

REVIEW OF HELEN GARNER'S THE FIRST STONE

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Sex sells everything from breakfast cereal to books. Helen Garner's runaway best-seller about "The Ormond College case" will make her richer than her novels, though their critical success is what gives it cachet. Had she not been a 'famous feminist' her letter of support to the Master of Ormond College would not have divided women - I have had more high words with other women over that, and her book, than about the case itself - nor caused so much hurt.

In 1992 Helen Garner read in the paper that the Master had been charged with indecently assaulting two young women College residents. She shot off one of her characteristic support letters challenging the "appalling destructive, priggish and pitiless" way of dealing with the allegations. This was a warm, spontaneous and almost endearing gesture. The letter was also judgmental, and written in ignorance of the facts and of the law. This would not have mattered, had the Master dealt with it in the middle-class, Melbourne way, with dignity and constraint. In hindsight it seems obvious that a man in his place would use anything in his defence, especially a letter from a feminist to one who believed he was the victim of a feminist conspiracy. Though he had been accused of transgressing the boundaries between the generations, young women and older men in authority over them, Helen must have assumed that he would, or perhaps didn't even consider that he might not, appreciate and respect the difference between private support, and public position-taking. He didn't. He copied the thing, and distributed it far and wide.

What happened after is now notorious. Her letter divided feminists. Women took positions about 'Garner' as well as Ormond. When she came to write her book many, including old friends, refused to speak to her about it, or even to talk to her. Doors and phones were slammed. She was shunned.

The First Stone is her very personal working out of a considered public position about women, power and responsibility. It is a work by a feminist in her fifties who found herself out of step with feminism in - or some feminists of - the 90s. It is a hurt book about painful events; its tone often anguished, sometimes angry: the *timbre* injured, the voice of one whose cause is just but who has been condemned because of its presentation: whose compassion has been misrepresented as cruelty. She is humble - she pedals away from meetings with powerful men - she is honest - she tends to present and represent her arguments with subtle variation, re-statement and qualification - and she speaks from experience - her personal history and experiences are presented to validate her judgment. Her conclusion: that a "prissiness, cowardice and brutality" had destroyed lives; that older women with their sixties libertarian version of feminism have a more generous attitude and a greater wisdom than the young, passionate and judgmental campus feminists of the 1990s; that women have "potential power" which they do not use, that by characterising the full range of sexual harassment as "violence against women" they caricature and trivialise real violence between women and men, and (aggrievedly) that she, who insists on drawing such distinctions, has also been victimised. It isn't, of course, so simple.

The Ormond case was not about "sexual harassment" but about how closed communities deal with complaints of explicitly sexual, unwanted behaviour between students and a man in authority over them. Two young women students raised their complaints, through an intermediary, orally, with his Deputy the next day; later, through an emissary, their unsigned statements were brought to the Chairman of the College Council; later again, they were taken to the Council, and the University's counselling service had spoken to them. Their complaints had been documented by a subcommittee of the Council, after whose report the Council passed and published a motion of confidence in the Master though finding their complaints had been made in good faith. The women went to the police, who prosecuted. After two defended hearings at which each gave evidence in open court, and an appeal and rehearing, the Master was acquitted. He later resigned after a later vote

of confidence in Council failed, on undisclosed grounds. The women and the Council then settled complaints lodged with the Commissioner for Equal Opportunity, on undisclosed terms. They included the publication of an acknowledgment by the Council that the complaints could have been better-handled.

On those bare facts it must be evident that the students are far from "anonymous", as so many commentators have alleged, nor cowardly. There has been suffering all round. Why did "it" happen? Helen Garner actually doesn't ask what happened on the night of the Smoko, but why the women went to the police about it. From the statement of facts isn't it obvious that their truth had been denied by those in power over them? Would conciliation have worked, when the validity of their experience had been publicly denied? The choices were surely only doing nothing, or doing that they did. Curiously, the focus in Helen's book is also not on the truth of the facts alleged but the validity of women's experience of being sexual prey. Hers is a book about power, which finds it in a couple of teenag girls who weren't believed.

It would be satisfying to know "what happened", but this review, like the Garner book, has no answers, and some "no go" zones. Helen's arise from lack of information; mine are by an excess of it. I was the Victorian Commissioner for Equal Opportunity who, finally, brought at least the legal proceedings, though not the ongoing bitterness, to an end, and I am committed to keep confidential what I might know or believe, so those who look for hints or cryptic allusions in this review will be disappointed. This review is only about the broad relationship issues touched on in **The First Stone**: of inter-generational feminism; between sexual harassment and sexual assault laws, of victim-hood, persecution, emancipation and responsibility; about why women argue with other women about these things. Garner's book is about power and equity; how our justice, social and political systems failed to achieve it, and who is responsible. For, after all the pain, the Master who was exonerated by the criminal courts is unemployed: the women whose evidence was believed but did not persuade have been

demonised as cowardly, "anonymous" victim-*poseuses* and the Ormond College Council is still stuck in a nightmare. They introduced new sexual harassment policies and procedures - even voluntary sexual harassment classes for new students - but as ABC's **Four Corners**, on 27 March 1995, revealed, it did not prevent a new claim of sexual harassment (not against the Master this time), nor a former resident's claim that there was an ongoing, anti-women culture two years after the events.

Most Melburnians have an opinion about the "Ormond College case", if only about the relative notoriety of the accused and anonymity of the women. The perception that they were somehow culpable in this should be dropped: the reason they have not been named, though they are far from anonymous, is that Victoria's criminal procedures prohibit publishing the identities of sexual assault complainants. They did not ask for that. In fact Helen Garner anonymises everyone in her book - even I am "Sonia O" of the fierce eyebrows - except herself, and "Ormond", whose character inhabits every page, whose presence accentuates every silence. Ormond inspires loyalty, affection and commitment in those it took to its heart, a deep anger and resentment in those it did not. The personality of Ormond, the culture in which "the case" was galvanised into a kind of monstrous life, is the real subject of the book, not the metaphor of "sexual harassment".

Sexual harassment has been a ground of complaint under discrimination laws for more than ten years. It has come to represent the significance to all women of sexually charged bullying experienced by even one woman. It is a new legal concept, created a century after Ormond was established as a residential hall for University men, at a time when the only laws proscribing sexual behaviour were criminal, or matrimonial, laws which were interpreted and enforced by men in a society which certainly treated women as lesser in status. Sexual harassment is not a crime which is punished by the State: it is a cause for an individual to make a complaint, derived from a law which acknowledges that someone can be harmed because of attitudes within groups towards others.

Like a sackful of electric eels, "sexual harassment" is hard to grasp because it is not, intrinsically, a precise definition. It is a test, or a standard used to assess conduct, **in a context**, in a continuum ranging from a "hostile atmosphere", through to personal or targeted jokes, games, suggestions, touching - the final cause of the majority of complaints - and at the end of the spectrum, sexual threats, assaults or blackmail. Oddly, very few complaints are made at this end, though the conduct is easiest to identify: arguably, this is because the victims either choose to use the criminal law, or are too damaged to do anything but retreat. The whole continuum is "sexual harassment", but it does not require a standard response, or even a punitive one: the primary remedy, conciliation, leaves all options open. The context in which these events occur affects their "charge" of sexuality and their humiliating, intimidating or offensive effect on the complainant. Harassment can be unconscious, unintentional, non-malicious. It must be unwelcome conduct with a sexual element; must intimidate or humiliate or offend, and a reasonable person might have predicted it would, in the circumstances - a mixture of personal and objective elements.

I have found that those who are accused of harassing are as angry and upset as the people who complain. Each has been challenged in their roles as men, as women, as people of worth. This anger goes very deep, which makes it hard to reach an understanding that there might have been misunderstandings, or misuse of power. It is easier and more comforting to be self-righteous. Mediation is only possible if there can be a degree of privacy, some kind of basis of guarded trust and good will and, within a hierarchical structure, where those in authority lend it to the resolution procedure and the values underlying it.

Helen seems, in her final analysis, to conclude that those feminists - and there are ten thousand varieties of feminism - which call on the structures of masculine authority somehow institutionalise outmoded perceptions of women's powerlessness, but on my analysis and experience, trying to resolve

discrimination issues without the backing of authority is worse than useless: you have to **grab** a bully's attention. Harassment which is tolerated does not stop and is likely to get worse; women who complain or confront those whose behaviour offends them are highly likely to be retaliated against, often by their peers, who perceive their going outside the group as disloyalty". As Helen experienced, they are shunned, because they have brought shame to the group.

Helen Garner's book does not deal with the complexity of these issues, though they go to the heart of both that primary question: why did the women go to the police? and her complaint:- why wouldn't they explain themselves to her?

Helen does document the masculinist culture of Ormond; its student initiations and social mores; its muscular environment; its consciousness of a grand colonial past. She finds a College which has been co-educational for twenty years but which still sees itself in a masculine, academic, British collegiate tradition. What effect this might have had on the relationships between women and men in the College before the fatal Smoko night; on the probability of upsetting events, and how they might have been experienced, remembered, or responded to; and how it might have affected trust, is not resolved, yet it seems to me a crucial and underplayed factor in the drama, not reflected in the judgment Helen makes, that the women "dealt with" the Master in a priggish, pitiless and unforgiving way, and as she apparently believed before she knew anything about the case, or Ormond. It is a telling remark, as she watches the young women students mill about after the Master's acquittal, outside the court: "for the first time", she says, she felt sorry for the two students.

We women are hard on one another, as if we had licence to criticise the conduct of other women, as women ourselves: as a defence lawyer I would make certain I had no women on a rape trial jury. As a woman, however, I haven't forgotten how it was, when I was 19 or 20: I was no more able then

than I am now to respond to a "grope" with a heel to the instep or a knee in the balls, as Helen suggested in her **Four Corners** interview. I would be even more reluctant now that I know how direct action works. About 20 years ago, I cooled off a persistent *frotteur* in a crowded nightclub bar by pouring a glass of cold water over him. I had to be whisked out by friends as the club erupted into a riot after he tried to attack me. Should we expect women of our daughters' age to be wiser and braver than we were at that age? Have they any more reason to believe that they will be believed, supported, vindicated than we did?

Finally, Helen asks - as she had not asked when she wrote her letter - what "the women" would say, about their decision to go to the police (why doesn't she ask the police why they decided to prosecute?). She is incredulous, hurt and finally furious that they will not tell her. She attributes to them, by default, the justifications of the "angry feminists" who stand between her and her quarry. There is another valid reason why they might have chosen not to testify again. Many of Helen Garner's friends and family have found themselves depicted, in unflattering and easily recognisable beautifully cruel word-pictures, in her novels. Surely it is reasonable to choose, if you wish, not to be someone's "material"? I would not blame a lamb which made the connection between the truck and the abattoir for refusing to get on board. If people have any human right at all, it is the right to privacy, to close the door on the face of the judgment of the world.