bus stop at Northland. When he woke up, he was in a police cell. For his troubles, he was woken up again and again and again. All he wanted was some sleep. He was held for eight hours in the cells. The police must have known that it was his birthday coming up, because they gave him a present on the way out, a fine for nearly \$500.

The Judicial Registrar smiled when I mentioned his birthday coming up, and quashed the fine.

"The Age" is interested in running this and similar stories.

### Individuals and the herd – stories help us to understand and make sense of our world

Don't be afraid to come up with your own stories, or characterisations, of how things work.

For example, I have a theory about capitalism. I reckon that capitalism wants us to think that we are all individuals. We all have free choices. We are told that choice is good for us. I happen to disagree. (I must digress and say that I'm not referring to the magazine, though.) Have you ever looked at a herd of cows, as the farmer drives along in his Ute to drop off hay?

Initially, some cattle look. Then all cattle are looking. But there is no movement. Imperceptibly, one cow starts moving, and then a couple of others follow. Some moments later, the whole herd is moving towards the hay.

I reckon that we are like a herd of cattle. We are a sociable species. We imitate each other, and follow the lead of others. There is one big difference. When it comes to humans, one of the herd is driving the Ute. Have we noticed? Are we cool about that?

### Lastly

Put aside your assumptions. We are all connected to each other. In the words of John Donne, no man is an island.

"Any man's death diminishes me, because I am involved in mankind. And therefore never send to know for whom the bell tolls; it tolls for *thee*."

I feel more alive when I am listening to a person's story, and when I reflect on that story, and when I later recount that story. Stories *not* told - means little or no change. Telling stories enhances the prospect of change.

The last thing that I say to you is that the *first* thing to do is to listen. Thank you for doing so.

Gary Sullivan  
September 2011