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## Letter from Australia

### SENSE AND SENSIBILITY

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Prohibition often enhances the allure of the prohibited, and documents marked 'Confidential' seem particularly enticing. If it is only males that are excluded from access, then the chances of compliance must be vanishingly small. In the case in question, interest was intensified by the fact that the prying eyes belonged to a senior member of the Liberal Opposition front bench, Ian McLachlan, who not only looked, but also made a copy of a forbidden document. The circumstances in which it had arrived on his desk bordered on farce: it had been sent in error by his political opponents, the Federal Labour government. The intended recipient was a different McLachlan, who was presumably female, or if not, could obviously be trusted to obey instructions not to read his own mail.

Those hoping to hear of a scandal of Royal dimension will be disappointed, although several figures in Australian public life professed themselves highly scandalised by McLachlan's misdemeanour. This was largely because the secrets it revealed had belonged to a group of Aboriginal women. Outbursts of moral indignation of this kind tend to occur when our politicians compete to demonstrate their sensitivity to Aboriginal sensibility. This might be an admirable characteristic, were it not for the suspicion that the Aboriginal needs are not always the primary motivation for such protestation. Much to everyone's surprise however, propriety was observed, when McLachlan suddenly confessed the error of his ways and resigned his shadow portfolio. This was unexpected, as the Westminster tradition of ministerial responsibility is usually felt to be rather wimpish in Australia. Even the Prime Minister, Paul Keating, whose political weaponry has more often included the bludgeon than the rapier, was temporarily at a loss for words. He soon recovered from this tame, unsporting surrender however, and directed his vitriol at the Leader of the Opposition, John Howard, lambasting him for insensitivity by proxy.

Political opportunism apart, the case does highlight the difficulties which abound at the junction of different cultures and belief systems. The women whose secrets were put at risk, belonged to the Ngarrindjeri people of the lower Murray region of South Australia. They had protested because property developers wished to build a bridge from the mainland just south of Adelaide to Hindmarsh Island, to allow access to a half-completed \$170 million marina. The Government, as governments do when confronted with a difficult decision, called for an independent enquiry to dilute any opprobrium. The sole arbiter, Professor Cheryl Saunders, found that the women did indeed have a case, and as a consequence, the Government announced a 25 year ban on the bridge. Perhaps in the name of equity, the property developers should also have been given the opportunity to explain their view of the cultural significance of the bridge to an anthropologist. Presumably this is a tribe whose values are not thought to require anthropological attention.

Predictably, the developers appealed, and the Federal Court overturned the ban. The Government has now counter-appealed so the saga is not yet over. In

political football matches of this type however, players are sometimes so intent on scoring goals, that they may lose sight of the associated issues and problems.

The first problem is one of legal principle. Australian law is based on the English Common Law, established in the 12th century by Henry II, who introduced what was to become a crucial instrument of the legal system, the jury. Judgment by peers may not be essential in every case, but an open judicial process is vital. Decisions made on the basis of one person's opinion of secret evidence always carry the faint whiff of totalitarianism, and are inappropriate in democracies, where the judicial process is expected to be clearly visible.

This is not the first time that well meaning attempts to accommodate Aboriginal beliefs and customs within the legal mainstream have foundered. Their traditions of justice are even older than those of the Common Law, and are often more rigorous in their penalties. These include 'pay back' of an offence by spearing the offender in the leg. In a recent ruling, a judge determined, in the true spirit of multi-culturism, that such a spearing was permissible. He was then confronted by the problem of how to ensure that his order was enforced. The officers of the court were understandably disconcerted at having to supervise such rough and gory justice. They may also have been confused by recent sermons from the pulpits of sociology which have roundly condemned the evils of corporal punishment. Teacher's canes have been relegated to museums, and parents who occasionally smack recalcitrant children are at risk of being intensively counselled.

The second problem is to know how to translate values between societies that measure themselves in very different ways. We are not allowed to know why the proposed bridge caused the Ngarrindjeri women so much distress, except that it had something to do with concerns about their fertility. It would seem safe to assume, however, that the bridge was not thought to have a scientifically demonstrable effect on fertility. The biological, and political implications of such would make it difficult, if not irresponsible, to conceal. Professor Saunders was therefore presumably persuaded that the women genuinely believed that their fertility was at risk, but in a spiritual rather than a literal sense. This would not be surprising, as Aboriginal society has a rich set of interpretations of the world around them, developed over the aeons when there were no more plausible alternatives:

The Milky Way is looked upon as the river of the sky, from which, when the sun sets, the sky people catch their food; stingrays, turtles, and fish. Some tribes consider that the myriads of stars in this heavenly spectacle are the campfires of the celestial people.

Roberts & Mountford, *The Dreamtime Book*

These explanations were accepted because of their pedigree of truth—they were handed down by tribal elders who always seemed to have a better understanding of such matters. We should not be too dismissive. We similarly accept the wisdom of our tribal elders for their view of the universe, from Galileo, through Einstein to Hawking. The only difference is that we have faith, not only in the elders, but in the scientific method as a powerful tool for defining the knowable. It is sometimes difficult to know whether a literal or a literary explanation of existence requires the greatest leap of faith. The sky people seem no more bizarre than curved space and quantum mechanics.

The third problem emanates from the very act of scrutinising belief. All societies have intuitive beliefs with little or no empirical foundation, but which

are valued because of their explanatory power, or aesthetic quality. In western nations these range from astrology and iridology to art forms and organised religion. They have in common an ability to address questions for which science has no answers, or answers that do not fit the preconceptions of the believer. In a vibrant and coherent culture, a challenge to a belief frequently has little effect, and may even reinforce the cement that binds the believers. Aboriginal culture is neither vibrant nor coherent, and is in a transition phase where self doubt is as damaging as external assault. In this state, complex beliefs subject to the harsh light of legal or scientific examination are likely to lose their form and power, and begin the lethal slide into myth. Even documentation by sympathetic observers is not entirely benign, as the fluid adaptability of a spoken culture is often lost when coagulated in print.

The fourth and final problem is one of symbolism, but with an important practical significance. Paradoxically, this particular problem will become apparent if the Ngarrindjeri do win their case. Such a verdict will baldly state that an Aboriginal cultural belief is more important than material development. The victory may perhaps be considered less than complete however, if the sub-text is examined. This might be paraphrased in the voice of the majority of the Australian population as: 'We believe that your beliefs, (which we do not share) are more important to you, than the type of development which provides our standard of living.' This is not just a matter of idle semantics. Aboriginal standards of health lag far behind those of the rest of Australia as measured in a variety of ways including life expectancy, infant mortality, the prevalence of infectious disease and alcoholism. A niggardly public purse cannot be solely to blame as a recent review of the National Aboriginal Health Strategy has found that \$232 million has been spent on some 260,000 Aborigines in the last 5 years, apparently without much benefit. As might be imagined, the reasons for this failure are hotly debated, but one outcome may well be that the Federal Department of Health will resume responsibility for Aboriginal health services. This had previously been ceded to the Aboriginal and Torres Strait Islander Commission, in the hope that self determination and a greater cultural awareness would solve the problems. Unfortunately this has not proven to be the case. One of the other conclusions of the review was that more money is needed for basic sewage, water supplies, roads and other infrastructure. Possibly also for a bridge or two.

Those adjudicating this conflict, thus face the difficult task of weighing the material losses of a bridge not built, against the imponderables of a faith rejected. This case illustrates the profound difficulty of trying to protect a culture, while delivering living standards based on quite different idea systems. It also shows how even the best motivated attempts at preservation sometimes go astray. The protection of endangered ideas has much in common with the protection of other endangered species—both are at risk because of loss of the environment in which they formerly thrived. It may be possible to breed them in captivity, but they never look quite the same as they did in the wild.