

NOT IN MY NAME, Mr MORRISON: Compassion and Public Policy, a case study of Australia and Asylum Seekers¹

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Preamble

The purpose of this essay is to advance the view that, difficult though it may be, it is essential that moral principle and intention be kept at the forefront of the development and application of public policy.

In particular, I want to examine the possibility of practicing politics with *compassion*. The catalyst for this essay is the current policy the Australian Government is implementing toward asylum seekers who seek refuge in Australia.

Minister Morrison and the Abbott Government, have been condemned by a wide range of eminent Australians and international human rights groups for their so called border protection measures. They are administering one of the most shameful and cruel public policies ever operated in the name of the Australian nation – perhaps rivaled only by aspects of government policies toward indigenous Australians in past eras. Regrettably, the present government's approach to the vexed human rights question of dealing with asylum seekers has been generally supported, to their shame, by the Opposition Labor Party.

The Case Study

The Minister's profession

(Archbishop) Desmond Tutu, Nobel laureate and one of the heroes of the struggle against South Africa's apartheid, reportedly once declared:

... we expect Christians ... to be those who stand up for the truth, to stand up for justice, to stand on the side of the poor and the hungry, the homeless and the naked, and when that happens, then Christians will be trustworthy believable witnesses.

Why do I quote these words?

Because, in his maiden speech to the House of Representatives on Thursday February 14, 2008, Scott Morrison MP, currently Australia's Minister for Immigration and Border Protection, invoked these words as testimony to his personal beliefs and philosophy as a new member of parliament.

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He also cited Abraham Lincoln's wisdom, not to claim 'God is on our side' but to consider 'whether we are on God's side'. Well may we inquire which or what 'God'? But the discussion here does not rest on theology. Interestingly, Mr Morrison prefaced his use of the Tutu quote by making the commendable claim:

From my faith I derive the values of loving-kindness, justice and righteousness, to act with compassion and kindness, acknowledging our common humanity and to consider the welfare of others; to fight for a fair go for everyone to fulfill their human potential and to remove whatever unjust obstacles stand in their way

Altogether it was a speech which would have given hope to Morrison's 'small l' Liberal predecessor as Member for Cook, Bruce Baird, a campaigner for compassion in politics – who must now be deeply disappointed! That said, Scott Morrison is not the first Australian MP, wearing faith on his sleeve, who has been compromised by the poisoned chalice of the immigration of desperate asylum seekers. Kevin Rudd and Phillip Ruddock come to mind.

Given Mr Morrison's application of the Abbott Government's policies which condemn thousands with traumatic pasts to fearful and uncertain futures, one wonders how he now views the moral claims of his maiden speech. Rather than look to Archbishop Tutu for a confirming text, perhaps he might have consulted Machiavelli (the medieval chronicler of political ruthlessness). It is all but certain that Archbishop Tutu would line up with scores of Australian religious leaders who have strongly criticised Australia's approach to this difficult issue.

Of course, the case against Australia's treatment of those seeking refuge is not just a moral argument. The *real politik* case includes the following:

- (1) The current measures are not cost effective – for instance, the Commission of Audit Report issued just before the 2014 Budget estimated the annual cost of detaining a person in offshore centres such as Nauru at \$400,000 per person whereas it is less than \$100,000 to maintain an asylum seeker in the Australian community.
- (2) Australia is not fulfilling its international obligations, is damaging its relationships with neighbour Indonesia, and exaggerating the burden Australia faces with boat arrival numbers which, in the case of Mediterranean countries, are five or six times greater.
- (3) There are accountability issues: Australia's policy is being implemented with secrecy and has arrangements with nations where corruption of governance is a major question.
- (4) As for the case to smash the people smugglers' business, desperate people fleeing persecution have always used such devices, as did certain German Jews under Hitler.
- (5) Then we are told that many who seek asylum are “economic migrants”. But surely those with means may also face persecution and the need for safe refuge.

The Oxymoron of Political Ethics?

As a student of political ethics, I am not naïve about the inevitability of moral ambiguity in political practice. Former Prime Minister Gough Whitlam correctly surmised: “Only the impotent are pure”. My mentor of decades past, Reinhold Niebuhr, the American Christian ethicist, concluded that politics is “an area where conscience and power meet,

where the ethical and coercive factors of human life will interpenetrate and work out their tentative and uneasy compromises". To Minister Morrison, and his colleagues, I freely concede that governing requires actions at times which are morally disagreeable.

The excellent Labor for Refugees publication, *The Drownings Argument*, launched in mid-July, outlines sound and instructive policy principles which are necessary to good refugee policy. The Introduction asserts that moral sentiment in public policy can be problematic. So it can. For instance, the treatment of the First Australians from the first British Governor, Arthur Phillip, onward has been littered with good, moral intentions which resulted in severely damaging outcomes. As with Aboriginal Australians, moral intentions in public policy are often nullified as compassion and charity become paternalism and pity. This observation is very pertinent to the argument used to defend the Australian policy of "stopping the boats".

Briefly that argument is: by stopping the boats we have stopped "boat people" from drowning. *Ipso facto*, the policy is justified on the moral grounds that the lives of men, women and children have been saved. But that moral justification is both short-sighted and self-serving. It may result in people being pushed back to even more horrendous circumstances. Rather than a possible future where human rights are assured, they face a probable future where human rights are denied, whether that be in their country of origin, a transit country or in Australia's detention camps.

Moreover, the moral justification for preventing drownings cannot be held as a trump card over the consequential appalling treatment being meted out to those who have come here "via the back door" as a way of sending a message to prospective arrivals and smugglers. The claim that one compassionate good is achieved (stopping drownings) should not come at the cost other unjustified practices.

Politics is the art of the possible; but not of *any* possibility surely. Political practice that is morally defensible aims for the best possible outcome. The criteria for "the best possible" are various. In this case much is heard of "the national interest", a slippery criterion if ever there was, and surely subject to considerations of international and humanitarian responsibility. For a start, rather than merely following public opinion and feeding xenophobia, humanitarian leadership would challenge and inspire public opinion beyond a narrow view of "the national interest". In my view a justifiable policy has the character of "responsible utilitarianism". Our approach to ethics in public policy ought to reflect a sense of the common good, and responsiveness to the most disadvantaged. In this case, that involves social justice action for the human community beyond our borders.

The responsibility of citizenry in a democracy is to apply pressure to improve political performance; in this case to say emphatically in as many ways as we can "NOT IN MY NAME MR MORRISON – we have had enough – our reasons are multiple but, at the core they are fuelled by our disgust at how the Abbott Government and the previous Labor Government have thrown compassion out of the cabinet room". Of course, Australia alone cannot save the 45 million or more displaced persons in our world but, as a rich nation claiming that we are a culture of "the fair go", we can do a lot, lot better!

What place there for compassion?

In his maiden speech the future Minister Morrison used the term "compassion" more than once, hardly a word one associates with the action of his government in returning Tamil asylum seekers to the Sri Lankan navy on the high seas or with the Manus Island riots which led to manslaughter in early 2014. My contention is that the virtue of compassion has a key role to play in public policy, in a hard headed sense, not in a

“warm, fuzzy” sense. Moreover, it is fundamental to both the substance and demeanour of good political leadership.

But what is “compassion”?

Morrison links “compassion” to his religious faith. It is certainly a central characteristic of the life and teaching of Jesus of Nazareth, and also the Buddha. But it would be spurious to contend that being compassionate depends on following any religion. Compassion is the first among secular/sacred virtues. As such, it ought to be central to the communal life of our nation as a global citizen. According to The Charter of Compassion (www.charterforcompassion.org), compassion is “born of our deep interdependence ... essential to human relationships and a fulfilled humanity ... indispensable to the creation of a just economy and a peaceful global community”. Literally, from the Latin, “compassion” means “the act of suffering with”. Its companion is “empathy”. Compassion requires entering into another's reality with empathy, putting aside presumptions and waiting to hear the other's story. In public policy terms, compassion is the antidote to paternalism, public pity or narrow nationalism.

The United Nations' Convention and Protocol Relating to the Status of Refugees, are born of the international awareness of human suffering, and of compassion as the catalyst for humanity's global hopes – and we, Australia, to our shame are thumbing our collective nose at this aspiration, either by flouting the convention or regarding it in mean, minimalist terms.

Earlier I drew some parallel between Australia's current treatment of asylum seekers and that of Aboriginal Australians, particularly how moral sentiment can undermine policy intentions. This parallel question brings to mind a memorable speech by Prime Minister Keating in Redfern Park on International Human Rights Day 1992. It was delivered in the context of Australia's debate about legislation to follow the High Court Mabo decision – a matter of human rights and public reconciliation.

We took the traditional lands and smashed the traditional way of life. We brought the diseases, the alcohol. We committed the murders. We took the children from their mothers. We practised discrimination and exclusion. It was our ignorance and our prejudice and our failure to imagine these things being done to us. With some noble exceptions, we failed to make the most basic response and enter into their hearts and minds. We failed to ask ‘How would I feel if this were done to me?’ As a consequence, we failed to see that what we were doing degraded all of us.

Keating did not mention “compassion” or the “Golden Rule” as a marker for public policy but that is what he was talking about. The parallels and application to Australia's treatment of thousands of asylum seekers are all too obvious. Is the best that we can hope for that some future Prime Minister will apologetically name the truth that our policy toward asylum seekers in the early decades of the twenty-first century failed the compassion test? What if it were us who endured the mental and physical anxiety, trauma and cruelty typical of so many who have sought refuge in this land? What if we failed to see that what we are doing degrades all of us?

APPENDIX: compassionate policy alternatives

I have not provide a detailed critique of all aspects of Australia's policy. That is available in many other essays (for example, the Labor for Refugees' publication *The Drownings Argument* edited by Robin Rothfield, 2014). As for alternative policy suggestions, I do not envisage an 'open door' approach. However, in this Appendix I list a selection of substantial policy ideas which together would signal a more compassionate approach.

Along with these, the language of political leadership needs to change. Mr Morrison, the Jesuit-trained Prime Minister, and the Leader of the Opposition need to revisit how they can move, in a bipartisan way, to a language of humanitarian compassion and social justice in this public policy. It is also worth saying that, along with the bad and sad stories, there is scope for Australians to hear (current or previous) good stories about refugee settlement in Australia.

Proposals for a substantial change in policy on asylum seekers, indicating that compassion and real politik can co-exist.

1. Australia's humanitarian refugee intake should be increased to 30,000 per year.
2. As part of regional co-operation, Australia should fund and help run an asylum seeker processing centre in Indonesia working with the UNHCR – this proposal has been advanced by Julian Burnside QC.
3. Immediate steps must be taken to clear the backlog of applications for protection visas along with building an Immigration and Border Protection Department culture that is more supportive to applicants.
4. The budget cuts to programs providing support in the community for asylum seekers and refugees should be reversed (for instance, to the Refugee Council of Australia and the legal support agency RAILS).
5. Australian offshore detention centres must be phased out as soon as possible and the policy of denying those arriving by boat amended.
6. The offer of the Uniting Church in Australia to government to house and support unaccompanied asylum seeking minors be implemented.
7. As soon as possible, onshore detention be limited to special cases, while the fostering of community detention with visas allowing people to work should become the norm, supported by non-government local hospitality.
8. The policy not to allow family reunion for “boat people” should be reversed.