

Introduction to Helen Garner

Helen Garner is one of Australia's most distinguished writers. Her publishers, Pan Macmillan, say that she has been publishing novels, short stories, non-fiction and journalism since 1977 when her first novel *Monkey Grip* appeared. Amongst her recent books are the notorious story about Ormond College, *The First Stone* and *Joe Cinque's Consolation*. She also wrote the screen play for the Australian film "The Last Days of Chez Nous".

I was however, able to find an earlier example of her writing in my library at home. The Winter 1972 edition of *Dissent* was a special edition on women in Australia. It contains an essay on the performance piece *Betty Can Jump* by Helen Garner who was one of the members of the collective who created and performed that show. It is, like Ms Garner's later works with which you will be more familiar, very personal and honest. She examines the different reactions of men and women to the show which was about women's experiences. She observes that when the cast first performed the show for a group of male colleagues she realised that, "We were women, making a play about what it is like to be a woman, and our first concern that night had been to impress men." She goes on, "I am very ashamed of the way I felt that night."

Her early adulthood is perhaps archetypical of what it was like to be a person of her age at university in Melbourne during the heady days of the Pram Factory and the Australian Performing Group when dissent was a way of life, drugs were considered daring rather than damaging, the sexual revolution had just begun and women's liberation, as it was then called, was treated with overt hostility. That life is reflected in her novel, *Monkey Grip*, which was also made into a film.

Ms Garner has not avoided controversy. The response to her book *The First Stone*, was quite bruising and some of that response remained after *Joe Cinque's Consolation*. It is beautifully written with a pellucid writing style and a strong narrative structure which tells not only the gripping story of the crime and its aftermath but also the personal reflections of the author.

The subject matter is deeply troubling. It is said to be a “true story of death, grief and the law”. All of us here have sat in criminal trials and seen as a result terrible tragedies being relived, grief contained by ritual and compelling narratives unfold. But what we also see is point of view. Each witness, each participant, each observer interprets events that have happened from their own point of view. It is refreshing to have someone from outside the legal profession look at a trial and tell more of the story which includes of course what happens before, outside and after the trial. It is of course another point of view.

So why has Helen Garner been criticised? She chose a most unusual story of the beautiful young female law student who kills her boyfriend, although, as her critics observed, most violent crimes are committed by men. She takes a point of view about the accused. Her first description of her is as “floridly glamorous”. Joe Cinque, on the other hand, is described as “a stable fellow with good job”. The scene is set. The story unfolds and in the end is a paean to the torment and grief of the bereaved mother who longs for the judge to suffer the same torment as she does.

The legal publications are interesting to read and compare with Ms Garner's account. The first¹ I found on www.austlii.edu.au is Justice Crispin's ruling in favour of the prosecution that it have leave to call evidence in reply on the issue of diminished responsibility; the second² is his ruling on the admissibility of admissions which were not tape recorded and were obtained from questions asked by a police officer when the accused had not been cautioned; the third³ admissibility of material seized from a search of the accused's prison locker; the fourth, the reasons given⁴ by the judge, who heard the case alone after the trial by jury had to be aborted after four weeks, for finding Ms Singh not guilty of murder and guilty of manslaughter; the fifth, his sentencing remarks;⁵ the sixth, reasons given⁶ for finding her co-accused Madhavi Rao not guilty of any of the charges against her; and finally the decision of Higgins CJ of the order of review sought of the decision to revoke Ms Singh's parole.⁷

These decisions are fascinating and illuminating but I venture to say that they have not been read by anything like the number who have read Ms Garner's best selling book. To share her observations of the criminal justice system, may I warmly welcome Helen Garner.

JUSTICE RG ATKINSON

¹ *R v Singh* [1999] ACTSC 26, 29 March 1999.
² [1999] ACTSC 27, 12 April 1999.
³ [1999] ACTSC 28, 12 April 1999.
⁴ [1999] ACTSC, 32, 23 April 1999.
⁵ [1999] ACTSC 66 (24 June 1999).
⁶ [1999] ACTSC 132 (10 December 1999).
⁷ [2004] ACTSC 74 (1 Sept 2004).