

WOMEN

Women's congress in Adelaide

MARGARET CAMERON and HELEN MACDONALD report on the 6th International Interdisciplinary Congress on Women.

The 6th International Interdisciplinary Congress on Women, held in Adelaide between 21 and 26 April 1996, attracted a large field of activists and academics. Over 700 people made a commitment to present papers as participants, on panels and to perform. Participants came from Asia and the Pacific Rim, India, Africa, as well as from Russia, the Middle East, Europe and Scandinavia, and from all over Australia.

The conference organisers successfully co-ordinated the extensive program. Unfortunately, a large number of people made a last minute withdrawal. Nevertheless, the organisers competently managed the changes.

The invited speakers explored contemporary issues in law. Two speakers critically assessed the Hindmarsh Island Bridge Royal Commission. Mary Ann Bin-Salik likened it to a witch-hunt, and Marcia Langton examined 'how Aboriginal religiosity has become an administrable subject'. Tina Dolgopool spoke on her recent research on comfort women in a paper entitled 'Pragmatism, International Law and Women's Bodies'.

Other contributors gave papers in the areas of law, law-making, crime and punishment. The diverse range of papers followed the conference themes of cultural representation, global restructuring, health and sexuality, indigenous peoples, women's studies and making feminist politics. The topics ranged from Maricel Sulas Torres' study of sexual harassment in a Costa Rican work place, and RuthAnn Parvin's analysis of 'Interpersonal Dispute Resolution: A Feminist Analysis of Mediation as practiced in the United States', which made reference to the particular needs of lesbians, to Kevan Nousiainen's theoretical paper entitled 'Violence/Ego Construction', and Fola Odebumi's analysis of the relationship between poverty and violence in Nigeria. The conference offered opportunities to reinvigorate enthusiasm, regenerate ideas and develop networks.

The conference drew together participants from many disciplines, but another difference probably concerned the presenters. Activists and academics came together, and this required consideration of what level to pitch the presentation. This seemed to particularly concern presenters of theoretical papers. The difficulties may leave one wanting either more theory or more empirical data, but plenty of opportunities existed to explore points raised, to take discussion to a deeper level, and to exchange papers.

This leads to another important observation. The conference offered fantastic food, which helped facilitate the business that goes on outside the lecture theatres. The caterers supplied paper bag lunches, containing healthy food that appealed to all tastes, which could be enjoyed in a formal meeting or as a picnic on the banks of the River Torrens. At the breaks good coffee and inviting cakes encouraged people to mingle and exchange ideas. The organisers excelled in their thoughtful preparation of this essential ingredient of any successful conference.

The 6th International Interdisciplinary Congress on Women was successful in organisation and the stimulation of ideas. If the Adelaide conference is an indication it would be worth people interested in women and law to consider attending the 7th International Interdisciplinary Congress on Women to be held from 20 to 26 June 1999, in Tromso Norway. Watch for the conference's Internet home page, currently under construction. Professor Gerd Bjorhovde, the convenor, may be contacted at the English Department, School of Language and Literature, University of Tromso, N-9037 Tromso, Fax + 47 776 45625, and Email: gerdb@isl.uit.no

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COMPENSATION

Gun money

GRAEME ORR argues that compensating gun owners may be a futile undertaking.

Background to the bans

At the centre of much of the recent concern and outrage over the proliferation of unnecessary arms in Australia, has been the quickly put together Federal/State agreement over the uniform national regulation of guns. A centrepiece of this package is an ambitious buy-back scheme covering semi-automatic and self-loading rifles and shotguns, which will now be contraband to most citizens.¹ Whilst State governments — which have the power to impose and implement such bans — are not under any constitutional obligation to provide just compensation for forced acquisitions of property, nor to offer a 'fair' market price for any voluntary buy-back program, the Federal Government under some pressure from State Ministers, has proposed a special, taxpayer funded scheme² to finance the buy-back and compensate gun owners, who surrender their now highly restricted semi-automatic, self-loading, pump-action and military style weapons, during an amnesty lasting until September 1997, with market-related prices. The Federal Government has issued a price list which values most weapons, depending on age and type, between \$60 and \$7500, with an option for

owners of weapons rated as worth more than \$2500 to be compensated according to an independent valuation. Gunsmiths and dealers will also receive significant compensation, both for the loss of banned stocks of guns and ammunition, and for any decline in the capital value of their businesses.³

In a time of fiscal austerity, especially federally, many will wonder why such compensation for such dangerous goods should not be limited to some minimal value, such as the cost of an ordinary, less restricted weapon, like a Category A single barrel shotgun, or be limited to a specific class of owners, such as those farmers who could show they had a legitimate business reason for owning a semi-automatic in the first place. After all, has a government ever, in criminalising 'recreational' drugs because of the risks they may pose to health or public morals, offered compensatory payments to producers, suppliers or consumers who hand over their stocks of those drugs?

The government, for political and utilitarian reasons, seems hardly to have countenanced anything less than a well-funded buy back program. Politically, a 'fair' buy back will go some way to minimise the anger and confusion amongst gun owners, especially the average farmer, and mute the response which the 'gun lobby' is otherwise able to orchestrate. Over time, most gun owners will come to accept these new restrictions, but in the short term it is considered expedient to quieten their concerns about being forced to lose a valuable chattel. This may especially be the case for poorer gun owners, to whom the loss, without consideration, of an item worth many hundreds or thousands of dollars would be especially galling. For utilitarian reasons, it has been logically assumed, the ultimate aim of the scheme — the reduction and elimination of semi-automatics in Australia with a view to public and private safety — may require a buy back. The argument goes that such guns are so numerous, and so well entrenched a part of some people's lives and communities, that no simple ban, even with an amnesty giving owners a period of grace in which to turn in their weapons, will be effective in flushing out the majority of weapons unless financial incentives are offered. Rather, it has been suggested, most owners, upset at the criminalisation of their weapons and unwilling to part with them for less than market price, will simply hide them. Of course the 'gun lobby' goes further, and claims that regardless of the prices offered, some owners will stockpile, sequester and trade in semi-automatics on a black market. The 'gun lobby' has threatened to mount a legal challenge to any scheme that provides less than a completely individuated valuation for *every* weapon surrendered.⁴

The limits of compensation

Robert Goodin of the ANU separates compensation into two categories: means-replacing and ends-displacing.⁵ Compensation is an attempt to replace something that is lost or destroyed, in circumstances where it is felt just to do so (for example, because the thing was wrongly taken, or because fairness or equal treatment requires some attempt at rectification). Compensating someone therefore involves an attempt, not to exactly replace what is lost,⁶ although that might be possible if only money is lost, but to achieve some practical equivalence. Whether a reasonable equivalence is possible, depends on whether what is being replaced was a means to an end, or an end in itself.

In the first category — the replacement of means — take the example of someone injured at work. They can have their lost earnings and medical expenses covered. Money is generally not an end in itself, but a means to intrinsically valuable goals, and is easily replaceable. If the victim is seriously injured, say having lost a leg, it is also possible to try and compensate the loss of the utility of the limb such as the mobility it afforded. Thus, providing prosthetics, rehabilitation and taxi vouchers will go some way to replacing the lost functionality of the limb. Compensation that is means-replacing is fairly uncontroversial.

The second category — the displacement of ends — is less simple. The person who loses a leg cannot have their body made whole again. A limb represents more than functionality — it represents an integral part of something irreplaceable. No amount of money can approximate the loss of the leg as an 'end' in itself. This is not to say that some of the hurt, pain and anger associated with its loss should not be assessed. Indeed if some payment, and a public acknowledgment of the responsibility of the wrongdoer, may assist the victim overcome and deflect some of the psychological problems they now suffer, including the desire for vindication and retribution, these are defensible compensatory steps, since they remove some of the negative means, or incapacities, generated by the accident.

A clearer example of an attempt at ends-displacing compensation, is the work of the Sunshine Club, and similar organisations, that organise trips to Disneyland for children with terminal cancer. Such children are losing their health, and with it the means to enjoy a long and fruitful life. All medical science can do is temporarily ease their physical pain, by giving them the means to better enjoy what time they have left. Nothing can compensate them for their loss of life expectancy, and with it their loss of the means to enjoy this world. Life is, in this sense, almost an end in itself. Instead, as a form of 'compensation', society offers these children an alternative end, in the form of the enjoyment of something 'special' like an overseas holiday that few children will experience. Such attempts at compensation are poignant and noble, but few would claim they achieve any satisfactory equivalence of what is being lost.

Guns as means or ends

To many people, guns represent a means to some other end, whether real or imaginary. They could be farmers with feral animal problems, or elderly urban residents afraid of violent break and entries. In dispossessing current owners, and limiting future access to guns, governments can seek to compensate the owners by replacing those means. Thus, alternative forms of pestilence control can be provided in rural areas, and in urban areas, the government can undertake other measures to improve public safety, of which the overall reduction in the number of guns in private hands will hopefully be one. Similarly, people who own guns simply as investments or have them lying about as inheritances, can have their value replaced in the form of monetary compensation. In that light, monetary and other schemes will adequately compensate the functions that the guns served.

Unfortunately, for many owners, guns do not just represent some utilitarian means. They are owned as ends in themselves: that is they are fetishised for what they represent as guns. Guns may represent power, destructive violence, or martial rule. They may even represent self-reliant protection, or safety, especially for isolated people, or those paranoid

about violent personal attacks. Such symbolic associations are not functions of the gun which can be easily replaced. We may lament that some men, in particular, glorify weapons in such a way, but we cannot ignore that their egos, and their bodily images and sense of masculinity are bound up in such connotations. Guns to such people are psychological symbols that are ends in themselves, that cannot easily be replaced or displaced. They are highly personalised forms of property, with which the person mingles a part of their personality and identity, and with whom, in a real sense, the person has 'a relationship'.⁷ Offering such people monetary compensation for the market value of the gun is not going to salve them, any more than would offering them a lifetime's supply of violent videos, free passes to 'Skirmish' outings, or a Neighbourhood Watch sticker.

Nor should society, in a time of budgetary cost-cutting and ever widening poverty, be attempting to compensate such incompensables. Indeed, any attempt to do so may only deepen the underlying problem, which is the fetishisation of violent symbols. The purpose of this essay is not to deny that some monetary compensation should be offered. On the contrary, I would argue that a single set amount, limited say to the value of the average rifle, should be offered to induce a maximum hand over of *all* guns, not just those semi-automatics which are being highly restricted.⁸ But we should be wary of expecting and wasting large amounts of money to solve our society's gun problem. Precisely because guns have such a hold over so many, many are not going to hand them over no matter how much 'compensation' is offered, since no amount will be enough to replace or displace their psychological value. Inevitably such people will take to hiding their weapons, and in the process deepen their fetiched association with them.

More hopefully, we must think of turning to the future, and weaning present and later generations off the weapon fetish. This may be a Sisyphean task, as long as the media (in all its forms but particularly television and cinema) continues to glorify the weapon culture by replicating gun battles as a source of ultimate, suspenseful action, by representing guns as symbols of power and decisiveness, and by perpetuating at an inordinately high level the fear of random violence that leads some to keep and carry guns as symbols of safety and protection.⁹ It is only when guns cease to be psychologically buttressing ends in themselves, and they return to being lumps of inanimate metal — replaceable, functional tools — that we will be able to begin to rid civil society of them.

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References

1. Only police, certain government agencies and professional shooters will have access to self-loading and military style rifles, shotguns, and pump-action shotguns (Category D); only primary producers will have access to low capacity semi-automatic rifles, shotguns and pump-action shotguns (Category C), and then only in limited circumstances. Each acquisition of a gun, whether by purchase or gift, will ordinarily have to occur through a licensed dealer, and be formally permitted and registered. The permit will be contingent on the acquirer showing a genuine need for that gun and being a 'fit and proper person'. The licensing system for gun owners

will be improved, licences will only be available to those with 'genuine reasons' for possessing weapons, and controls on collectors tightened. Handguns and machine guns were generally, and remain, prohibited. See the Resolutions of the Australian Police Ministers' Council (AMPC) Special Firearms Meeting, Canberra, 10 May 1996, and for example, *The Weapons Amendment Bill 1996* (Qld).

2. Through a one-off 0.2% increase in the Medicare levy — an ironic way to frame the impost, given that the impetus for gun reform in the past decades has always been public outcry after a massacre.

3. See Resolution 11 of the AMPC meeting, above, ref. 1.

4. See Ted Drane, Sporting Shooters Association of Australia, reported in 'Shooters Flag Court Action over Guns Compo' in *The Australian*, 30 July 1996.

5. Goodin, Robert, 'Theories of Compensation', in *Utilitarianism as a Public Philosophy*, Cambridge University Press, Melbourne, 1995, especially p.164.

6. Replacing the very thing that was wrongly taken is restitution — a more direct form of compensation. Compensation generally, which is what we are considering here, is the wider practice familiar to contract law, tort law and the law relating to forced acquisitions.

7. Compare with Margaret Radin's theoretical work on personal versus fungible property, and the consequences of such a distinction for government takings: Radin, M., 'Property and Personhood', in *Reinterpreting Property*, University of Chicago, Chicago, 1993, especially pp.43-4 where she attempts to distinguish fetichised personal property.

8. This should occur on safety grounds alone: domestic murders and suicides, which account for the vast majority of gun killings, tend to occur with ordinary rifles and handguns, and not semi-automatics.

9. Of course the media does not fully determine culture, and obsessional gun toting both pre-dates Lumiere, and exists in societies (for example, Liberia at present) much less tainted by Westerns and network news. We should also be wary of drawing direct parallels with United States culture. However, for a brilliant essay account of the relationship between the gun fetish and US culture, see Mottram, Eric, "'The Persuasive Lips': Men and Guns in America, the West", in *Blood on the Nash Ambassador*, Hutchinson Radius, London, 1983.

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