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SEMINAR PAPERS 1 and 11.

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Seminar paper I

CONTEMPORARY USE OF 'ALLEGORY' AND A DISCUSSION OF
FRANCESCO CLEMENTE'S: THE FOURTEEN STATIONS.

Allegory has been resurrected in postmodern theory and art practice from, according to Craig Owens, two centuries of critical neglect. In this essay I give a short history of allegory and its changing forms, with an examination of Clemente's "Fourteen Stations of the Cross", as examples of contemporary allegory. I also describe the contemporary theoretical position of allegory which has come about largely from a re-reading of the writings of Walter Benjamin. Here I refer to Owens' two essays, "The Allegorical Impulse: Toward a Theory of Postmodernism", on the allegorizing nature of postmodern art practice.

MacQueen states that the origins of allegory are philosophic and theological rather than literary. The structure of the fiction is dominated or preceded by the ideological structure, overtly moralistic, didactic, abstract, speculative and discursive, often expounding cosmic or political systems that are heirarchical and conservative. Allegory is closely associated with narrative, beginning as a myth, a narrative or narratives, which most intimately affect the believer- such as times, seasons, cities, nations, religious and secular laws, the sense of potential and the sense of inadequacy and failure.¹

Often mysteries, it's not unusual for an allegory to open with a dream. A language for visionary strangeness and intensity, its moral and intellectual pre-occupations tend to strengthen rather than diminish this visionary power.

Allegory as a story often deals with time, as a journey and in its use of conventional and borrowed images to place itself in a time, it often links itself politically to a time. Allegory has always been "a relative, not an absolute conception, which has nothing to do with the actual truth of the matter"². Its characters which always represent ideas, "are created ad hoc. to suit a particular occasion"³. The "Faerie Queen" of 1589 was in one sense the aging Queen Elizabeth I, a flattery which earned Spenser a fifty pound pension. It is time and allegory's inseparableness, of allegory's manner of attaching itself to a particular time which has ensured it a continuing usefulness.

The allegorist invents objects to suggest the essentials of the concept, also using established traditional symbols. These conventional symbols have gradually changed to more commonplace images in modern works, but also used in a symbolic way. Though allegories have an immense diversity of objectives, from political to religious, all are concerned with a character's manner of achievement as much as with the goal. It is this process, or progress, which symbols on their own cannot express. It is important to note that this progress form does not really advance for example, a hero may complete one task, to be rewarded with another.⁴ (In Clemente's paintings this process is manifested in signs 'becoming' other signs)

Fletcher states that the characters in allegories are daemonic agents- a possessed creature, between human

and divine. This daemonic agency is usually created as a way of expressing a wish for great power- whether for good or evil- despite the fundamental irrationality of this pursuit. Irrational because the daemonic agent is in the hands of fate. The heroes of Picaresque Romances, for example, "do not deliberate, but act on compulsion, continually demonstrating a lack of inner control".⁵

Spenser's "Faerie Queen" is generally considered to be the last of the optimistic allegories of certainty of man's position in the world. "In the sixteenth century interpretation went from the world, (things and text at the same time), to the divine Word deciphered in the world".⁶ One reason for the growing difficulty of access to fictional paradigms, for instance religious, or that the pattern of human life was linked to the seasons, is simply that it is much harder now than it was even quite recently to imagine a relation between a time of life and a time of the world. The enormous lengthening of the scale of history brought about through astronomy and geology, whilst temporarily liberating the sciences, presented the arts with difficulty. As early as 1790 James Hutton wrote-"No vestige of a beginning- no prospect of an end".⁷

With the diminishing and defusion of the base of cultural authority upon which allegory traditionally depended and a lack of consensus of philosophical and metaphysical belief, allegory is necessarily more ambiguous and elusive. The artist himself/herself, since

the Reformation is a relatively more autonomous individual.⁸ The psychological cultural reaction to an almost instantly systematized and scientific world was a romantic separatism, suspicious of the artificiality of the system making of allegory. A distaste for its borrowed images, a disbelief in the possibility of a metaphysical schemata which might have absolute value, account for the decline in popularity of allegory. Romantic aesthetics were revolted by the 'art aping science'.⁹ This huge shift in popular consciousness also permanently altered the appearance of allegory, though ultimately not its commentary function. What would once have been called allegories came to be called, like Kafka's stories, fables or parables. Fletcher wrote that to some extent allegory was replaced by Freudian and post-Freudian psychology in its collectively acceptable explanations, clearly systematized and susceptible to being rendered in popularized forms.¹⁰

Allegories become scarcer or more covert after the end of the seventeenth century and when they appear they are increasingly critical towards the conventions and structures of society. Spenser's court of the "Faerie Queen" is a protective if distant place. By contrast the court of law in "The Trial", is a vague but perpetually immanent menace for Joseph K. The allegorical action in modern works is more obscure in the sense that it is almost impossible to ascertain its ultimate meaning. At the same time allusions to a common history, theology or mythology become less frequent as allegories

lose their confident encyclopaedism and are more exclusively personal odysseys. "1984", "Der Steppenwolf" or "The Trial" all assert personal choice and evaluation against collective and cosmic systems.

Out of the obscurity of modern allegory grows the sense that the reader at times, is made to accept the secondary implications of the works through bafflement and fear rather than the desire for wisdom, that allegory has become less a mode of benign didacticism and more a vehicle of uneasy coercion.¹¹ In the writings of Joyce, Kafka, Faulkner, and Mann, this is partly explained in that they all seem to be reworking religious material without professing to believe the institutionalized morality that usually inheres in such materials. They can do this because they apparently have assimilated a vast insight into man's condition from current psychological and anthropological theories, which reinforce their version of reality.

Walter Benjamin's writing on the German Trauerspiel, a seventeenth century dramatic form akin to the English revenge tradition, in "The Origins of German Tragic Drama" where he discovered a reflected image of the melancholy, homeless condition which affects the present day interpreter, signaled an allegorical approach to interpretation. The idea of homelessness also represented the state of the human being in the modern world, in that by language we are cut off from our source, our origins. The modern person is a creature defined

by language. We must now "inflect" ourselves into being "allegorically, as a linguistic substitute for presence".¹² We cannot rejoin the natural world.

The natural world is definable without metaphor, "unlike words which originate like something else".¹³ Within the natural object, existence and essence coincide, whose temporal existence is in a way atemporal, without a history.

Human consciousness, language, because it is lacking in timeless identity not only 'has' a history but in some sense 'is' history. Human being is a hole in being, trying to fill itself, an impossible act of becoming which would obliterate the 'humaness of its being'.¹⁴

De Man advocates an imagination that does not yearn for union with the natural object. Romantic aesthetics contrasted symbol and allegory as organic and motivated, to mechanical and arbitrary. Paul de Man's essay "The Rhetoric of Temporality", in describing the symbol as mystification, and associating allegory with an "authentic" understanding of language and temporality, initiated a reversal inspired by Benjamin, which made allegory a primary mode of signification and left symbol as a special problematical case.¹⁵ The Romantic's transcendental urges to bypass the claims for unredeemed time, to build a poetic word or symbol, striving to banish all metaphor and all similitude, to be in-itself, de Man argues, is a self delusive effort to impose union upon original division. The symbol, which for de Man can only be underwritten by God's presence, in striving to form a natural bond between sign and object, signals that its authentic condition is as arbitrary sign, and

affirms the distance between the sign and the object.

Language cannot speak with authority about anything- about reality, except about the language itself. It is the nature of the sign to defer presence endlessly.¹⁶

There is a close affiliation between the referentiality of allegory and the 'fallen' or alienated character of secular language and representation. A great allegory like the poem "Paradise Lost" is a work, as Said puts it, about five removes from the reader. While the first three removes are internal to the story of the poem, a story of loss, the fourth remove is internal to the poem itself, its own sense of the inadequacy of the very language which enables its existence, to talk of its story. The last remove concerns the reader, reading a seventeenth century work, possible, to twentieth century people only as an 'act of mediation'.¹⁷

In the simplest terms allegory says one thing and means another, both ironical and ambivalent. Conceived in this way, allegory becomes the model of all postmodern critique. "A narrative", writes de Man, "endlessly tells the story of its own denominational aberration".¹⁸ Such deconstructive narratives seem to reach a truth, albeit by the negative road of exposing an error. The result is an unreadability that emerges in a number of different ways; thematically for characters, and allegorically for readers and "authors", and further, "the greater the text, the more it can be used to undo the unavoidable aberrations of prior readings".¹⁹ Just as de Man's example of Rousseau's "Julie", cannot avoid repeating the topographical moves she has denounced, so the critic

skilled in detecting the blindness of prior readings, will produce similar errors in turn and de Man includes himself in this.²⁰

Employing de Man's allegories of misreading, Craig Owens allegorizes the art produced by postmodern methods of assemblage. In "The Allegorical Impulse: Toward a Theory of Postmodernism", Owens has 'imputed' an allegorical motive to postmodern art practice.²¹

In the past allegory could not be imputed to an artwork. "Genuine allegory is a structural element", as Northrop Frye said, "it has to be there and cannot be added by critical interpretation alone".²² Allegory by its very nature has been intrinsic to the form, not only the internal structure of the artform, but part of the process of the form, in its tendency to describe its own commentary.

In allegorical structure one text is read through another. Owens defines allegorical imagery as "appropriated imagery; the allegorist does not invent images but confiscates them".²³ Allegory does not restore original meaning but supplants an antecedent one; it is a supplement. On this basis Owens defines appropriation practices of postmodern artists as allegorical. The artists, Sherrie Levine, Barbara Kruger, and in Australia Imants Tillers, are appropriators of pre-existing imagery. He also examples the site specific work of Robert Smithson, because of its link, as it decays, to the allegorical cult of the ruin, - photomontage work is allegorical

as an accumulation of fragments, and photographs themselves, he calls allegorical in their desire to save, to fix the transitory. Within Owens' categorization of the allegorical also falls all work that cuts across stylistic boundaries, including art that mixes word and images, in that allegory "proposes a reciprocity between the visual and the verbal".²⁴ One example is David Salle's "anonymously rendered sandwich of art styles", and without making any more examples, there are numerous artists whose practice falls within these categories, working within the postmodern frame.²⁵

While Owens imputes an allegorical meaning to postmodern art practice, he himself points out that allegory cannot be imputed. The reason he now does is because various art practices are, to his mind, decidedly allegorical, but modernism's legacy of distaste for allegory has meant recognition of allegorical practices has been suppressed "for it challenges the security of the foundations upon which [modernist] aesthetics is erected".²⁶ Owens notes Heidegger's ironical imputations of an allegorical dimension to every work of art, (in "The Origin of the Work of Art"), and so generalizing the term to such an extent that it becomes meaningless. Yet Owens seems to be saying that very thing, as he seamlessly slips from describing artwork produced using the attributes of allegory, to de Man's allegories of reading/misreading: de Man allowing him to say that allegory "is revealed as a structural possibility inherent in every work" (of art), although in modernism it exists

'in potentia', actualized only in the act of reading.²⁷

Owens seems to be confirming that a total inclusion of all artwork, in some sense, within the allegorical frame which does, as he says, make the term meaningless—means that allegory existed only up to when postmodern appropriative practice began; until Robert Rauschenberg's painting "Allegory", of 1959-60. This picture is an assemblage of cast-off objects, an allegory of allegory as a dumping ground of culture (the museum) which needs to complete its allegory, to be read in the museum.

The remainder of this paper is devoted to a contemporary allegorist who needs no imputation and who, with his obscure, complicated pictures, breathes real life into an old form. "The Fourteen Stations", of Francesco Clemente: a series of twelve paintings shown at the Whitechapel Art Gallery in London, 1983. Exhibited also to make up the fourteen were the painting "Fortune" and "Perseverance" and a further smaller painting, "Self-Portrait (Crucifixion)".

Clemente wished these paintings, all completed in New York in the winter/spring of 1981-82, to be first seen in Europe. Clemente was born in Naples in 1952. He speaks of his childhood as pagan as much as Roman Catholic, implying that the ancient gods of his childhood continue to inhabit the corridors of his imagination. He paints in Rome, Madras and New York, living for parts of the year in each city. Madras attracts him by its wholeness as much as by its total otherness to his native experience. Clemente deliberately fractures

his painting's inherent attachment to place, exhibiting New York paintings in London because he likes seeing work out of its milieu, surviving naked in a place it was neither conceived nor made.

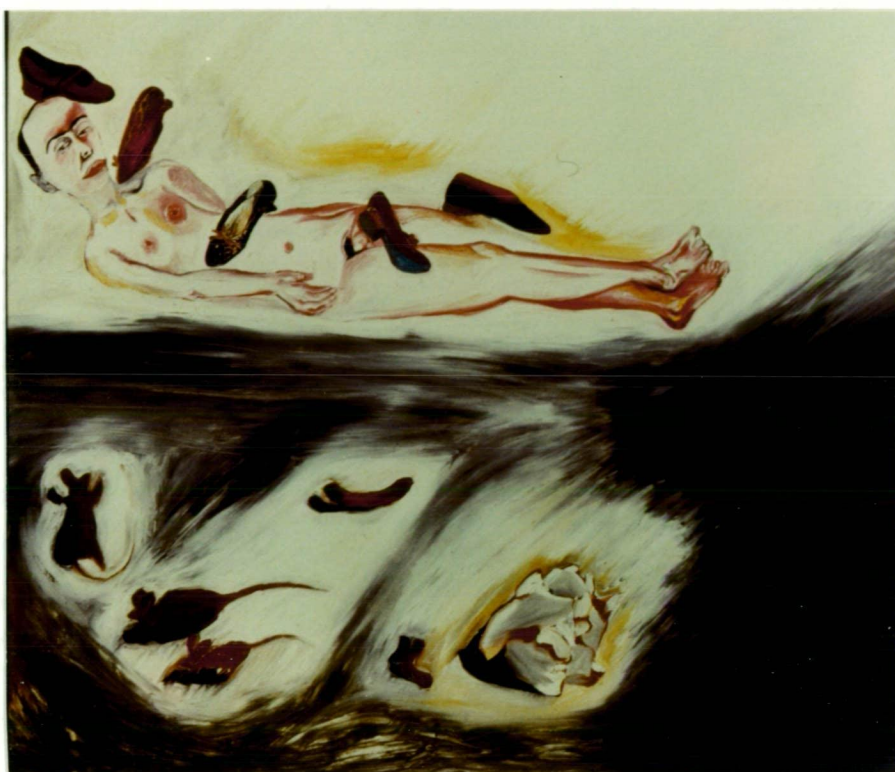
Evoking Benjamin's melancholy of the 'allegorical temperament' Clemente says "I have known since the times of Orpheus that I can't look back to what I loved. My mood is melancholic, not pathetic",²⁸ casting himself as a nomadic artist in a continuing series of self-portraits, not only always changing his geographical perspective but at the same time constantly moving between disparate cultural poles. He then re-casts his own picture into his allegories where his apocalyptic death of the first painterly remove, is allegorized into fiction, as a further loss.. By apocalyptic I mean in the sense that apocalypse has always been taken as a prefiguration of the death of the individual, and the portraits, in establishing a chronology of the artist's life, proclaims death. Fifteen dark wintry paintings, oil on canvas, made by an Italian painter working in New York, among other things an ex-Dutch colony, in a technique invented by the Flemish and appropriated by Italian artists such as Antonello da Messina during the Renaissance. Clemente always appropriates the techniques of the cultural history of the places he has lived, along with various site-specific imagery.

The Fourteen Stations of the Cross is a name given in post-Reformation days, to a series of sculptures

or pictures set up in many churches in the West. They show various events in the passion of Christ, for the devotion of worshippers who cannot go to the sacred places of the Holy Land and who go around these stations praying at each. The Stations do not all represent events explicitly mentioned in the gospels. The term Stations seems to be derived from a previously arranged public service held in a church, preceded by a procession to the meeting place. When Clemente first visited New York, prior to his deciding to work there, he felt it "absolutely essential" to approach the city from the West, departing from India, stopping in Japan and San Francisco.

Here is an account of a dream Clemente says he remembers from his first night's sleep in his empty studio in lower Broadway. He dreamt he was wandering the street naked, as excrement rained down from the heavens. He was aware of how frail was the single human body in the world. In his hands he holds a small and delicate Pantheon, protecting it from the world, (Perseverance). "Thus were born, these New York paintings 'The Fourteen Stations'".²⁹ Clemente is both Baudelaire's 'flaneur', the compulsive street walker of the cities and the typical classical and Christian hero, fictionalized as a culture bearer.

Clemente's tools to allegory are symbols. Popular cultural mythology has not disappeared even in the most highly automated and technologically advanced societies, to a large extent it is even media propagated. In



Francesco Clemente. 1981/82

VIII, Oil and encaustic on canvas, 198cm by 236cm

his use of symbology these pictures recognize the continuing power of the elemental, with the common-place images incorporated into the structure of the paintings as repository of memory, and in this way making reference to moral ideas. Clemente's memory holds the countless unsystematized images of books, television, movies and museums- tokens of the inescapable, overvisualized mass culture.

The human figure is Clemente's primary, almost constant symbol, for himself and itself and as an invocation of all that is outside it; which is,

in one of its aspects a gigantic or macrocosmic body. The stars, the sun and the moon present an analogy to a human brain especially when they are taken to be the intelligence of a creating god. At the bottom of this macrocosmic world we find the organs of generation and excretion.³⁰

Clemente's human is a creature of skin and organs, naked and aware of its nakedness. Any use of garments or clothing all serve to further emphasize nakedness, as in painting 1V, the disrobing of Christ before he is nailed to the cross, a symbol of castration fear, where Christ/the soldier/Clemente, holds aloft an empty white shirt (a white hole in the centre of the canvas)- or in the odd assortment of cast-off modern footwear littering Clemente's soft pink body, of painting VIll (pictured) the fetishes of a journey of detritus.

The body itself is disfigured, dismembered even as it dismembers. In painting V, the figure, beheaded by the top edge of the canvas, cuts in half a small pink cat with a scythe like phallus or maybe the other way round, the feet semi-obsured by an all encircling lake



Francesco Clemente. 1981/82

IX, Encaustic on canvas, 198cm by 236cm

of paint. The body is defiled when the prone yellow goddess in painting IX (pictured), is threatened with the buggery of a green (vernal) candle. This relates to a pornographic genre, known in the seventeenth and eighteenth centuries as the 'remedy' theme where a physician administers an enema to a young woman to cure her of love sickness.

In the first painting of 'The Stations', the black devils/Clemente, and the pale witches are symbols of fall. The picture invokes Goya's 'El Auellare' with the wreath of leaves over the head of the single devil in Goya's painting becoming a border of heart shaped poison ivy. The positions of the two couples opens up an empty centre to the canvas...loss,(this painting is pictured).

If many of the paintings feature a white or black hole or equivalent (VII gets a splat of white paint), they are also festooned with orifices. The open mouth of the Grace Jones like head (III), filled with toothy white skulls, the presence of death is also the traditional painterly device of the open window, with a second window behind the face- views to other worlds. Clemente's pictures are filled with constant open mouths, eyes, nostrils and anus's.

Here I should mention the series of eleven drawings that Clemente made for the catalogue of 'The Stations', on transparent paper and designed to be read a first through a second. Each drawing relates to one of the paintings, except for painting II which has no drawing; and isolates an element in its painting, the drawing



Francesco Clemente. 1981/82

I, Encaustic on canvas, 198cm by 223.5cm

becoming a sign of its subject and equally imprecise and open in its meaning as its original symbol referent. For instance, three freshly pulled red teeth, emblems of picture III the large face with skull-teeth, are aligned along the axis on which on the reverse side, a sanskrit swastika rotates- a figure of four black limbs with yellow stripes to the left of the disrobing Christ of picture IV.

Cycles, circles, Clemente represents the journey, the journey of the stations as the world turned upside down. Two of the paintings (II and VII) can be read either way up. The sequence of the paintings implies a pilgrimage of transformation, in which the drawings act like the illustrations in medieval texts concerning ritual purification and initiation.

There have been two great interpretations of the 'Stations of the Cross' theme in the last thirty years, Matisse's Chapelle du Rosaire in Venice and Barnett Newman's series of paintings from the period 1958-66, both black on white signs of tragedy.³¹

By contrast Clemente makes no attempt to deal with Christ's passion in a universal/transcendental way. His paintings express a vision of the stations in a personal autobiographical manner which admits images of modern life and cultural history simultaneously.

Clemente is aware of contemporary criticism. He incorporates his understanding of the real world and his stance as the artist 'pictured' in his self-portraits which occur continually in his allegorical paintings. The hiatus erected in his drawings and the stories of 'The Stations' in the pictures themselves, is part

of the 'extended metaphor' of Clemente's own journey through culture and the world.

Clemente's allegories, like all allegories, are uncomfortable. There is an over-riding sense of the artists's will to fiction, of the allegorist's desire to convince the reader of his fiction while they are always at the same time reading the artist. His pictures' basic strength lies in his painting and the understated charm of his drawing, which conveys a poetry that tends to mitigate some of the allegory's discomfoting potential.

The story of allegory as it stands reads like the house that Jack built, but there is no doubt that allegory is surviving as a mode of artistic expression. If allegory has until lately been out of favour, that it has come back to us in a modified form is not surprising. It has always owned the capability for modification of form. If for two hundred years it has been spurned, it is because for two hundred years Romantic expression has dominated man's aesthetic consciousness. The prosaic mentality of the Puritans to which allegory could have been ideally suited as a socio-historically reflective form, neglected allegory; Puritan observance of faith was private, outside the self-consciousness of art.

It is that 'inconvenience', as Dr Johnson put it, that 'art aping science' (Croce), that knotted the noose round its neck. A forlorn skeleton dug up by postmodern critics, it has been applied willy-nilly and after the fact to postmodern artwork that exhibits the same trapped

outside-itself, endless invoking of the sign, self-referentiality. Allegory for both Paul de Man and Craig Owens is an ironic device to describe an activity of consciousness by which man designates himself from the non-human world. While allegory has shown it can accommodate a new use so broad as to almost make it meaningless, this new use does not itself negate the contemporary act of deliberate allegory where it occurs.

The allegorical skeleton is desirable to linguistic man in other ways beyond its manner of declaring the fictiveness of its fictions. Allegory the skeleton, has the same old capacity for appetite as the dragon-whore, a commodious abdominal cavity; a likely place for a linguisticism that levels all fields of human knowledge to words, signs. Allegory is a difficult art form, though perhaps now critically inevitable, but it always was. If it exists, then only as a mediated act of will of both artist and reader. Though tinged with the melancholy of self consciousness, allegory is, above all a vehicle of beliefs, and if you have forsaken belief, then the home of belief is your only retreat.

NOTES.

1. John MacQueen, Allegory, London, 1970, 5-6.
2. Angus Fletcher, Allegory, The Theory of a Symbolic Mode, Ithaca, New York, 1964, 4.
3. Ibid., 5.
4. Ibid., see 65 & 295.
5. Ibid., 64.
6. Edward.W.Said, "Abecedarium Culturae: Structuralism, Absence, Writing", Modern French Criticism From Proust and Valery to Structuralism, Ed. John.K.Simon, Chicago, 1972, 344.
7. Ibid., 344.
8. Edwin Honig, Dark Conceit, The Making of Allegory, Evanston, 1957, see 87.
9. Craig Owens citing Croce, "The Allegorical Impulse: Toward a Theory of Postmodernism", Part 1, October no. 12, 1980, 67.
10. Fletcher, Allegory, 280.
11. Gay Clifford, The Transformations of Allegory, London and Boston, 1974, see 116.
12. Said, "Abecedarium Culturae", 371.
13. Paul de Man, The Rhetoric of Romanticism, New York, 1984, 4.
14. Frank Lentriccia, After the New Criticism, Chicago, 1980, 286.
15. Jonathan Culler, On Deconstruction, Theory and Criticism after Structuralism, Ithaca, New York, 1982, 246.

16. Lentricchia, After the New Criticism, citing Paul de Man, 317.
17. Said, "Abecedarium Culturae", see 342.
18. Culler, On Deconstruction, citing Paul de Man, 257.
19. Ibid., 276.
20. Ibid., see 277-279.
21. Owens, "The Allegorical Impulse", Parts 1 and 2
Owens gives numerous examples of allegorical aspects which he attaches to postmodern art practice in part 1 of his essay. Part 2 lists many artists whose work he imputes as allegorical.
22. Joan Simon, "Double Takes", Art and America, October 1980, citing Northrop Frye, 116.
23. Owens, "The Allegorical Impulse: Toward a Theory of Postmodernism", Part 2, October, no.13, 1980, 69.
24. Ibid., Part 1. 74.
25. Simon, "Double Takes", 115.
26. Owens, "The Allegorical Impulse", Part 2, 84.
27. Ibid., 64.
28. Francesco Clemente, "il viaggiatore napoletano", Verlag Gerd de Vries Koln, Germany, 1982, 9.
29. Francesco Clemente: The Fourteen Stations, Catalogue of an exhibition at Whitechapel Art Gallery, London, 1983, 36.
30. Northrop Frye, The Secular Scripture, A Study of the Structure of Romance, Cambridge, Massachusetts, 1976, 119.
31. Clemente: The Fourteen Stations, 11.

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Simon, Joan, "Double Takes", Art and America, October, 1980

THE CONSOLATION OF NARRATIVE.

The Postmodern Approach to Narrative and History.

Seminar Paper 11.

In this essay I talk about the place narrative occupies in postmodern ideas and the closing relationship between fictional narrative and historical narratives, or historiography. I discuss this in the light of the poetic quest to establish something essential beyond the end result of deconstruction theory, outside language. For those of us wary of utopian spiritualism, who see it as cocooned from the material realities of life; I present the consolatory order of narrative, its limitations well noted, as a more useful comfort.

Levi-Strauss has said that myths are recognizable through translation from one idiom into another, more or less what Barthes claimed about narrative with the phrase, "narrative is translatable without fundamental damage", as a lyric poem is not.¹ And they mean that both myth and narrative are metacodes, observing certain structural principles widely cross-culturally recognized even while the content of either form is not.

Myth appears to have a kind of universalism, and the attraction here is that its universalism allows the concealment of the split between the subject that tells the story about itself and the subject it tells about. It is not possible to deconstruct myth without destroying it. Myth needs belief whereas narrative needs only the willing suspension of disbelief. Narrative can be deconstructed to expose its hidden assumptions without losing its capacity as a vehicle for clearly ordering information.

Narrative has a number of distinguishing character-

istics. It has a beginning and an ending, as opposed to the 'real' world. It is a progressive, temporal sequence of events, a discourse always presented in the past tense as a condition of its manufacture which is that events must be closed before they can be narrated. In English, narrative and fiction have been synonymous expressions.

Now the postmodernists, through semiotics, have extended the term narrative to include all discourses which employ the codes which allow the construction of history as a progressive temporal sequence, for example, science or history, as they examine the assumptions this progression conceals.

Deconstruction of a text begins when we locate the moment when the text transgresses the laws it appears to set up for itself. All texts may be deconstructed. Barthes' reading of Balzac's 'Sarrasine', is a clear example of how a classic narrative text can be seen to buckle and deconstruct under the strain of its own textual production. He implies that the same process of construction is to be found in any extended narrative.

Barthes developed five codes of connotation in 'S/Z'. They correspond to the five major critical languages of our time: the thematic, narrative, psychological, sociological, and psychoanalytic criticisms, conceived as five active and interactive organizations all of which are essential for any act of reading a text. The narrative or proairetic code gives a text passage, its propulsion forward in a constant process

of 'naming'. It is this naming and the consequent desire to finish the sequence that ensures a text readability as a story.

The sense in which the language is recognized as itself, the destruction of the illusion of a natural or metaphysical bond between signifier and signified, is what primarily constitutes the postmodern approach to narrative. Through this there is a freedom from the limitations of realist-style narrative with an inherent progression of time, events, and a beginning and an end; a limit.

In a narrative which rejects the violence of containment, which refuses to construct a single coherent meaning, elements all belong to the incidental. The elements are still allowed to combine to form meaning but they refer outside the narrative at the same time. The lack of closure in the open narrative is used to form a non-hierarchical shifting, and style and form become the principal characters.

For an example of a narrative which denies closure, we could take Laurie Anderson asking of the gesturing figure on Apollo 10, "Do you think they will think his hand is permanently attached that way, or do you think they will read our signs? In our country good-bye looks just like hello".

Craig Owens explains here that Anderson is not concerned with the possible multiplicity of readings of a gesture, but in 'two clearly defined but mutually incompatable readings engaged in blind confrontation

in such a way as it makes it impossible to choose between them'.² Reading is left suspended in its own uncertainty. While in the visual arts, a 1980 drawing by Eric Fischl called 'Bathroom Scene', has a boy standing in front of a sink and mirror squeezing a pimple, while behind him a woman sprawls on the floor. The scene is a composite of four overlapping sheets of imperfectly transparent greenish glassine paper each with a component of the story - boy, woman, sink and mirror and a bathtub. This forms an open narrative because the sheets are tacked up so the relationship between the parts is clearly provisional, one of a number of possible arrangements for a story.³

Postmodernism incorporates a way of thinking about the relationship between man and the universe in which new scientific and metaphysical thought, influences art practice and writing. From science and psychoanalysis the narrative element in postmodern works has taken the dynamic contraries of experience that deal with uncertainties, inconstancies, double premises, paradoxes as a way of escaping the systems of logic which link traditional narrative to being viewed from a fixed position.

Conventions of thought which allow a shared meaning within a culture become indivisible from the ideology behind them. The postmodernist objection to narrative is that it sets itself up as a complete form with a hierarchy of order in its desire to progress to the end. This chain of events masks the determinist structure

of narrative, which may well contradict and undermine the meaning of the text.

The continuity of Foucault's research, for example, in fact rested from the outset on the appeal to an untamed primal experience anterior to all the successive orders of Western Reason, and subversive of them, in whose eyes their common nature as repressive structures stands revealed.

With no commitment to exploration of social realities at all, Derrida had little compunction in undoing the constructions of Foucault, convicting him of a 'nostalgia of origins', pre-Socratic. What right, asked Derrida, had Foucault to assume, on his own premise, the validity of his discourse? How could a history of madness be written, 'from within the very language of classical reason itself, utilizing the concepts that were the historical instruments of the capture of madness',⁴

The uncertainty principle in science quantum theory has been used by literary theorists to develop a new, non-hierarchical form of knowledge accumulation, not only less determined than the naturally unfolding text, but potentially more useful to humans and sympathetic to other life.

In response to this and in opposition to the root-tree image as a model for rationality, Deleuze and Guattari devised the rhizome theory. A plant whose stems, all the same thickness, lead off in all directions,

... the rhizome stands for a non-hierarchical a-centred field of knowledge. It stands for multiplicity as opposed to the principle of unity and for open-ended creation of new ideas as opposed to the reproduction or repetition of established patterns. A rhizomatic philosophy would not be governed by any transcendental plan,... but rather it would be a philosophy which functioned in connection with non-philosophy, which might be useful to musicians or mathematicians even and especially when it doesn't speak about music or mathematics.⁵

Borrowing the lingo of numerous separate fields of knowledge and ignoring what are in any respect quite arbitrary boundaries, the rhizome makes odd cross-fertilizations, hoping to be useful as a system of thinking which applies to that which it does not describe.

While this is a freedom on the one hand, on the other is the desire of the reader to resort to conventions, to curtail freedom, to make something 'real' of the text. When describing the 'cut-up method' to produce the accident of spontaneity, Frank Kermode said,

such accidents work happily only when we can detect some allusion direct or ironical to our inherited notion of linguistic and narrative structure.⁶

In the same way, Deleuze and Guattari put themselves as an alternative, not contradiction to the inherited notions (which their theory only attempts to supplement), starting with the scientific convention of the model.

A breakdown of order, a collapsed narrative, a narrative in which the signs of order and form are continuously presented but always with a sign of cancellation, can reach a point where nothing whatever is communicated. The device of dislocation is meaningless without reference to some prior condition. Kermode goes on to say, 'The absolutely New is unintelligible even as novelty'.⁷

In other words it is impossible to totally eliminate narrative by simple opposition. It can be made less and less effective in which case it loses its usefulness altogether, or in its frustration can become a kind of metaphor or allegory of the postmodern condition.

Logic, grammar and rhetoric are not inert aspects of language but disjunct dimensions which can undermine one another's authority. The problem is that language is unable to both say and show what it means. According to Paul de Man, 'considered as persuasion, rhetoric is performative but when considered as a system of tropes, it deconstructs its own performance'⁸; so even deconstructive criticism falls prey to its own critique.

What is more, historical thinking is not possible except in terms of tropes. When a historian orders the material of a study, it is rendered manageable by the silent application of metaphor, metonymy, synecdoche and irony.

If history is to have a claim on truth then it must have the subject, distinct from the structure. If, in the name of semiotic purity, (and it is certainly not in the name of social equity), we dismiss the authoritative fixed origin, then the structure also dissolves its fixed boundaries, and what is left is a floating subjectivity, or unreliable author.

The unreliable author leaves a text without a limit since the author is the final signified. Without a limit there is no credibility of the claim of the critic to decipher the text, at least not in the conventional

sense. The task of the critic is no longer to reveal truth, but to discover pleasure, magic, in the text. In 1967 Susan Sontag came up with the term 'Against Interpretation', a more pleasurable and adventurous alternative to interpretive criticism and what Barthes was later to call the 'erotics of the text'.

It is a desire to put back poetics into writing, to quite self consciously employ the metaphoric in critical writing to invoke the mysterious, (that which cannot be named), using the poetic language of mystery. It was both explained and justified in psychoanalytic terms as arising out of and operating through pre-articulate need. As Kristeva explains,

We would follow the hypothesis according to which the infant, prompted by separation (note the necessity of a 'lack' if the sign is to arise), produces or utilizes objects or vocalizations that are the symbolic equivalent of that lacking.⁹

The creative act is set in motion in response to absence even as it is undermined by it, but what matters is the gracefulness of language, 'for life given without infinity aspires to find its supplement of lacework within words',¹⁰

Kristeva links narrative to the rational when she calls it 'the most elaborate attempt, next to syntactic competence to situate a speaking being between his desires and their prohibitions'. And she goes on to say that the struggle to 'touch the intimate nerve' is not won through narrative but through 'much deeper, more remote and riskier probes'.¹¹ From the tone of striving which Kristeva here uses, it seems that for her the 'intimate

nerve', is a static absolute, or a kind of truth, to be arrived at through the use of a new rationale of language.

A major postmodern criticism of history is its need to attach itself to truth at some point. In the next part of the paper I intend to present the 'truth of history', and the stability of the structure of narrative which history needs, in order to be comprehensible, as useful fictions.

There are two meanings of the word 'history':(a) the events of the past, and (b) telling a story about the events of the past. Postmodernism makes it clear that history is always 'narrated', and that therefore the first sense is untenable. The past can never be available to us in pure form, but always in the form of representations. The postmodern approach argues that there is no stable or fixed 'history' which can be treated as the background against which literature can be foregrounded. All history is foreground. 'History' is always a matter of telling a story about the past, using other texts as inter-texts. Non-literary texts of theology, law, history, should not be regarded differently from literary works which should not be regarded as transcendent expression of the 'human spirit', but as texts among others.

In "The Value of Narrativity in the Representation of Reality", Hayden White describes historiography as a good ground on which to consider the nature of narrativity, because historiography shows the contest between

the imperatives of the real and the desire for an imposed meaning.

As examples of non-narrative forms he calls attention to the annals form and the chronicle, both types of historical listings. The chronicle he describes as attempting to narrate but without concluding, rather simply coming to an end and therefore, falling short of narrative. The annals form is just a list of events. His example is from Saint Gall of events that occurred in Gaul in the eighth, ninth and tenth centuries,

- 709. Hard winter Duke Gottfried died.
- 710. Hard year and deficient in crops.
- 711.
- 712. Flood everywhere.¹²

He equates lack of narrative with an unwillingness to narrate, which makes the annal anti-narrative. Without the imposed meaning of the narrative, the annal makes no sense, it cannot be 'read'. History proper manifests narrative closure through an imposition of a 'moral' meaning, an 'endowment of events real or imaginary with a significance they do not possess as a mere sequence'.¹³

White calls the distinction of historicism unthinkable without the presupposition of a system of law in relation to which a specifically legal subject could be constituted. Historical self-consciousness is conceivable only in terms of its interest in law, or more generally, authority. I take this authority to include in the end, the authority of the text. Where there is ambivalence regarding the status of the legal system, then the closure of a story one might wish to tell about

the past is lacking. In other words an historical account has both to display the narrative form and a political content.

Narrative is a discourse that speaks itself and real events do not speak themselves. A law of discourse states that the fact that something is true is never sufficient reason for saying it. The difference between early forms of historical recordings and the modern history is the declaration of objectivity which has attached the form of the narrative itself to the truth, the real.

A historical narrative claims truth not merely for each of its individual statements taken distributively, but for the complex form of the narrative itself.¹⁴

So as soon as one questions the truth of the form, the truth of the events themselves are open to question.

In order to qualify as historical, an event must be susceptible to at least two narratives of its occurrence, otherwise a historian has no reason to bestow upon him/herself the authority of giving the true account. A moral objective presupposes that the immanence of a conventional narrative is also present in the historical text and the nature of the immanence means that real events achieve their reality, not through the fact that they occurred but the fact that they are capable of finding a place in a chronologically ordered sequence.

Through the structuration and implication of the narrative discourse, Robert Scholes writes, 'the events themselves have become humanized- saturated with meaning and value- at the stage of their entextualization and

again at the stage of interpretation'.¹⁵ A meaning is being imposed on reality, complete in a way we can never experience but only imagine.

One of the apparent differences between historical and fictional narrative is that while both attest to the prior existence of their entextualized events, fiction does so through a convention of deceit, a mutual contract between writer and reader to suspend disbelief. Historical narrative is not recognized within the convention of deceit because the events were said to have occurred, and could if necessary be proved or disproved.

Walter Benjamin presents a metaphoric rather than narrative view of history, which postmodernism considers a better alternative, because it does not say "this happened", but "for us, this happened".

Benjamin's materialism allowed him to view history's chain of events as an invention at the service of progress and progress an invention at the service of the ruling classes through organization and control of those who possess nothing other than their own labour. Progress is the force that pushes history's events through time. Historicism is a vehicle for ideology because it accepts as given the way in which ruling classes have defined history; 'all rulers are the heirs of those who conquered before them... empathy with the victor invariably benefits the rulers'.¹⁶

Rather than the suspect convention of the single chain of events, Benjamin imagined history as a 'single catastrophe',¹⁷ a great pile of wreckage. Without hoping

to recognize the past as it really was, he suggested that the present could seek to construct history from a standpoint in the present, by recognizing a similar concern in essence, of an earlier epoch; and that 'the past carries with it a temporal index by which it is referred to redemption!'.¹⁸

Adorno wrote that 'to understand Benjamin properly one must feel behind his every sentence the conversion of extreme agitation into something static, indeed the static notion of movement itself'.¹⁹ This static quality is the very opposite of narrative.

Benjamin adhered to a mimetic theory of language throughout his lifetime. For him words are conceived as names; 'naming is a translation of the language of nature, which is more incomplete, into the language of human beings'.²⁰ The mimetic capacity is the mark of an original dependency on the forces of nature.

Benjamin's messianic interpretation of history, links history to the possibility of timeless redemption, to be reached through the 'divine' attempts of critical interpretation to retain the powers of mimesis, while loosening the dependency on nature.²¹ For these reasons Benjamin's history retains trace links to both nature and the spiritual, that are not part of postmodernism's re-evaluation of 'history'.

It is the aim of a postmodern discourse to reveal the numerous codes of knowledge or conventional wisdom that we 'naturally' know about; those 'natural' truths that tell us that time moves forward in a line or that we

really see according to the organization produced by perspective.

Postmodernism seeks a new perspective through the marginal discourses of feminism, criminology, insanity, defined in relation to the concepts of patriarchy, justice or sanity. These latter discourses have determined and constrained the forms of knowledge, the types of normality and the nature of subjectivity which have prevailed in particular periods. For instance, subversion thought of as an inward necessity: we define our identities always in relation to what we are not, and therefore what we are not must be objectified as 'others'. The mad, the unruly, the alien, are internalized 'others' which help us to consolidate our identities. Their existence is allowed only as evidence of the rightness of established power. On the other hand, every history of subversion also contains a history of resistance, and that resistance is not just a symptom of and justification for subjection, but is the 'true mark of an ineradicable 'difference' which always prevents power from closing up change'.²²

Poetics will, if not already, appear unforgivably heartless unless it again, as it did when it first tried to put back emotional nourishment into critical writings, puts itself to some real use. By linking its metaphor to narrative, poetics can be made more accessible, but will continue its course of resistance.

Narrative seems to fill a need. 'It represents one of the great anthropological forms of perception'.²³

It can make useful sense of a world that we can only know about through language. On the one side of the work is the strategy of persuasion undertaken by the author and on the other side is the reader's willing suspension of disbelief. However, the rhetoric of dissimulation and irony where defamiliarization replaces persuasion- the unreliable narrator-, has made the strategy of persuasion increasingly self defeating. As Kermode will have it, 'it is not that we are connoisseurs of chaos, but that we are surrounded by it, and equipped for co-existence with it only by our fictive powers',²⁴

Derrida's definition of position as resisting and disorganizing without ever constituting a third term, should make make the organization of history possible without narrative, were it not that post-structuralist postmodernism is doomed to failure because only by saying nothing can it avoid the assertion of truths. Even with limitations, narrative has, as I have said, taken on a new flexibility and accountability. Foucault and other historicists have attempted to write histories of the 'other', even if it is not possible to write, or at least be read, from the position of the 'other'- it is more useful than silence.

History relies on a similar fictional attachment to the 'real' as the form of narrative. Because however, unlike myth, fictions call for conditional assent, they are the 'agents of change', as 'they change as the needs of sense making change',²⁵

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3. Art and America, no. 143, Nov. 1980, 51.
4. Perry Anderson, In the Tracks of Historical Materialism, Chicago, 1984, 53.
5. Gilles Deleuze and Felix Guattari, "Rhizome", trans. Paul Foss and Paul Patton, I&C: Power and Desire (Diagrams of the Social), no. 8, Spring 1981, 49.
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9. Julia Kristeva, "On the Melancholic Imagery", Discourse In Psychoanalysis, London, 1987, 107.
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13. Ibid., 17-18.
14. Ibid., 13.
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16. Walter Benjamin, Illuminations, ed. and intro.

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DOCUMENTATION OF WORK PRACTICE

"There is no document of civilization which is not at the same time a document of barbarism. And just as such a document is not free of barbarism, barbarism taints also the manner in which it was transmitted from one owner to another." Walter Benjamin, "Theses on the Philosophy of History", 1940.

M.F.A. Proposal, Joanna Flynn, March 1988.

My interest is in narratives. This has developed over the last two or three years, from a way of constructing pictures to a wish to focus on narrative as the content as well as the vehicle. I intend an exploration of the idea of personal and private narrative, juxtaposed with public narrative, eg. as these narratives are intended to be a unified assemblage of disparate parts, both textual and pictorial; using personal poems, firsthand anecdotes, my own fiction and quotes from other personal sources, also private photographs, drawings and jokes, and on the public side; documents, archival material relating to legislative and judicial decisions made by community councils in Australia and England, used sparingly. The narratives shall then, be both written and illustrated.

I shall employ the services of a ghost hero, a sort of hold-all animus who becomes the itinerant master of ceremonies or the eternal victim, the artist as a young manimus if you like. (Why? Because every good narrative needs a hero and I don't have the shoulders for it).

My role as an artist is evocative. At the minute I intend my influences for these pictures to be, the photo-print collages from the 60's and early 70's of Robert Rauschenberg; his pictures of America, the 'Stoned-Moon' series. Also, the powerful Mayakovsky exhibition that toured Australia last year which showed the process of deification (of the artist), through the use of photographs and biographical material, and as well, the

writings of Richard Brautigan, the sixties pop poet of San Francisco. The works of these two artists were terribly evocative of the time in which they were manufactured but are sufficiently successful as works of art, not to have simply become period pieces.

What shall I evoke? Whatever is left me after I forego a stance of guilt or virtue, a sense of our time.

The comparison of the personal and the public will tend to evoke, after all, the sense of melancholy and yearning called nostalgia; a personal awareness in the viewer of things outside themselves, past, the loneliness of thinking about deeds good and bad whilst in a comfortable environment- the gallery.

PART 2.

Now my narrative has a theme, and the intended theme for the two years broadly is to be 'THE ORIGINS OF JUSTICE IN AUSTRALIA'. By this I mean an exploration of the beginnings of law in England (whence came our laws), and then in Australia to the present, the philosophical notions behind justice in Australia- the ideas of chivalry and justice itself.

My theme grew from an interest last year in law as a thing of beauty and amusement- I lived with my law student brother- and an interest in personal histories because my work was to cook meals for elderly people incapable of much activity but fully capable of speech, so a year was spent listening to their personal narratives. This led to an awareness of my own lack of knowledge of history of any kind (except art history) that related to the lives of people. So I began to read history and

the two histories I began were McAulay's History of England, and Manning Clark's History of Australia, both works that should continue to be my references, mainly because both men write with accomplishment and an obvious bias which I enjoy.

March 1990.

On re-reading my proposal of March 1988, I consider that I have fulfilled my thematic objective. That is, I have devised a body of work that deals with 'The Origins of Justice in Australia', both as a moral idea and as a manifestation of the justice system. However, the manner in which I went about my examination was rather different to how I had envisaged in my proposal, in that even from the first little emblematic pictures it was clear that if I was making narrative, it was a metaphoric narrative. The treatment of my theme through metaphor connects all my pictures, from the word pictures through the lithographs and etchings and as well, the collages.

Without at that time having read of the post-modern re-evaluation of allegory¹, I began making allegory because it simply was the only way for me to give ideas a body. So the idea of narrative changed to allegory and the personal hero was exchanged for the more ambiguous embodiment of an idea of a historical 'hero', or the great personage in history. The personal narratives were exchanged for the social aspect of allegory.

In my pictures I am accountable as a member of the English cultural system I am criticizing. And it is

important that I say that because I initially imagined I could/should, remain outside the system I was describing in order to avoid a moral stance with its attendant implication of blame. But I have been quite unable to make pictures of the justice system and its functions in the relations of people, without having some kind of moral position. Justice is a senseless idea without ideas of right and wrong, yet while I think my moral position is much the same as the general morals held by society, it is at odds with the justice dispensed by our government and judiciary.

Depicting executioners, soldiers, judges, convicts, I depict the idea of people that lived/live their lives as individuals who in one sense were/are embodiments of ideas². In the need for community coherence, personal moral responsibility is waived before the force of other abstracts that bond the community together. Yet without becoming heroes, individuals can bring about worthwhile change; so while my allegorical figures represent the culture of which I am critical, they also represent the individual where I tend to put my hopes.

As far as the construction of the picture goes, I found I could make a more unified image through drawing, so I discarded the idea of using photographs, except as references. I also tended to use different texts than those I suggested I might use in my proposal, finding I didn't need such extensive histories, either of England or Australia, but rather, needed to know

how History worked, (which I explored in my second paper), and how the system of justice we have in Australia, worked. I needed to read about the position of art in contemporary society, how language works and about the history of morals. I have supplied a list of the books that I have used directly as references for my work and in the notes on my pictures. Other sources will be found in the bibliographies of my papers.

Legal Positivism and Natural Law³

Implicit Law: this is a kind of habit, eg. 'How you catch fish'.

Customary Law: also the way things are, however the customary has become the 'reason' for doing the thing.

Some awareness of the possible use of an alternative, that this is how things are but that there might be other ways other than past ways.

An expanding society- including the Roman case-, provides for a class who keep a record of rules, priests or learned men. These men also, as well as custodians, serve as interpreters of custom, and form an elite.

A further expanding and increasingly literate society wants to read these codes for themselves. Written publication of the codes already established by custom are followed by an awareness that specific changes can be made in society, in the codes. This means an end to spontaneous development.

Maine says that the next step is not open declaration of a new law, but legal reform under the cover of fictions. 'Legal Fictions', introduce change through operation modification, averting the superstitious disrelish for change always present, eg. the fiction of Adoption-artificial family ties. This seems to grow out of a need for a harmonious fitting in with the changed laws to the remaining laws.

Natural Law: the fifth stage is, not surprisingly, transcendent. It is a kind of law that grows out of an ideal from some 'lost past', originally growing out of an act

of commerce. It was a way of de'obscuring' the law from its ritual, in order to make it useable for widely divergent cultures. This Roman type of law was gradually joined to the notion from Greek philosophy, that all legal systems were derived from some original model of elegant, simple lines. By stripping the corruptions, the essential unity of legal systems might be revealed - a lost code of nature, from natural justice, a natural law. Like the fiction then, the later reform of this idea thought of itself as bringing forth something pre-existing.

Maine states that these changes are progressive and linked to the evolution of society. In fact they tend to be jumbled, though the more literate societies use more of the stages than the pre-literate societies. In other words, 'primitive' societies sometimes made explicit law, and modern law often employs fictions, eg. the invitation of the see-saw to a child onto property.

Modern legislators mix in uncertain proportions law 'finding', with law making. Finding is a judicial decision based on considered opinion and interpretation rather than in the letter of the law. A law 'found' by a Judge is thus, in practice, a 'made law' of sorts.

Rivalry in governing hierarchy makes function more uncertain which can be a rivalry of the customary and the statutory.

A fiction which says that everyone in the Kingdom is deemed to be a party to the proceedings of Parliament when it acts as a legislative body, serves to keep the

powerful intent of legislation- though it may be published in a form inaccessible to the citizen. This fiction still exists. As a law has to be interpreted, it can be seen as never coming from its legislator wholly and fully 'made'. Contradictory laws emanating from the same law maker are generally dealt with as the last in order of time shall be preferred to the first. (Alexander Hamilton, 1788). Only made laws carry clear indication of the date of its inception. However, the idea of the latest prevailing, would be at odds with an idea of a society fallen from a state of former perfection to which it is hoped to return.

Constitutions are written to control the making of laws, or the circumstances of their making, but they become impossible unless the draughtsman can assume that the legislator shares with him some implicit notions of the limits of legal decency and sanity. Laws should be general or address a body rather than a private or one-man statute.

1. Normal processes for making law can fail or fall into confusion; human perfidy is only one of these.
2. In the process of making legality again recognizable no guidance can be obtained from a philosophy which asserts that the only true law is made law. It must be made before it can be truth.
3. The legal measures for this process may be reprehensible, eg. retrospective statute.

Kings: the problem with a sole law maker, which may seem to be a simple way of making laws, is the cessation of the term of the king, either through death or deposition.

Adjunctive Law: emerges from the decision of actual controversies. In a judicial decision under common law the rule applied to the case and the reason for that rule are both stated in the opinion of the Judge and may be indistinguishable.

A statute normally gives no justificatory statement, merely an injunctive; this shall be done, this forbidden.

Common laws do not tend to be impersonal, they don't tend to say that the citizen should think right. They are, at least at bottom, more explanatively reasonable.

The Origins and Development of Common Law.⁴

The central theme of Mediaeval culture was the Christian faith. The people of the Middle Ages were religious and practical. The aim of religious occupation was salvation.

The Roman conception of an Emperor as secular head of Christendom survived throughout the Middle Ages, despite its lack of relevance to political reality. The King was appointed by God to rule, consecrated in a religious ceremony that gave him religious attributes. He was the source of the law and the fountain of justice, appointed to rule for the benefit of his people and expected, though not compelled, to observe his own law.

English and Australian legal institutions are founded, historically and conceptually, on the common law.

Henry II, 1154-1189, is credited with the development of what would become the common law system. Much later, it was modified and supplemented by a distinct, though partial, body of law based on a concept of fairness;

alleviating the rigours of the common law and called equity. In the nineteenth century the two were joined and now all non-statutory law applied in English and Australian courts is called common law.

Common law is usually thought of as a Judge made law, some sources for which were customs, but mostly arrived at through the Judges' notions of fairness, consolidated by their shared culture.

Henry II set about extending the jurisdiction of the Royal Courts through royal justices. The justices would go on circuits and though each popular or feudal court had its own customary law, the royal justices took with them the King's law, so when they conducted a case, it was the King's law they represented.

Systematically, Henry decreased the operations of feudal courts, redirecting cases to his own courts.

In all courts, guilt or innocence was determined by the water trial, (trial by ordeal),- unless a trial by combat was requested-, which worked on the principle that water blessed by a priest would reject the guilty person.

Henry was also responsible for the altered use of the Norman idea of the jury, which became the predecessor of the modern jury.

In 1215 the clergy were forbidden from participating in the trial, which meant that no-one could be tried, unless the accused requested a jury, (a jury could only be requested). In order to convince all accused persons to request a jury, the accused were threatened with torture.

The petty jury became the normal means of trying criminal cases.

King John, 1199-1216, had an enthusiasm for making new taxes, with the result that the barons of England insisted that the King and his judges stop making new laws. In 1215 King John signed the Magna Carta. The overall importance of this document was that the King admitted that he was subject to the law. Two of the provisions of Magna Carta had lasting significance. One was that, except on certain recognized occasions, the King would not raise a levy without the consent of a council of tenants-in-chief; which became the basis for parliamentary control of taxation. The other provision, chapter thirty nine, states:

No free man shall be imprisoned, or deprived of his property, or outlawed, or exiled, or in any way destroyed nor shall we go against him or send against him unless by legal judgement of his peers or by the law of the land.

This is the basis for the modern idea of personal freedom. The government can take no legal action against an individual without proper legal procedures. This applied to all free men, (in 1215 less than half the population of England were free men).

It took until the late fourteenth century before bureaucracies developed that were composed of officials who thought of themselves as servants of the Crown rather than the King. Until then a criminal offence was committed on an individual and his family, to whom recompense could be made. After this time the accused would be prosecuted by the Crown in the interests of the nation. The crime

had moved from being treason against the body of the King to a treason against the abstract hegemony of the state, through the Crown.

By the middle of the eighteenth century, English law had developed a distinction between conquered or ceded colonies and settled colonies. The existing law in a conquered or ceded colony continued in force until altered by Parliament or the Crown, (and the extent of the Crown's legislative authority in such a colony was considerable).

In a settled colony the common law, so far as it was appropriate, occupied the land with the settlers- a form of intellectual baggage.

Australia was occupied before 1788 but it was classed as terra nullius- land not owned- and a settled colony, for the purposes of international law. Laws were received by the colony as necessary, with a real desire to cling to English Law.

After the seventeenth century, judges could no longer be appointed, suspended or dismissed at the pleasure of the Crown. They are now appointed (supposedly), independently of government and subject.

The jury system tends to be regarded by the legal profession as a crude way of establishing the truth. The coroner's jury is now either rare or abolished. Civil jury is rare except for Victoria and New South Wales, the two busiest jurisdictions. Criminal jury trial is still common. However in difficult, highly technical matters it may be uncertain whether the jury can properly understand the evidence; nonetheless the right of the

defendant to a trial by judgement of his peers remains valued.

Morals- a brief description.⁵

There are two main groups of morals, known by many names and sub-divided into many groups. One is generally known as the stoical, the intuitive, the independent or the sentimental: the other as the epicurean, the inductive, the utilitarian, or the selfish.

Of the former: a belief that we have a natural power of perceiving that some qualities, such as benevolence, chastity or veracity, are better than others and should be cultivated whilst their opposites should be repressed. By the constitution of our nature, the notion of right carries with it a feeling of obligation; that to say a course of conduct is our duty is, in itself, and apart from all consequences, an intelligible and sufficient reason for practising it; and that we derive the first principles of our duty from intuition.

On the other hand is the school that denies we have any such natural perception- we are without knowledge of merits or otherwise, and derive these notions from observation of the course of life. That which makes these actions good is they increase happiness or diminish the pain of mankind. Thus demerit, the opposite.

To procure the greatest happiness for the greatest number of people is therefore the highest aim of the moralist. Of course the question is why, if not duty are we bound to perform these actions which will result

in happiness for the most number as if we believe we are under a natural obligation to seek the happiness of others rather than our own, when the two interests conflict, then we are recognizing a moral faculty or natural sense of obligation.

Hume pronounced utility to be the criterion and essential element of all virtue, but at the same time he defends the disinterested character of virtue when he said that it springs from a natural feeling of approbation, distinct from reason, and produced by a particular sense, or taste, which rises up within us at the contemplation of virtue or vice. The utilitarian concept of morals judges all actions and dispositions by their consequences: Moral in proportion to increase of happiness, immoral in their tendency to diminish happiness. Duty or ought, for Hume, means if we do not do a course of action, we shall suffer. The motive to virtue then, is enlightened self interest. Virtue is seen as what is good for society.

Lecky has placed himself as an intuitive moralist. Although he admits that one culture will see different things as beautiful, for instance,- that a natural idea for good, bad, beautiful or ugly, is not universal but a matter of cultural difference,- the reason he gives is that different cultures, or ages, operate on 'higher', or 'lower planes', and 'highly civilized man', share similar ideas of beautiful, good etc. But there is not a lot of evidence for this natural inclination, and the idea of 'higher' civilizations is now untenable.

In a utilitarian regime of morals (through education), such as we now have in our society, except in certain spiritual communities, what is a moral course of action will readily be sacrificed for what is expedient, should the two conflict.

Docile Bodies.⁶

By the late eighteenth century, the soldier has become something that can be made:

a calculated constraint runs slowly through each part of the body, mastering it, making it pliable... turning silently into the automatism of habit. One has 'got rid of the peasant'.
(ordinance of 20 March 1764).⁷

The classical age discovered the body as object and target of power. What was new about this was the manner in which docile bodies were made, the body was treated as a whole, but in little parts, -taking control over movements, attitudes, gestures, and brought about through constant coercion and supervision.

Disciplinary methods had long been in existence, but in the seventeenth and eighteenth centuries the disciplines became general formulas of domination- different to slavery, the bodies were not owned, and different from service, in that the measures were free from the massive domination of the individual will of the master.

There was the formation of a relation that in the mechanism itself, makes it more obedient as it becomes more useful, and conversely. Discipline increases the forces of the body, (in economic terms of utility), and diminishes these same forces, (in political terms of obedience).

The workings of the political anatomy had different origins; schools, hospitals, workshops- and came from different times. However, the techniques of discipline that they had in common, 'were always meticulous often minute'.⁸ 'Discipline is a political anatomy of detail',⁹ a meticulous observation of detail, and at the same time a political awareness of these small things, for the control and use of men, emerge through the classical age bearing with them, a whole set of techniques, a whole corpus of methods and knowledge, descriptions, plans, and data. And from such trifles the man of modern humanism was born.

Discipline proceeds from the distribution of individuals in space. It requires enclosure; individuals are segregated from the outside, and from each other, through architecture and rank. Then there is the control of activity through the measurement of time, and the distribution of various activities, through the correlation of the body and the gesture.

A machine is constructed whose effect will be maximized by the concerted articulation of the elementary parts of which it is composed. Discipline is no longer simply an act of distributing bodies, of extracting time from them, and accumulating it, but of composing forces in order to obtain an efficient machine.

Politics as a technique of internal peace and order, sought to implement the mechanism of the perfect army. In the great eighteenth century state, the army guaranteed civil peace no doubt because it was a real force, but

also because it was a technique and a body of knowledge that could project their schema over the social body.

The Napoleonic regime was not far off, and with it the form of state that was to survive it- the foundations of which were laid not only by jurists, but also by soldiers, not only councillors of state, but also junior officers, not only the men of the courts, but also the men of the camps. While the jurists or philosophers were seeking in the pact, a primal model for the constitution or construction of the social body; the soldiers, with the techniques of discipline, were elaborating procedures for the individual and collective coercion of bodies.

Justice.¹⁰

These notes concern the origins of those aspects of justice to which I have chosen to give attention in my work.

What does justice require, and through which conception of justice are the requirements to be assessed?

Some conceptions of justice make the concept of desert central, while others deny it any relevance at all. Some conceptions appeal to inalienable human rights, others to some notion of social contract, others to a standard of utility.¹¹

The relationship of justice to human goods varies, as does the limit of the necessary similarity of persons to be included within a justice system; and further, is a knowledge of God's Law essential for justice?

One of the most striking facts about modern political orders is that they lack institutionalized forms within which the fundamental disagreements over questions of what justice permits and requires, over conflicting

conceptions of justice, over systems of reason that have radically different sources, (religious, social, economic), can be explored or resolved in any way. The facts of disagreement, themselves frequently go unacknowledged, disguised by a rhetoric of consensus. A divisive single issue, such as the Vietnam war or the concern over the environment, can illuminate the illusion of consensus. In Australia, a slowly growing number of independent political representatives, (who tend to represent a single area of concern), may reflect the community frustration with the abstraction of the issues from the background contexts of different and incompatible beliefs, from which the disagreements arise.

Justice, like the other virtues, is valued both for its own sake and for the sake of the telos, the kind of life which it is best for human beings to live: because justice, like the other virtues, enables us to avoid those vicious states of character, incompatible with the living out of that kind of life. As an action pursued for its own sake, the whole notion of weighing requirements of justice against something else is, from the standpoint of the virtuous, a mistake.

Aristotle, in book 1 of the Politics, gave reason for those who seek to acquire more and more money without limit, as, 'zeal for life, but not for the good life'.⁴¹. Yet from the standpoint of modern society, it is hard to understand this, when one of our central beliefs is that continuous economic growth is a fundamental good. Prices and wages have come to be understood as unrelated,

-indeed in a modern economy could not be related- to desert in terms of labour, and the notion of a just price or just wage in our terms, makes no sense.

The present conflicts which concern the nature of justice and its history, cannot be understood without a recognition of the degree to which it is an extension of a history of conflict found in the Athenian social and cultural order during the fifth and fourth centuries.

The origins of Western justice which relates to Australia, are ancient and numerous. They are to be found in the ideas of the Greek, the Jewish, the Islamic, through the tradition of Aristotle, later the Augustinian-Christian ideas, and the English tradition through Hume.

Justice for Homer presupposed that the universe has a single fundamental order, an order structuring both nature and society. There was no notion of the contrast of the natural and the social. Over this order presided Zeus, father of gods and human beings, and over particular communities, kings preside- dispensing, if they are just, the justice Zeus has entrusted to them.

The order is structured as hierarchically ordered social rules. To know what is required of you is to know your place within the structure and to do as your role requires. Reasoning presupposes action, without which reasoning has no function. That a Homeric hero moves towards a goal does not mean he is moved by a passion, as it has now generally come to mean. Homer's characters can justly do as their role requires without an understanding of their own decision making in psychological

terms.

There could be said to be two main areas of justice. These are- the justice of desert, in which goods of excellence are pursued,-that is, competitive standards of excellence in sports, the arts, warfare and agriculture, and the other justice in which the "goods of effectiveness", (MacIntyre's term), which results in material wealth, are pursued. Homer does not differentiate between the two, both are part of his goods of excellence.

Both entail the observation of the rules of society, but one may be used as a means of achieving the other, or on the other hand, one may subvert the other. Pursuit of the goods of effectiveness needs cooperation of others in a well ordered society with a rule governed mode of life. Disobedience to the rules should carry certain penalties of a cost assessed in terms of the goods of effectiveness.

What the rules of justice here, will have to prescribe is reciprocity, which will depend on the relative strengths or weaknesses of each party within the bargaining situation. If the rules are to function for any time, at least some of the same constraints must apply to the powerful as much as to the weak. A rational agent is bound to the rules of justice of reciprocity only to the extent to which he can commit injustice with impunity. Those who administer the rules are just, in that the benefits of being so outweigh the disadvantages. Punishment is one of deterrence.

In a justice of desert, punishment is primarily edu-

cational. The disobedient individual is so, because he failed to understand his duty. Those who administer the rules and enforce justice, will themselves be required to be just. If they failed to be just it could only be in that they failed to understand how the rules of justice function in relation to the goods to which they had given their allegiance. At times the two conceptions of justice would be unable to function together.

For justice defined in the goods of excellence, justice as a virtue of individuals is definable independently and antecedently to the establishment of enforceable rules of justice. Justice requires that each person be treated in a way compatible with their deserts. In this system someone may be unjust, yet obey the rules out of fear of punishment. For the justice of the goods of effectiveness, one is just who always obeys the rules. So the virtue of justice is secondary to and definable only in terms of the rules of justice.

So the first disagreements come over which of the justices would define the goals of the Athenian state. It is for the sake of the good that those pursuing the goods of excellence come together, for the sake of bargaining that those pursuing the goods of effectiveness meet.

Pericles Democracy. Pericles could claim for the ordinary Athenian citizen, virtues which the older style Greek aristocrats had tried to reserve for themselves. Each free citizen was free to pursue a variety of goods (there was no conception that the pursuit of some goods

might be harmful to other goods), and to be just was to allow that pursuit. This pursuit automatically brought glory to the state. Learning and wisdom were praised, yet in dealing with those outside the state, the relationship of justice is that of the justice of effectiveness, - strong rules the weaker.

The Periclean conception of the primacy of the state is not presented as in any way incompatible with a multiplicity of views by individual citizens as to what their flourishing may consist in.

Those who ruled after Pericles pursued their own profit rather than that of the city. The defeat of Athens in 404 had been accompanied by the overthrow of the democracy. Socrates is heard arguing in Republic, that it is in the nature of democracy that it prepares the way for tyranny.

Thucydides represents the social world as in which there can be only that justice which the strong find it in their interest to uphold. Human beings aim at a particular kind of power, the power of remaking the social and natural world, so far as possible into conformity with one's own desires.

Plato joins the ideal and the actual- the soul and the state. The Platonic world view is postulated as a supreme, absolute and therefore non earthly 'value' which confers upon all of mans' actions a relative 'value' set within a hierarchy of values. A central thesis of the Republic is that justice in the individual 'psyche' can exist and be good for the 'psyche', no matter

how unjustly the individual is treated by the state. In this regard justice could be seen as the key element in the virtue of individuals and independent of the justice of the state.

Aristotle on the other hand said that a human being, separated from his social group is also deprived of his capacity for justice. Perhaps Plato was able to make the separation because the philosophical community had taken, for him, the place of the state, as a place where one can become just.

The Dialectic that Aristotle contributed to is essentially unfinished at any point in its development, which means that all conclusions are also developmental. His central idea in which movement from human potentiality to its actualization within the state as exemplifying the metaphysical and theological character of a perfect universe, became the central idea of mediaeval Jewish, Islamic and Christian communities.

For Aristotle, the best kind of state in which for justice to flourish is an "aristocracy" of selective citizenry. Certain occupations, women and slaves, while discharging functions necessary for the sustaining of life of the state, were excluded as unsuitable. Citizens were educated in the virtues and since it seems impossible to judge consistently correctly concerning a particular virtue without possessing the virtue, it seems to follow that someone just, must also possess the other virtues. The good man may aim both at the fine or expedient. What is fine or else expedient for the just man will

be different for the vicious man.

Justice is a matter of what is fair. What the equality of justice consists in, is in like cases being treated alike and inproportional differences of merit being treated according to that proportion-, which presupposes a rank of merit and dismerit, a rank ordering of goods to be distributed- and in corrective justice, a rank of harms and deprivations.

Natural justice here consists of laws that any virtuous legislator would prohibit, the act of murder, adultery, theft.

When, in the ancient world, justice was extended beyond the boundaries of the state, it was always as a requirement of theology.

The Stoics were the first thinkers in the Greco-Roman world to assert systematically that the scope of justice is humanity and as such, every human was understood to be a member of one community under one law. Cicero was the thinker who most clearly represented this idea. The law was a god given law and all humans share the law because all have reason and as a common possession, right reason: right reason is law. Human individuals are a compound of appetite and reason. Reason commands, appetite obeys. Though the idea of community was universal, in actual recommendations, Cicero gives a rather limited group of people as those to whom one has strong duties. The stranger requires no more than well of us.

Augustine developed, as a christian theologian, a scope of justice which was also universal, but it required

so much more than had the Stoic philosophy, particularly in relation to the poor and oppressed. We are to be just so as to owe no one anything, but to love one another. Justice may exist in that republic which is the City of God, where Christ is the incarnation of the perfect justice and over which Christ rules. No other community may be just.

David Hume: 1711-1776. Born in Scotland and brought up by his mother within the standards of the Calvinist orthodoxy, he became one of the most important Scottish thinkers, but peculiarly in relation to the tradition of English thought.

He was to reject religion as holding the central place in practical reasoning, and so break with the Scottish intellectual and moral tradition. He was also to repudiate another strand central to the tradition; its affiliation with Roman law and its inheritance from the commentators upon Roman law. To Hume the study of law was quite separate from that of philosophy.

Hume recognized two species of moral obligation-, "the natural obligation to justice- viz interest", and "the moral obligation".(Treatise 111, ii, 2). He imputed the whole population with an ability to recognize why they owed obedience to government, (interests of society), and when those obligations cease. This reasoning of the uneducated would be identical to Hume's own. He proposes a general infallibility of moral judgement.

For Hume the rights of property are absolute. Justice in this view serves the ends of property and not vice

versa. His system of justice is one in which pride in possessions and ones place within a hierarchy in which property determines rank, mean that the principles of justice provide no recognizable grounds for appeals against the social order; the right to property is unmodified by human need.

Possessions acquired through industry or good fortune create social instability. The justification of all enforceable rules of property is that they function to effect social stability.

What makes government necessary is that the virtue of justice and the closely allied virtue exhibited in the keeping of promises-, are not by themselves sufficient to ensure adequate obedience to what Hume calls the, "three fundamental laws of nature", (Treatise 111, ii, 8): that which prescribes stability in the possession of property, that which prescribes its transfer from one person or persons to another or others by consent, and that which prescribes the keeping of promises. Such obedience is endangered because human beings tend to prefer present interest over distant interest.

Government is in the interest of society until such time as the tyranny of the governor removes that interest, when it also removes the natural inclinations to obedience. What makes a government legitimate is "long possession", and where there is no form of government established by long possession, then present possession is sufficient.

Hume was opposed to legitimate obedience to government upon some original act of consent, that is, prin-

ciples of justice which hold independently of and antecedently to any established status quo distribution of property.

Finally; one judges in all moral and practical matters as a member of a community and of a type of social order characteristic of all civilized peoples.

In response to Hume and Aristotle, Thomas Reid, a Scottish philosopher, wrote that all plain persons of social mind assent to one and the same set of fundamental truths as underived first principles, not formed by passion or sentiment, embodied in institutionalized exchanges or from an education in the virtues only to be provided by some particular community. In Reid's view there are two independent rational principles, - one telling us what duty requires, the other to do with what will produce our happiness, which should, if rightly understood, coincide.

This universal common sense was adapted by Dugald Stewart, to an idea that moral practical judgements of every culture would have both a universal variant and local variable elements. This did not admit Aquinas's view that there are absolute prohibitions which a culture may infringe without recognizing that it is so doing.

Liberal Individualism: It is the individual for the individual who reasons about good and right. If we have come to refer to ourselves as individuals, with the same kind of impersonality as we would refer to others, then the statement, 'I want' has come to possess the same kind of impersonality required of an imperative for

action.

In a liberal society there is no one overriding good. The rules of justice are both to set constraints upon the bargaining process and to protect individuals so that they may have freedom to express and, within limits, implement their preferences. The stability of property is valued only insofar as it contributes to that protection and does not exclude the disadvantaged from due consideration. Desert is, except in some of those subordinate associations in which groups pursue particular chosen goods, irrelevant to justice.

The recognition of a range of goods is accompanied by a recognition of a range of compartmentalized spheres in which good is pursued: ie. political, economic, familial etc.

The weight given to an individual preference in the market or in political or social realms, relies on what the individual has to offer in the bargain. The disadvantaged are those without the means to bargain. In this society one can reason without reason leading to action. Justice is required as some set of regulating principles. Any inequality of treatment of individuals requires justification. Egalitarianism is seen as freedom to express and implement preferences and a share in the means required to make implementation effective. The function of the justice system, "is to enforce an order in which conflict resolution takes place without invoking any overall theory of human good",¹² hence resolution of conflicts are referred to the verdicts of the legal system. The range

of possible alternatives in the individual's right of expression of preferences, are controlled by an elite. So, while individuals have equal moral value, in a justice system separated from morals, they have equal value in respect of their bargaining power: further, if the good of the system of pluralist democratic principles, rather than the good of its constituent parts, is to be achieved it will have to be able to claim an overriding and even co-erced allegiance. Also, in order to achieve their preferences the individuals with the least bargaining power will have to exhibit a kind of uniformity which severely limits the notion of individuality and transforms it into a commodity.

Rival theories of justice tend to operate when the framework in which they were devised to operate throughout historical periods, are reproduced, which happens on a limited basis, in given instances or communities. Belief in a mode of justice will be seen as a voluntary act of will to further its projects, to empower itself.

These are notes from some of the reading for my work practice over the last two and a half years. The aim of them here, has been to show how structures of thought, whilst they change, do so from the numerous points of perspective of past reference.

The property based accumulative nature of European culture, while it has allowed for the enormous expansion of knowledge, sits ill at ease with individualism and humanism, which are themselves products of that nature.

It seems even if we are doing something virtuous, for example, in respect of preservation of the environment, the ideas have to be rationalized in terms of future human use, otherwise in our society, there can be no reason for the acts of preservation. Even within the, to us idealistic, goods of excellence, there the competitive rationale for saving the environment must be that it is unique. Areas that are not particularly unique, (to us), cannot be justified as useful, within that rationale.

I have made many references to Hume, because I see a lot of his ideas, his horrifying ideas of property as the central place of justice, and justice being limited to a selfcontained community, continue to be put into action, though his theoretical justifications are discredited, eg. human need is supposed to be considered in justice.

Apart from competing theories of justice, there is no uniformity of laws in the different states of Australia. A magistrate in W.A. fines a young man for theft. He has just started a job-, the first since high school. He has not the resources to pay the fine so he is imprisoned for fine default. He loses his job. In N.S.W. and Vic. fine defaulters are no longer sent to gaol. In America at the present, opinion polls suggest that eighty percent of the population support the death penalty in certain instances. How can this be justified except as the ancient notion of moral reciprocity?

Hume's eventual reason for our obedience is self

love, the old idea that we do right rather than wrong because we wish to be done right by. But the best thing he said was, we experience an unpleasant taste when we contemplate wrong, (common sense); no longer a rational reason for abjuring viciousness, it is likely I think there is a bad taste when we contemplate wrong. But as it stands, enlightened self interest is a contradiction in terms.

Work Practice.

My earliest series of work was largely concerned with juxtaposing emblems of the body,(personal), with emblems of history, (political), eg. a teardrop and a random date. I also worked on my own poetic texts with collaged elements. Both types of pictures were small to medium in scale and drawn in pen and ink, or watercolour. Although several of these were attractive, and I was happy with them, it was generally considered that the meaning of the images was unclear, and I don't dispute it. But the emblem, whether words, numbers, or pictures, was what interested me most and though I changed the type of pictures I made, I retained the emblematic object. The Word Pictures: the text for these pictures is my own. The idea for them came from looking at David Jones' celtic poem and latin word pictures from the late 1940's, which I first saw in 1986. I was impressed by the beauty and impenetrableness of the writing. My other source is my continuing admiration for Irish illuminated manuscripts. Both the Celtic poems and the latin manuscripts



Emblem- tear-drop. 1988

Watercolour and pencil on paper, 28cmx38cm



Emblem- electric light. 1988

Ink and watercolour on paper, 36cmx56cm



Emblem- Tower of London. 1988

red ochre, pencil and watercolour on paper, 36cmx56cm

spoke of things lost, because their original meaning was unreadable to me, like relics in a museum that were given without explanation. Even explained, the relic is explained for and by the contemporary world. I wanted to combine this 'lostness' with the 'lost' nature of words, their disconnectedness from the temporal world.

Some of the poems are personal and some have their source in newspaper articles about an incident or a crime, some are stories. The metaphorical nature of poetry changed the meaning of the original event, made it indistinct- as the newspaper article itself had done. I was interested in the private nature of the events, (theft or murder), and their public meaning, and how individual people become separated from their own events, except that they could only be read through those events, and so the person seemed to remain as indecipherable as a ghost.

The old or antiquated lettering I used for the texts made them quite difficult to read, the entire picture then, became for me, emblems for the lost nature of history and language. Although I made five word pictures into lithographs and one into an etching, after the beginning of 1989 I didn't make any more word pictures. Most people found them impossible to read in any way whatsoever. Though it was not my intent, the frustrating aspects of the word pictures provoked annoyance from the viewer, and I realized I should treat my theme more directly. With this in mind, I began the first series of etchings.

I have based the long thin format of all my etchings on Japanese narrative scrolls,- where over the length

Show him into your privacy murderers
 Make sombre gift of your deed
 To one whose eyes have followed
 Needs such as yours into the conifers
 Privacy of the thickets of kikuyu
 Excited by the sharp resin
 By your cuffs emerald stain
 Ah unfold your bands, murderers
 'White' and 'Salty'
 Your pale, beguiling fingertips
 His last - only - savory meal
 Ill tended in the hour before dawn
 Your knock-knuckle fingers tangle
 His body - A private lagoon



Privacy of the Murderess. 1988

Gouache and collage on paper, 56cmx76cm



Privacy of the Murderess. 1988

Six colour lithograph, 56cmx76cm

of the picture, different times would be represented. But instead of a narrative progression, I used the format as a panorama of the group. A number of my pictures are built up from multiples, mostly of figures. These multiples represent society, rather than the individual.

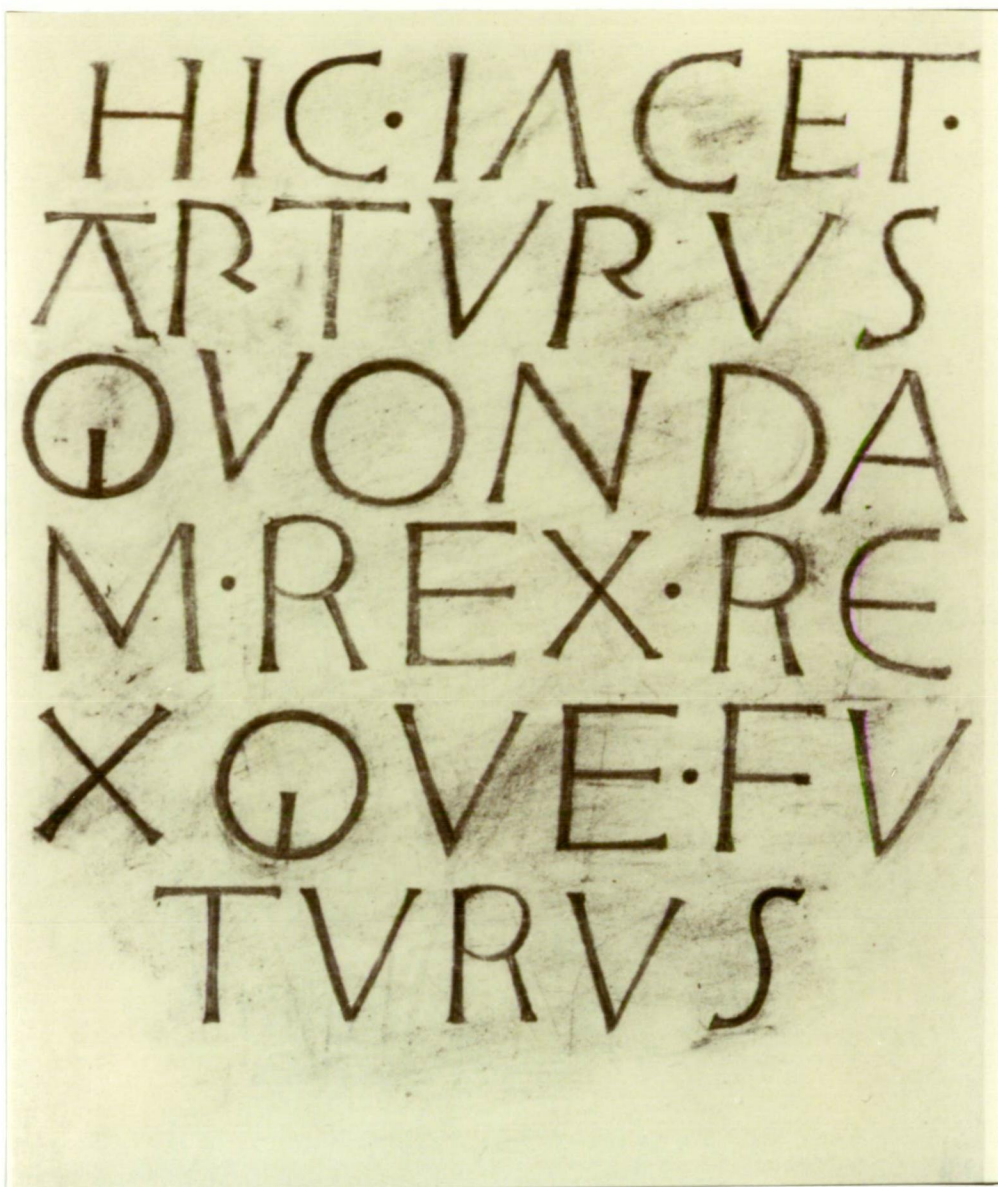
The pictorial sources for my work come from Irish illuminated manuscripts, the drawings of Pieter Bruegel, Mediaeval illustrations and in an aesthetic sense, various romantic British artists. These include the prints and watercolours of Samuel Palmer, the Welsh poet/draughtsman- David Jones, John Craxton,- who produced drawings directly descended from Palmer, Paul Nash, and Sutherland and Moore's prints and drawings from the war years. I also looked at the work of S.T. Gill.

With the exception of the manuscripts and Bruegel, I have made an effort to examine examples of these people's work in the print rooms and galleries I have visited around Australia over the last few years.

When drawing, I have been keen to emphasise a celtic linear quality, partly for its referential value, but mostly because I like the linear rather than the tonal.

Bruegel has been of help via the construction of his complicated pictures, and because of the way he melded traditional stories and contemporary political events, and the way he placed the real and the imaginary, side by side. Also for his example of didactic moralism.

The main reservation I have of my work is that, with its mainly British influences and concerns, it could amount to little more than another extension of the



David Jones. c1949

Hic Iacet Artvrvs

pencil on wax crayon. 56.5cmx44.5cm

Anthony d'Offay Gallery, London

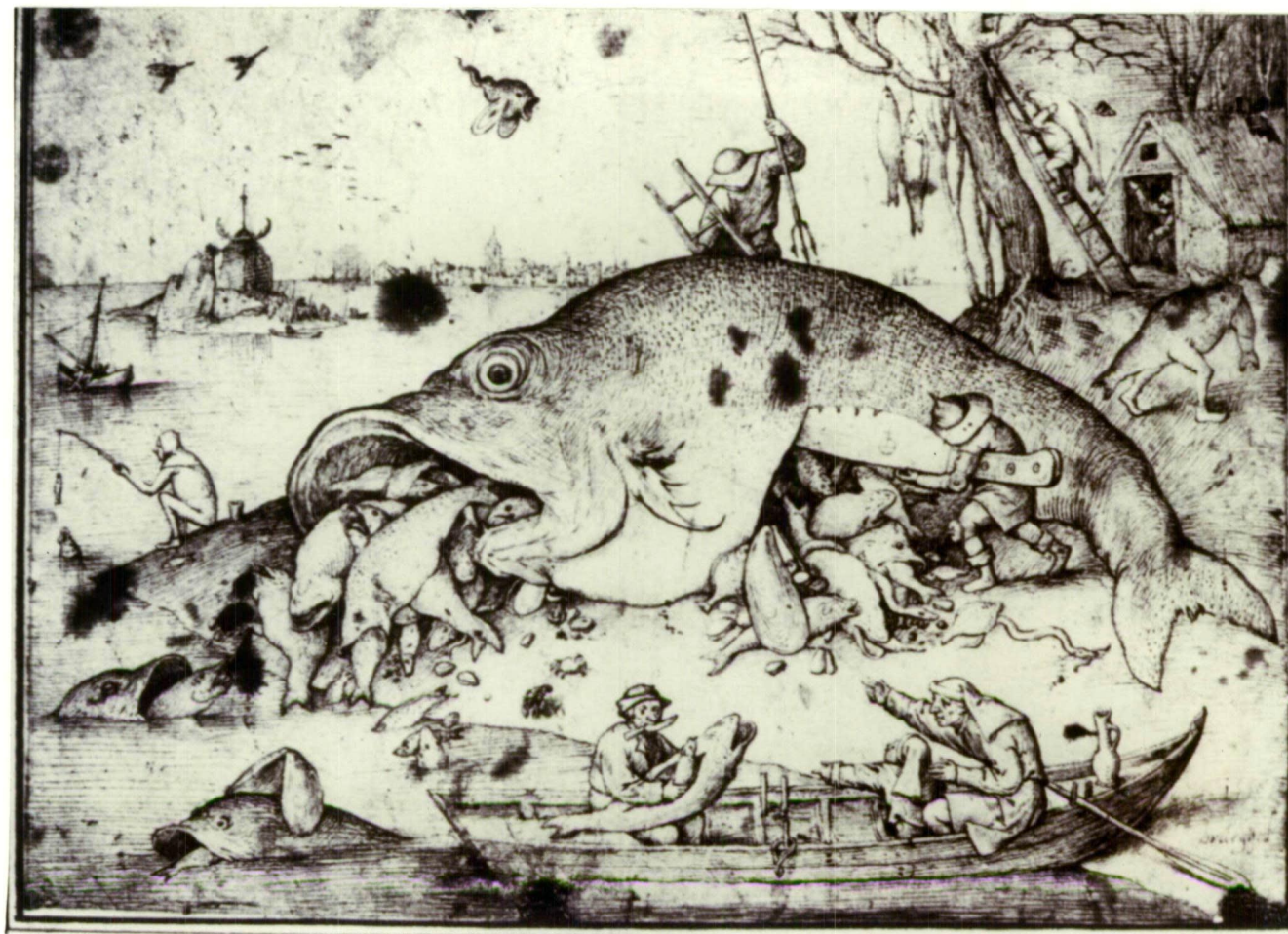
English cultural influence in Australia. The Anglo-European cultural tradition has been the only language I have at my disposal but I remain ambivalent about its performance.

Both the word pictures and the etchings are made in the mode of allegory. The allegory is the fable of abstractions personified. It is regarded as a supplement, the state of reading one text through another, or where one text is doubled by another; Craig Owens gives the example of reading the old testament through the new testament.¹³ This provides not only an additional meaning but a replacement. As a supplement it is aligned to writing in as much as writing is conceived as supplementary to speech. Allegory is essentially static as opposed to narrative which is concerned with unfolding a story.

Allegory first emerged in response to an estrangement from tradition, and throughout its history it has functioned in the gap between a present and a past, which without allegorical interpretation might have remained foreclosed. This is what Walter Benjamin recognized when he preferred the idea of allegory over narrative as a way of constructing history, where the present constructs the past through itself.

Allegory has been thought of as an extended metaphor. Hannah Arendt distinguishes between metaphor and allegory, when she says metaphor,

establishes a connexion which is sensually perceived in its immediacy and requires no interpretation, while an allegory always precedes from an abstract notion and then invents something palpable to represent it almost at will. The allegory



Bruegel. 1556

Big Fish Eat Little Fish

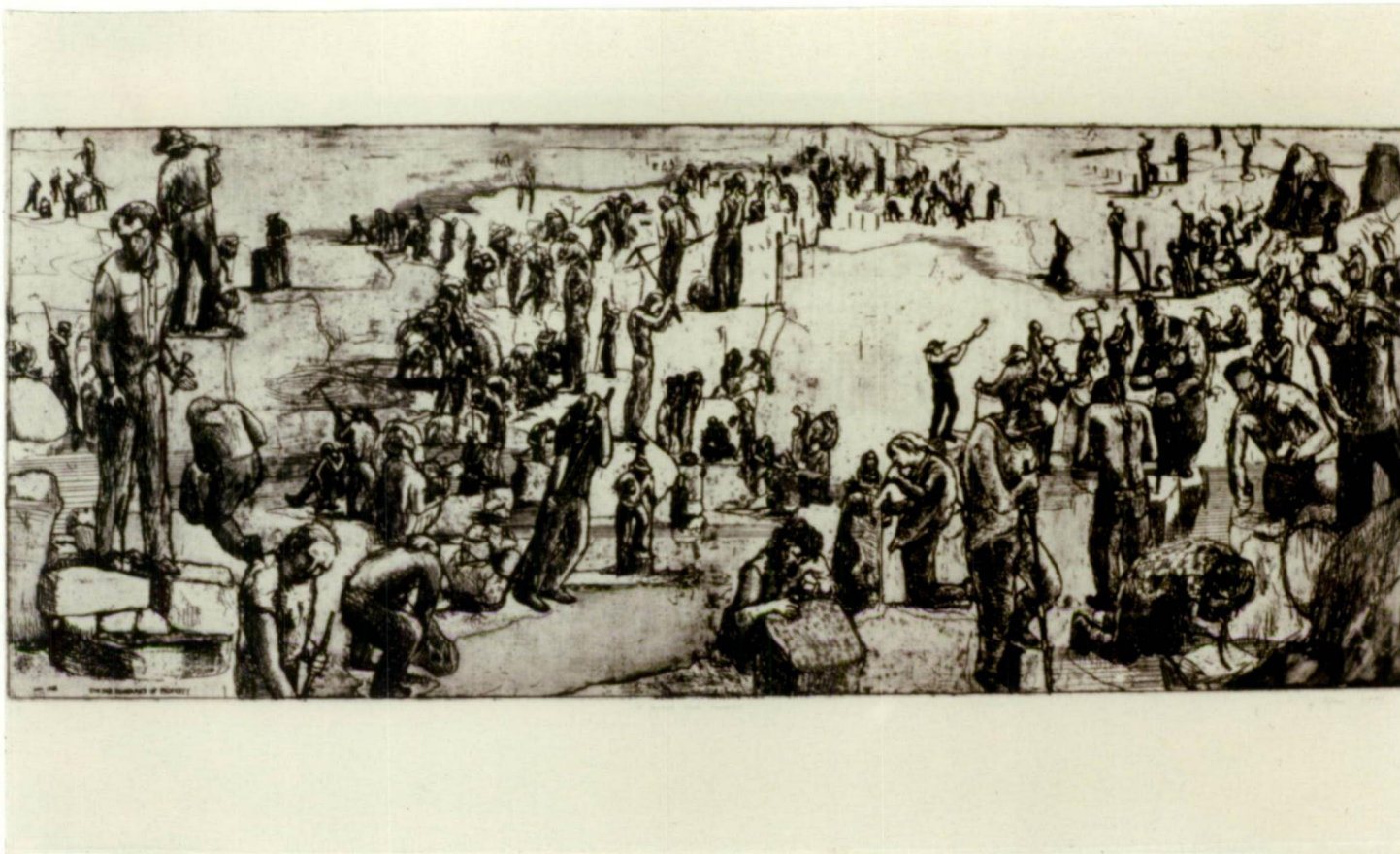
Ink on paper, 8 $\frac{1}{2}$ "x11 $\frac{3}{4}$ ", Albertina. Vienna

must be explained before it can be meaningful, a solution must be found to the riddle it presents... unhappily reminding one of solving puzzles.¹⁴

Later she says of Benjamin's metaphoric use of language; "Linguistic transference enables us to give material form to the invisible".¹⁵ The difference is the forced aspect of allegory over the 'sensually perceived immediacy' of metaphor, as if the act of transference internal to allegory was external to metaphor: one rational perhaps and the other unconscious. Although there are differences in degree and function,- metaphor is personal while allegory is social, both seem highly rational yet both have impulse from the magic of poetry, the irrational. Certainly both qualities are to be found in my allegories of social justice.

Tracing the origins of justice in Australia results in a jumble of ideas which ultimately link sociological ideas with philosophy, Christianity, political history, economics and the law. The only constants have been that justice is connected to language and that the idea of justice as with other ideas, has always tended to be employed in maintaining the powerful in positions of power.

The practice of justice in legal history and up to today, has been largely concerned with the protection and division of property,- church, state or private. I have made most of my pictures, therefore, around the aspects of ownership, that is, ownership of ideas, land, peoples and finally, the body of the individual: ownership by the powerful and the prevailing ideology.



A Hundred Stone-breakers. 1989
etching, 36cmx91cm

The aim of the notes provided is to show how I have traced the history of the origins of justice in Australia, through the events that led to their development. In other words my interest has been in history. From the range of ideas presented, some of which are just history but most of which remain in some form as part of our received culture, it is possible to see just why our modern justice is in a state of confusion. These received, often incompatible ideas, now live entwined with each other in our personal beliefs and our laws. Yet from the depth and breadth of our cultural and institutional history there is plenty from which to choose a course for moderation, consideration and respect in our dealings with others and the planet.

Perhaps the pictures give a rather gloomy idea of the manipulation of justice, but Justice has been one of the grand ideas that have formed the culture of the Western world against which I set my pictures. So while I am critical of the functioning of the justice system, I also speak in defence of a culture that is both rich and diverse.

There two groups of people that are absent from the hundreds of figures that I have drawn in this body of work. They are the Aboriginal population, immediately silenced by the term terra nullius; and women, by and large excluded from history. In their notable absence, the two groups are like many reproachful ghosts, at once banished and present.

I do talk about the coerced through the poor, the

criminal, and the subjugated cultures of the Druids and the Celtic, also marginalized by the historical process.

My approach to making pictures falls within a post-modern way of working; bringing together disparate elements in one picture, referring to other pictures, using antiquated letter-forms, texts and old illustrations, and based on the various discourses I have already mentioned. I have concentrated on the marginalized, as Foucault has..

The ideas of postmodern critical theory that try to break down the boundaries between separate discourses have been important in the formulation of my pictures. Nonetheless there is an increasing over concern in post-modernism with the text for its own sake- playful self contained writing, when the ideas presented to the majority of people through the media go unchallenged, and theory loses its chance to be intelligently effective.

Knowledge of the events of history is important in our self conception, as a nation and individually as members of human kind. History should not lose its significance to our lives. Making a tourist destination of Dachau or Port Arthur or the Burma Railway is offensive, not because people should not visit these places but because horror is presented as a spectacle for commercial consumption.

The medium in which I work, print, is both traditionally linked to writing through printing, and to political commentary.

I have hoped to place myself somewhere between the erudite and the pop, talking about serious but accessible ideas, requiring effort to read but not to be incomprehensible.

Prints in Order of Completion.

- | | | |
|--------|--------------------------------|------------------|
| 1. | Battle of the Trees | etching |
| 2. | A Hundred Ghosts | etching |
| 3. | A Hundred Highways | etching |
| 4. | The Far Boundaries of Property | etching |
| 5. | Last Cigarette | etching |
| 6. | Army of Words | etching |
| 7,8,9. | Thief in A Monastery: trilogy. | lithographs |
| 10. | Privacy of the Murderess | lithograph |
| 11. | The Young Men | lithograph |
| 12. | Natural Justice, (young men) | lithograph |
| 13. | Natural Justice, (old men) | lithograph |
| 14. | A Hundred Stone Breakers | etching |
| 15. | A Hundred Skeletons | etching |
| 16. | Twelve Executioners | etching |
| 17. | Sheep Stations | etching/aquatint |
| 18. | Trial Of the Piglet Twins | lithograph |
| 19. | Oliver Cromwell's Demons | etching/aquatint |
| 20. | Pioneer Village | etching |
| 21. | Army of Ragged Men | etching |

The Battle of the Trees:¹⁶ the tree alphabet; the letters of the ancient Irish alphabet correspond to the tree or shrub of which it is the initial. The names of the letters in the modern Irish Alphabet are also those of trees, and most of them correspond to the old list, named by Roderick O'Flaherty, except T has become gorse, O- broom, and A- elm. In all Celtic languages, trees mean letters, letters, trees.

This picture is a cipher of the rediscovery of the lost rudiments of poetry in myth and the active principles of poetic magic that govern them.

In the Celtic tradition, the Druids were credited with the magical power of transforming trees into warriors and sending them into battle. But the battle in the poem, is not a battle physically fought, but a battle fought intellectually in the heads and tongues of the learned:

Under the tongue-root
A fight most dread,
And another raging
Behind, in the head. ¹⁷

The original "Battle of the Trees", comes from a myth of a battle for religious mastery, through guessing the name of the opponent. The name could be used in magic against the person or party. The armies were, - Dôn, the people who appear in Irish legend as the Tuatha dé Danaan, "the folk of the god whose mother is Danu", - and the armies of Arawn ('Eloquence'), the King of Annwn, or Annwm, which was the British underworld or national necropolis.

In the poem, Gwydion ap Don, guessed the name of the man Bran, meaning crow which also meant alder, sprigs of which, he held in his hand. Gwydion's party belonged to the Ash-god. Thus the Battle of the Trees ended in a victory of the Ash-god and his ally, over the Alder-god and his ally.

The poem "The Battle of the Trees", is a pied poem. To disguise information which would give adversaries power, the Druids made poems into which would be jumbled four or five other poems, making a kind of rough but misleading sense. In this poem, names and places were disguised in their equivalent as trees. A pied poem might contain quite a large number of riddles, each with a separate solution which could only be attempted after the separation of the original poem, from the others.

On top of this there were cipher alphabets. A fully trained poet had to learn a hundred and fifty cipher alphabets, which could be made from Colours, Birds, Trees, Fortresses, Numbers, ect. In their use, there could be tricks of order, reversal of words or translation into a foreign language.

So my "Battle of the Trees", is a picture about a language that was composed of letters that had a real connection with the natural world, a language not like nature, but as nature. It is a poetic, magical connection that is no longer open to us. In historical terms it was lost with the Roman invasion of England in the first century, when the Druids and their sacred groves were fairly systematically destroyed. The letters C T, in

modern Roman letters, are the Roman numeral for a hundred and T for trees. One T is upside down: and my pictures of trees are nothing more than twigs. The magic groves were cut down/ the armies laid to waste, and the culture lost.

This early etching is a kind of key to my intent to examine political history, and through the poetic, to grasp some emotion from the past, from my position in this society of the present.

A Hundred Ghosts: refers to working men without work, how unemployment turns the worker into a shadow, putting him outside the system of production, as it does the criminal.

A Hundred Highways: is about property through division; it also embodies disparate discourses in roads that lead on forever and never meet.

The Far Boundaries of Property: concerns the transposition of various cultural aspects onto the Australian countryside, from Europe. The silos and the goldmining apparatus refer to how the worth of the land is conceived in economic terms.

Last Cigarette: a hundred heads hover in an empty space, on little clouds. This is a picture of execution through history. It has a small drawing of Walter Raleigh, who introduced tobacco into England, and who was executed for treason in 1618. Raleigh also sailed on the first two of England's colonizing expeditions, though he did not command the first. Both to North America, a year after the first, Raleigh returned the survivors to England

at their own request. The next expedition of a hundred and fifty colonists disappeared. They either died, were killed by the local Indians, or had joined the Indians, it is still not sure.¹⁸

Army of Words: a poem describing words as an army of ghosts. A man receives a long awaited letter, but the wind blows it away before he can read it.

A Hundred Stone Breakers: the title comes from Courbet's great humanist allegory of two stone breakers working on a road. This painting was destroyed in 1945 in the Dresden fire bombing. My picture is about 'docile bodies'.

A Hundred Skeletons: 'Death is now an intrinsic part of the fragile and empty existence of things, whereas in the Middle Ages death came from the outside'.¹⁹ This picture takes something from both the 'Dance of Death', and the memento mori tradition. In the dance of death, death was always depicted, (either with flesh hanging off their bodies in tatters, or after the sixteenth century increase in anatomical knowledge, as skeletons), as dancing off with unwilling living. The living through their clothing and accoutrements, were shown to be from all classes and rank of profession. Hence it was a late development to include women as they had no profession. They were represented as a condition, ie. newly married, pregnant and so on. The skeletons were never depicted eating and the tradition in no way represented the psychological concerns to be found in later Romantic macabre artworks. Memento mori, remembrance of death- is an object imbued with a sense of passing time, either as

a depiction of death, a death's head on a ring,- or something old and obviously worn. Like the dance of death, memento mori were originally intended to inspire fear and pious living, in order to gain salvation, but mingled with the message that the immanence of death enriches life. After the sixteenth century memento mori came to be understood in the sense of vanity. This idea took away some of the pleasure in accumulating goods. Death was no longer terrible, but at the same time it was less possible to enjoy life. By the nineteenth century the individual was nothing, (in the face of the universe, conversely as he was becoming more singular in the world), and the idea of the void had deeply entered popular consciousness.

Drawing on these two traditions, this picture is about folly: the folly of empty refusal to change ideas and behaviour, even though all use for them has gone, and that the folly of the group disguises the folly.

Twelve Executioners: concerns public execution and houses of confinement. The prince (his delegate), seizes upon the body of the condemned and bears it to the ground, then displays it. In his crime the criminal has touched the very person of the prince.

The public execution did not re-establish justice, it re-activated power. The executioner was not only the implement of the law, he also deployed the force; he was the agent of the violence applied, in order to master it, to the violence of the crime. On the person of the criminal the horror of the transgression had to be

manifested and annulled.

Public tortures and executions are the effect of a system of production in which labour power, and therefore the human body, has neither the utility nor commercial value that are conferred on them in an economy of an industrial type. Also, the ready presence of death gave rise to rituals intended to integrate it, to make it acceptable and to give meaning to death's permanent aggression. Public execution revealed truth and showed the operation of power. The truth power relationship remains at the heart of all mechanisms of power.

While atrocious punishment was public, humane punishment was private. The point of application is no longer the body, it is the mind or rather a play of representations and signs circulating discretely but necessarily and evidently in the minds of all. Here two things become evident: the criminal becomes placed outside society, and a system of measurement of the effects of the 'treatment' on the criminal, is necessary.

Originally detention was bound up with despotism, but by 1596 in Amsterdam, the first prison/reformatory opened.²⁰

Army of Ragged Men: is about the poor. The Elizabethan Poor Law Code of 1601 which remained law for over two centuries, caused the state to take over from the charity provided by the Church, as a national duty, the task of providing for those living in destitution. The 'poor in very deed', were morally distinguished from roving beggars who were branded and forced to return to their

native parishes, otherwise to go to a House of Correction. The poor were contained and made accountable; being unattached to property was made an offence under law and by implication, a moral offence.²¹

Sheep Stations: refers both to the land use and to the colloquial expression, which means playing for massive stakes. The land is absolutely empty apart from a few imported monuments, to immigration, to industry, and to chivalrous codes of manners. Standing on the monument to immigration, an Aboriginal woman has been taken out of the landscape and re-presented as something between a 1950's kitsch object d'art, a biological specimen, and the eighteenth century idea of the noble savage. A crown, the European representation of hereditary right to rule, hangs over the landscape.

Pioneer Village: is about 'Australia the Penitentiary'. Henry II is seated before the Tower of London while from the waves wash objects that signify the invention of Australia, soon to be re-invented in Pioneer Villages across the nation. Paul Carter describes an imperialism of 'naming', how the explorers who travelled and wrote and named as they did so, emphasized the distance of the observer from what he saw; "places are means not of settling, but of travelling on... of multiple futures, endless journey, arrivals and departures".²²

Oliver Cromwell's Demons: Oliver Cromwell gained power and governed with the aid of the army, and at no time was it possible for him to govern without the army. It was Cromwell who developed the modern standing army in

England. Hitherto the army had been composed of the sons of nobles, squire's sons and conscripted farmers, who were unwilling to fight outside their own county, outside their own concerns. Cromwell's army was composed mainly of the middle class and tradespeople, with various religious groups- held together through drilling and religious discipline. They were forbidden from looting or ransom, the accepted manner in which armies took most of their pay, and were paid by parliament. It was this breakdown of the personal concerns of the soldiers and the substitution of the abstract notion of fighting for an idea- the idea of the nation, that was modern; and a precursor to an army of the future that could logically comprise every able-bodied man from a nation.

In January 1649 Charles 1 was beheaded. Cromwell felt he had no choice and he always took strong political compulsion to be the voice of God.

Cromwell's conquest of Ireland- 1649-50, was the most complete of all English conquests of Ireland. He left a third of the Irish population dead through war or starvation, and two thirds of the Irish land forcibly changed from Catholic to Protestant hands.

During his Protectorship, Cromwell is credited with beginning the British Civil Service when he abolished the fees of the Clerks of the Privy Seal and put them on a salary. His Secretary of State also created the first secret service in England, useful to Cromwell for the detection of unrest. These then are the political demons of Cromwell's Commonwealth.

This picture is about the ambivalence of great single figures of history, of great Heads of State, more especially Oliver Cromwell, who though he governed for the people, could never keep his parliments from undermining him and could never rule without force.²³ Oliver Cromwell's political demons are as much our psychological demons.

Thief in a Monastery: a trilogy of sonnets, loosely based on the theft and later return of a number of not very valuable icons from a Benedictine monastery in New Norcia, Western Australia. The pictures are like pages from an illuminated manuscript. They represent three different times of day, late evening, sunset, and mid-day.

Privacy of the Murderess: the text is a sonnet about a murderess, the idea for which came from newspaper articles on the 1987 rape/murders of several young girls in Western Australia, committed by David Birnie and his common law wife, Catherine. Catherine murdered to prove her loyalty to David. The poem does not specifically refer to the case.

Contrasted with the poem is a drawing taken from a contemporary engraving of Queen Elizabeth I. So the poem refers to private murder, (through the intimate tone of the poem), and public/state murder.

The Young Men: a sonnet about the close proximity of the labouring class and unemployed men, to the prison system. It has a picture of the Tower of London, an incarceration house for political prisoners. I think

all prisoners are political prisoners.

Natural Justice: (the young men), inspired by Jean Genet's, The Miracle of the Rose, is about an aesthetic of crime.

The Greek idea of Natural Justice, natural prohibitions for man, is contrasted with a modern, indifferent 'nature'.

Natural Justice: (the old men), while the meaning of the picture is ironical, I hoped my old men to show a kind of stubborn resistance. Though the picture shows decay, it is also about the resistance an idea can have, to decay. If irony is first about despair, then it must be secondly about hope.

Trial of the Piglet Twins: is taken from an old illustration of an English court in progress, and changed to look like a fairy tale illustration. It is about a paternalistic court system that treats the accused as something between a child and a monster.

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13. Craig Owens, The Allegorical Impulse, 68.
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