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FARES FAIR, PTV : Campaign Update

Thomas Whiteside

Several weeks ago I wrote an article outlining the case for public transport concessions and plugging Fares Fair PTV's first public event. Given that some time has passed, I thought it appropriate I write a follow up to update students on the progress of the campaign.

The Speak out at the State Library on March 14th was, all things considered, a great success. We had about fifty students rock up, which for a cold Tuesday morning early in semester, we think was pretty good. After all, haters gonna hate (I'm looking at you, right wing toilet poster vandals) and slacktivists gonna slack... (I'm looking at you MLS).

Anyway, it was heartening to see those who showed up were a great mix of domestic and international, undergraduate and postgraduate. We also used the event as a chance to launch our new Fares Fair PTV Position Paper, which contains new modelling that suggests the overall cost of this reform is significantly lower than earlier Universities Australia estimates (with the figure being closer to \$6 million rather than \$70 million!).

On a side note, it was also fascinating to hear from several international students who told me this was the first time they'd gone out to protest government policy. They seemed genuinely shocked they could be so openly dissident without being told to move along or dragged away. Sadly, I've also heard on the grapevine that many international students also avoided the Speak Out on the unfounded fear their visas would be cancelled. Hmmm. But I digress...



The Speak Out lasted about an hour and a half and we had some great calls to arms from speakers from GSA, Council of Australian Postgraduate Associations, National Union of Students, the Greens and two city of Melbourne councilors. We also heard from two local poets, who delivered entertaining poems about their experiences on public transport.

The fall out of the event has been largely positive, we received some local media, but more importantly, Jacinta Allen, the minister for public transport responded by having Ros Spence, the Parliamentary Secretary for Public Transport agree to meet with representatives of the campaign. Spence then gave us a good hearing, she was interested and sympathetic, and while non-committal, has agreed to take our arguments to the State government. Considering Allen had previously more or less ignored our calls for a

meeting and dismissed our arguments entirely, this new response from Spence was extremely positive.

Now we play the waiting game; except not really. While we wait on a response from Spence and Allen, we have launched another phase of the crusade; a postcard / 'letter writing' campaign. We've had stacks and stacks of Fares Fair PTV postcards printed, addressed to both Allen and the Premier, Daniel Andrews. The idea is you take them away, fill them in by explaining the importance of transport concessions, then we stamp them and send them in. Day in day out, their offices are hounded by students demanding Victoria do what's right and fall into the line with the rest of the country. At the moment there should be a stack of the postcards outside the LSS office, which we'll swing by and collect once we have a few. So please fill one in!

Finally, we continue to campaign with videos and other materials on our Facebook page, laying out why this is such an important issue and why postgrad concessions should be in the budget. Stay tuned for more.

Oh also, GSA elections are on right now and voting closes on 12th May. Don't forget to vote! The Fares Fair PTV Position Paper can be accessed online.

Thomas Whiteside is a Fourth Year JD Student



BOOK REVIEW: *Grand History, Napoleon & A Forgotten Ally*

Kai Liu

In my continuing quest to procrastinate rather than do anything productive (and exploiting De Minimis's generous publishing policy to do so), I present for your reading (dis)pleasure my (entirely unqualified) reviews of three history books. All were read on a Kindle.

Why the Rest Rules - for Now: The Patterns of history and What They Reveal About the future (Ian Morris, 2011)

A fascinating read, and a more holistic theory compared to similar grand history narrative *Guns, Germs and Steel*. Ian Morris, a British classical historian and archaeologist, sets out a theory for societal development measured in 'scores'. As with anything in history that is abstracted from the subjective to the 'objective', the developmental scoring system that is developed by Morris necessarily loses some clarity, and is hampered by the lack of good sources from certain periods of history.

Morris deftly tracks the development of regions from their "cores" – from the Hilly Flanks and Mesopotamia in the West to the Yellow and Pearl River Valleys in the East, all the while maintaining a stringent narrative between the cores. In defining his cores, he abandons traditional concepts of 'West' and 'East', instead focusing solely on geography, and abandoning 'Europe' and 'Asia' as political concepts.

Ignore the title – the book works better

as an exploration of historical forces and development, rather than as a work predicting the future. Highly recommended read for anyone seeking an accessible 'overview' of World History.

The Campaigns of Napoleon: The Mind and Method of History's Greatest Soldier (David G. Chandler, 1973)

Considered one of the seminal works covering the military aspects of Napoleon's career, Chandler, who was a lecturer at the Royal Military Academy Sandhurst, covers Napoleon's meteoric rise and long, protracted fall in 17 parts, covering 93 chapters. The longest of the three books on offer, this work is also one of the most detailed, with exquisite maps outlining in amazing detail the movements of Napoleon and his marshals on campaign.

The work is sadly limited in focusing on Napoleon's military campaigns, with only passing reference to the Peninsular Campaign and Trafalgar. Chandler also only briefly touches on Napoleon's domestic and legal reforms, and only insofar as are necessary to understand the context of his grand narrative. This is a work of military history – it is not a holistic overview of the Emperor's life. For that, *Napoleon: A Life* by Andrew Roberts comes highly recommended.

If you're interested in the campaigns of one of history's great generals, this is a must read. If you're more interested in the domestic and legal reforms of Napoleon, look elsewhere.

China's War with Japan, 1937-1945: The

Struggle For Survival (Rana Mitter, 2013)

Also published in the US as *Forgotten Ally: China's World War II, 1937 – 1945*, Mitter, Professor of the History and Politics of Modern China at Oxford University, examines a chapter of World War II that is long forgotten and oft ignored in the West. Mitter opens his narrative with an examination of pre-war Republican China, a place of vast, sadly untapped, potential.

Mitter also charts pre-war China's complicated relationship with Imperial Japan. But the meat of the narrative charts the rise and fall of three competing visions for the future of China: The Nationalists led by Chiang Kai-shek in Chongqing, the Communists led by Mao Zedong in Yan'an, and the collaborators led by Wang Jingwei in occupied Nanjing.

Mitter also goes some way in rehabilitating Chiang Kai-shek, in contrast to works from the Cold War such as Tuchman's *Stilwell and the American Experience in China, 1911-1945*. Combining eyewitness reports and historic analysis, Mitter crafts an engaging, masterful narrative about the horrors of China's 9-year struggle with Japan. Despite the title, much of the work focuses on the civilian experience of the War. Highly recommended for anyone seeking an overview of the China's experience of World War II.

Kai Liu is a Third Year JD Student



WHO GIVES A CRAP?

Parodying MLS Debates Through the Prism of Privileged Pooping

Alice Kennedy

There had been rumblings amongst the student populace for weeks. The faint stink of inequity floated through the MLS corridors as rumours spread about the toilets on Level 10. Students claimed that the Level 10 toilets are home to a burning beacon of injustice. Apparently, these privies are privy not only to the behinds of esteemed guests of MLS, but also to better toilet paper than the rest of the law school. Clearly, it was time to get to the bottom of the matter.

Having downed three long blacks in preparation, I set out for Level 10. I was greeted at the foyer to be asked what I was here for.

"Please," I said, glancing downwards pointedly, "It's an emergency." No further questions were asked and I hastily made my way to the inner sanctum.

And what did I find? Well, you know what they say. There is no stench without substance. Level 10's porcelain thrones were resplendent – and had much nicer toilet paper. At least four ply. Possibly quilted. Never had I known such luxury.

Well, that settled it. This inequality had to be brought to a halt with the force of industrial strength Imodium. Balance had to be restored to MLS' bathrooms, because this pooping privilege could not endure. Alas, it was too late. Below, the news of Level 10's pooping privilege had hit the student body like a dodgy kebab at four in the morning. Unsurprisingly, a shit-storm erupted and the campaign for the Right To Wipe began.

It seemed that MLS students all wanted the same thing, but what they really wanted to do was to argue about how to get it. The main source of disagreement has apparently arisen between Scrunchers and Folders.

Between the groups, a great deal of shit-flinging has taken place, culminating in the infliction of turd-degree burns. Most of the arguing has occurred online, though it looks as though it may spill out into the real world. Scrunchers and Folders have threatened to fart in each other's general directions, though this is unlikely to do more than produce additional hot air.

Curiously, Folders have been observed to smell their own farts while Scrunchers have allegedly been walking around in a pronounced cloud of smug. This doesn't achieve much, but apparently everyone likes getting a waft of their own brand as much as

hearing opinions that perfectly echo their own.

Scrunchers have pointed out that we should all be heavily involved in this movement and getting our hands dirty, while Folders have retorted that this is exactly what we're trying to avoid. Scrunchers have attempted to explain that this is just an expression, but miscommunication is inevitable in a highly charged environment like MLS.

Meanwhile, a Folder's suggestion that Japanese Toto toilets with warmed seats could improve the overall quality of toilet time has been dismissed as 'out of touch.' What is needed is better toilet paper, not better toilets. According to Scrunchers, Folders' parents have probably been paying for their toilet paper all their lives. That Folders took exception to being insulted in this way was clear evidence that they were in denial about their pooping privilege. To the consternation of both sides, a Folder then posited something about neo-liberal economics. Little soul searching regarding mutual pooping prejudice took place during this exchange of effluent.

Ultimately, hashtags such as #notallfolders and #notallscrunchers became commonplace as both teams began to launch straw-man arguments that had increasingly little to do with finding a way to spread high quality toilet paper throughout the law building.

In addition, the Men's Right to POop Organisation (MRPOO) has raised concerns, not about toilet paper quality, but the generally fetid nature of the male toilets at

MLS. In particular, the lack of paper hand towels on the ground floor. MRPOO was promptly told to shut up and use the hand dryers like everyone else. It was also pointed out that, seeing as everyone in MLS is in possession of an anus, access to toilet paper is not really a gendered issue. In response, the organisation has created its own hashtag: #getbackinthebathroom.

Fearful about the overall effect on the ozone layer, something much bigger and more important than MLS, some students are advocating for the installation of an eco-friendly drop toilet in the middle of University Square. They have called it the Great Equaliser. The theory is that if students just air their crap out in the open instead of being anally retentive and avoiding face to face discussion, they will see that they are not so different after all.

Surely, like most issues at MLS, the simple answer would be to raise concerns about the status of toilet paper with the faculty, or bring everyone together to generate suggestions for change. In this case, some quilted four ply would surely be welcomed by all.

Overall, this author worries that students care too much about carving an identity for themselves in opposition to each other and too much about winning arguments to realise that we'd be better off tackling things together.

Whether you stand, squat or hover – whether you scrunch or fold – the truth is that we're all full of crap. Together we triumph, united we wipe.

Alice Kennedy is a Third Year JD Student



The Problem of Post-Modern Legal Discourse

(With David Foster Wallace)

Nicholas Parry Jones

In an interview¹, David Foster Wallace² decried the influence of postmodernism on his generation. As a method of analysis, postmodernism doesn't prescribe an overarching framework of understanding. Instead all knowledge³ is contextual and constructed. Thus proponents of postmodern art are self referential, ironic and cynical. When DFW gave this interview, the effects of 50 years of post-modernism were being felt across the art world. An idea that reconstructed colonialism and gave credence to subaltern⁴ studies for academics, post-modern art had become it's truest form, a dry joke. While David was famously elitist on the question of TV⁵, one cannot avoid the idea that Seinfeld was indeed cynical. Nothing was taken seriously. No problems were ever solved. As Larry David⁶ said "No hugging, no learning."⁷

To Wallace, TV's shift to cynical and ironic humour was corrosive to the soul and thus the culture reflected in the screen. People learn from television, but on television, nobody learns. Characters are mocked for their inability to read a situation.

They fail. That's it. Just failure. Punishment.

But how does this relate to law?⁸ The essential element of postmodern

deconstruction is its contextual basis of thought. Within these microscopic contexts, the more knowledgeable reign supreme. Those that are less so are punished accordingly and without delay. The same can be said for law. In the context of each legal process, one party is punished, forced to pay up big and ground out by technicalities, with little thought to overarching principles of how our society should be. The end result being a disjointed and cruel legal system, with each developing in a maze of its own, requiring some stiff⁹ in a thousand dollar suit to navigate.

But is there a solution to all this?¹⁰

Any student of Hayne's 'Joining the Dots' class will know of his honour's conviction that law should not develop in silos. In saying this, the good Justice mirrors the argument of what is surely his favourite author.¹¹ Wallace claims that to be "really human" we need to be "generally pathetic" and "unavoidably sentimental."

For those that tire of DFW's adverb-adjective style, look no further than Kirby J. Many of his decisions¹² fight against this trend and implore his friends on the bench to adhere to principles he sees as core to our society: those of fairness, compassion and equality.

So next time you want to write a legal opinion essay on the black letter of the law, think of the world you build. Ask yourself W/WDFWD?¹³

¹ If you're on the computer or an astute typist, find it here: <https://youtu.be/91ytSdSM-Kk>

² Author of *Infinite Jest* and bandana aficionado

³ And therefore, truth.

⁴ A field of historical discourse which focuses on the underclass as opposed to the rulers and recognised paragons of culture.

⁵ See: "E Unibus Pluram: Television and U.S. Fiction" (The Review of Contemporary Fiction, 1993).

⁶ Creator of Seinfeld and known post-modernist

⁷ Francis Davis, "Recognition Humour," The Atlantic Nov 1992

⁸ I ask this as I assume this will be published in a law school weekly. Maybe you're reading this online, maybe you picked it off the floor to place it in a recycling bin. If the latter, then thank you for your service.

⁹ Hopefully from Melbourne Law School.

¹⁰ Yes, Read on.

¹¹ ... of *The Pale King*

¹² Largely Dissents

¹³ What Would David Foster Wallace Do?

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Mary's Inspiration: Towards Exams

Mary Connellan

As we head towards exams, now is the time to take a moment to step back and be kind to yourself. You will perform better if you are happy. Also, happiness is infectious, so be kind to others.

First years: Instead of frantically trying to get a perfect set of notes together, talk to each other and anyone you know from the years above you who can give you tips on how best to prepare for exams. I'm no expert but I've found it's less about perfect notes and more about the content you understand and can apply in a timed exam. Know yourself and your limits and make sure you are feeling happy and healthy.

Second years: Congratulations on almost making it through one of the toughest semesters in the curriculum. You know the drill; so don't slack off on being kind to yourself. Support and encourage each other. Even though you might be competing for the same clerkships, there is no reason to become isolated. Reach out to someone you know who may be struggling; it's amazing how we can find strength for ourselves in moments of kindness.

Third years: If you are reading this... you still feel somewhat connected to the institution that is MLS, hate it or love it, we are still in it so let's let's make it the best we can. Spread the love.

Mary Connellan is a Third Year JD Student

