

# De Minimis

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## DOES MLS HAVE A COLLUSION PROBLEM?



### ANON

#### A Personal History of Teamwork at MLS

When I started the JD, one more senior student in particular had an air of casual academia about them, and certainly other students regarded them as a *savant*.

When I encountered my first year assignments I began to appreciate the mettle of grey matter needed to do well. It was then that an older friend informed me that the student I had previously regarded in the halls had completed the Constitutional Law exam in a group of three. For their section. As a whole group of ten. They received an H1, of course.

I wasn't angry hearing this, I was impressed. Stories of collusion were coming thick and fast. A warning came at the front end of our Obligations exam; students in years prior had booked rooms at the library for the weekend to discuss it beyond their pairs. We knew collusion was not tolerated, but I got the feeling that it was just a bit too on the nose for the faculty's liking.

#### A Constitutional Crisis

I've done a lot of group assignments at MLS. Many end of year assessments are precluded from the group dynamic because they're held in the REB. But take home exams, like those found in Consti and Evidence are large take home exams. In my class it was accepted that talking about the Evidence assignment is allowed, each case theory

will be distinct and the facts so dense, it might be helpful to get the student's head around things.

Contrast this with the Constitutional exam. Solo 6k in 8 hours. A mammoth task. We were told explicitly not to collude, reminded again and again, but I got the feeling the teachers knew they were reciting a Sisyphian exercise. A kind of academic groundhog day.

Sure enough, around week 9, as the last of the LSS campaigners had retreated into their seats of power atop level 2, a whole different kind of spruiking was taking place. My closest friends from first year and I had already decided to do it as a team. All very hush hush. A classmate and I were discussing the impending exam with dread. The conversation lulled. A pregnant pause, birthing a bastard of deceit that could cost a student their degree.

"Have you heard some people are doing the exam *together!*?" they asked, the emphasis my own.

"I've heard whispers, groups forming"

"Say, do you want to do it together?"

I came clean and gave them my game plan. I contacted my team, they allowed him into the fold. They bailed on the day, later posting a picture themselves with their other team. I empathised with the staff, a bit on the nose, I felt.

It didn't even turn out that well. My group didn't get amazing scores, nothing more than I would usually expect. I don't think there's all that much to be gained from teaming up, although it is

rife at MLS, more a product of fear than anything.

#### A Problem?

Is this a problem? I would argue a resounding no. Employers ask for students with teamwork skills and this is what such projects provide.

Is it disingenuous? Absolutely.

Is it a clear cut advantage? Possibly.

It is the ability to choose partners to the exclusion of others that makes the process unfair. But this again is a skill that benefits students in real life: the ability to make strategic relationships. The solution therefore would be for the law school to lean into this: would it be so hard to make the consti mid-sem only redeemable if one elected to do the assignment alone, with the option to do it as a team and only taking 80% of the grade.

Is this foolproof? No. There is the possibility that people will elect to do it solo and do it as a group, but presented with the binary choice, I have faith the majority of students will be honest, where they may have not been previously. Moreover, it may alleviate some of the stress that is felt by some students with families.

I'm in no way against collusion. I'm against a culture that pushes students into a shroud of deception. It's a bad feeling for me as a student and no doubt other students as well.

*Anonymous is a JD student*

# RECLAIMING RU OK DAY

CLAIRE VAN BALEN



I hate RU OK Day. But in a rare display of uncharacteristic optimism, I'm calling on the community to join a good cause. I'm positing a plan to get behind this empty spectacle with all the cynicism and scorn it deserves.

So spread the word, get on board, let's start a conversation, and any other generic calls to meaningless action you can think of. We're starting a movement.

Don't worry, I'm not changing the name or the logo. We can keep the branded t-shirts, wristbands and other merchandise, not to mention the campaign bus that tours the country to harass people into talking about their feelings.

We want to keep the sponsors and brand ambassadors happy. You can get some great RU OK tees in vomit-yellow from General Pants -

you know, one of the worst ranked clothing labels for their treatment of workers along their supply chain. Chemist Warehouse cares about mental health too, proudly displaying its logo on the RU OK website. I wonder if underpaying its staff to the order of \$3.5 million back in 2016 affected those workers' mental health?

What will change however is the poor bugger on the receiving end of your grotesque gesture. Instead of bothering homeless people with the uninvited gift of your presence, instead of harassing the quiet guy in your class with a coffee (he's actually not quiet, he just doesn't want to talk to you because he senses your shallow and annoying tendency to "help") and instead of inflicting your anxious friend with the spectacle of your kindness, I implore you to spew your sympathy onto those who most need your pop-psychological scrutiny - the politicians responsible for the lack of services available to sufferers of mental illness and whose anti-social policies make being happy so goddam hard.

Here are some tips for noticing the signs of poor mental health among the political elite:

- Has your local member been withdrawn, psychopathic and completely lacking in humanity?
- Are they acting weird, for example using their office to structurally oppress the underclass, exacerbating mental illness by cutting frontline services for the neediest or resisting equal marriage rights?

- Do they exhibit a neurotic obsession with protecting sovereign borders while asylum seeker children self-harm?

- When experts tell them criminalising homelessness will cause widespread misery or sending debt letters to Centrelink recipients could lead to suicide attempts, does your MP seem to go into a state of psychosis or dissociation so that they are incapable of hearing good sense?

If so, it might be a cry for help and all they need is someone to get them a coffee and say: hey mate your behaviour is near clinically criminal, are you OK? Like seriously, what is wrong with you, are you OK?!

With this bubble-gum talking cure, we can raise awareness. Not about mental illness per se because we're actually already really aware that that's a thing. But about how the structural factors that impact on our wellbeing, especially the wellbeing of those experiencing an intersection of social problems for whom vague questions just don't cut it.

You don't have to be an expert or have any training whatsoever. You don't need the slightest iota of self-awareness or humility. You don't even have to think. All you need to do is act. Acting without thinking is basically our modus operandi. All you need are four letters: RU OK?

*Claire Van Balen is a second-year JD student. This article was written in her personal capacity.*

# REFLECTIONS ON THE LSS ELECTION

GEORDIE WILSON

## Are the LSS Reps Our Peers?

This year's LSS election has prompted me to think and note upon the LSS election process and student politics more generally.

The first interesting thing to note was the style of promises this campaign cycle. The palpable electoral theme this year was accessibility and humility. Promises were made, like pledges to keep the office open, to be friendly, to stop the 'LSS from being a closed off club', to be a conduit for students to raise issues rather than acting as gatekeepers.

I think the reason this was such a prominent campaign issue was because of complaints about the LSS within our peer group over the past year. Varying in their fairness, these complaints substantially were about LSS members being arrogant, cliquy, or aloof.

I think these complaints vary in their fairness. On the one hand, over the last year myself and others have indeed experienced a post-victory coldness emanating from a tiny number of people who were friendly, sociable, and ready to extend invitations to fun events in the lead-up to needing votes.

However, on the other hand, I think that it ought to be said that this isn't the case with most members of the LSS. In fact, the LSS group in my experience is, and has been, one of the least aloof and cliquy of student political bodies I have come across in a half decade of university life.

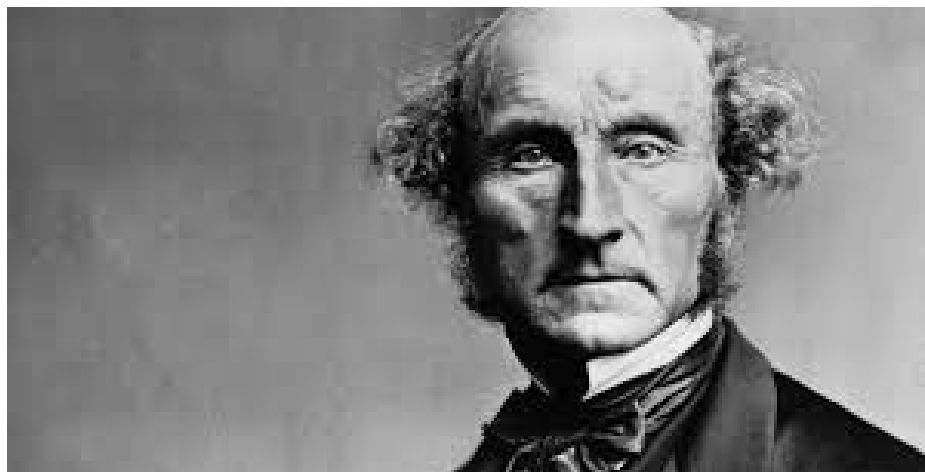
Perhaps the grumblings that drove the campaign theme should be embraced as the natural and inevitable result of the tense, competitive, type A peer environment that is MLS. People who do well in school often chase law for the tantalizing status seemingly provided by the profession rather than for lucrative reasons. It's natural then, that a relative social



benchmark like the LSS that elevates some peers above the rest of us by granting titles will be met with some scorn.

Still, I think that campaign theme is a bit of a funny thing to have as the main promise in a political campaign. An open-door policy is one thing, but the kind of intimacy promised from some of the candidates would lead me to believe I'm welcome to set up camp in the LSS office next year and save myself some weeks of rent. Of course, this level of intimacy (even in the less

# WHY WE'RE ALL PROBABLY WRONG



## BENJAMIN WILSON

### J. S. Mill's 'Argument from Accident' in On Liberty

The greatest difficulty for Mill, the herculean task over which he labors here and throughout the *On Liberty*, is to convince his readers to consider that they could, possibly, be wrong. In my view, the strongest of these arguments is what I will call the 'argument from accident.' To summarize:

1. One is confident in one's beliefs if those beliefs are reinforced by their community;
2. If one had been born into a community that reinforced contrary beliefs, one would be equally confident in those contrary beliefs instead;
3. It is only an a-rational accident of history that one was born into the community they were born into;
4. Confidence in any belief is only an a-rational accident of history.

Perhaps the argument carries little weight when applied to beliefs so absurd no-one has ever been recorded believing them, but where different communities have had radically different beliefs to our own, the argument is terrifyingly compelling.

Prima facie at least, the community of our university generally reinforces the following beliefs: that prejudice against anyone on the basis of their race or gender identity is evil, that

pleasurable sex between consenting adults is good, and that something like liberal democracy is the most desirable form of government. That slavery might be acceptable, that 'a woman's place is in the home', that sex outside of monogamous heterosexual marriage is somehow unethical, or that we'd be better off ruled by a dictator - these are thoughts that would rarely even reach the level of controversy on campus; they do not appear to us as serious possibilities.

However, had we been born in first century Rome, we would have seen discrimination against women and slaves as simple common sense, had we been born in reformation England we would view 'deviant' sexuality as almost treasonous, and had we been born in feudal Japan democracy would have struck us as absurd. Our settled convictions, these thoughts which are, for us, impossible not to think, are simple accidents of history.

It is no answer to point to our reasons, even our scientific authorities; most people convinced of their own tribe and times' values will be able to adduce good reasons in support of them. Ironically, *On Liberty's* age strengthens its case on this point. Mill's example of an unassailable, undisputed truth is 'the Newtonian philosophy'; through the early part of the following century general relativity and quantum mechanics combined to show Newton as being, if not quite incorrect, then at least radically incomplete. Empiricism is no guarantee of truth: the limits of Newton's equations were largely unobservable

because the anomalies were largely to small or too fast. Mill had good, empirical reasons, (not to mention the consensus of all serious scientists) to hold up Newton as unassailably correct. And yet in this he was wrong. Good, empirical reasons and the consensus of authorities are no guarantee of our comfortable certainties any more than they were of his.

The age of the text further serves to strengthen it in Mill's choice of the strongest opposing case: a belief in God and an afterlife. It was in defense of these beliefs, Mill felt, that his audience was least likely to be sympathetic to unrestricted freedom of expression: "To fight the battle on such ground gives a great advantage to an unfair antagonist; since he will be sure to say (and many who have no desire to be unfair will say it internally), Are these the doctrines [belief in God and an afterlife] which you do not deem sufficiently certain to be taken under the protection of law?" Mill's imaginary interlocutor echoes a popular objection against free speech in our own time: 'The only people who need the freedom to say racist things are racists.' It is rather shocking to read in Mill the assumption that his audience would view atheism as morally abhorrent as we view racism. And yet, apart from the accident of history that we are alive here and now, we might have felt the same.

*Benjamin Wilson is third-year JD student*

## De Minimis

### GIRLS TO THE FRONT

#### Call out for submissions

In Week 10, *De Minimis* will only be publishing submissions from women writers and artists.

If you've got something to say about gender and the law, or your experience at work and university more broadly, get in touch at [mlsdeminimis@gmail.com](mailto:mlsdeminimis@gmail.com) by Friday 29th of September.

extreme forms that were actually promised by the candidates) isn't possible. To be frank (aside from a few explicit portfolios) it's just not the LSS's role in our lives.

A lot of the LSS's value comes through the separation, and perhaps (gasp) elevation of some student peers above the rest of us. Having trustworthy, approachable, and declared representative people working behind the scenes and representing us to outsiders and insiders of this law school is useful. This work is made easier when the LSS can talk, organise, and get on with

the job in a separate group and area.

I think also something to be kept in mind is our 2016 president's parting words about what our social idea of 'a leader' is. Certain qualities of personality that are associated with leadership should be examined alongside other personality qualities that can be also effective ones for leadership roles, but just aren't assumed to be that way. I find this idea compelling, and I encourage all who do to think deeply about the qualities in personality that all our candidates have this year, and resist the urge to satiate

through reference to stereotype or a general social consensus.

Whoever wins, I hope they remember to be humble, kind and welcoming to the first years as Anna was to myself in 2016. Many in this school uproot their lives to come here, and a figurehead that sets the tone of the student body in such an excellent manner has immense value to give to people.

Good luck to all the candidates.

*Geordie Wilson is a second-year JD student*



# CARTOON:



## GYM MEMBERSHIPS SHOULD BE COVERED BY TUITION

JARED PERCY MINTZ

From day one of law school, right off the bat, it was made very clear that students should make a concerted effort to maintain their physical and mental health. Upper-year students, orientation leaders, and lecturers all vouched for the importance of taking care of yourself and keeping active. To that end, we have the Enrichment Centre, Academic Support Office, Allens yoga, MULSS mindfulness meditation, LSS netball and more. However, all that being said, there was a conspicuous omission from our health-related resources: a gym membership.

What happens if you work during netball Wednesdays? Or if you have an STS tutorial during lunchtime yoga and mindfulness meditations? I think we can all agree that the MLS schedule can be incredibly hectic at times; not everyone can accommodate the great activities that are currently organized.

As someone who attended university in the U.S., the absence of a gym membership was unthinkable. Similarly, Canadian universities readily provide their students with access to gym facilities. For all the talk about health and taking care of ourselves, Melb Uni sure isn't doing us any favours.

As an international student, ineligible for programs like HECS and Centrelink, I'm scraping by on my (now exhausted) savings,

various loans, and whatever work I can get. Frankly I find it a bit insulting that the university would ask for another \$65 per month to jog on a treadmill or lift a few weights. Moreover, that's \$65 per month only if you can afford to shell out a lump sum payment of \$259 for the semester. If monthly payments are all you can realistically budget for, it'll cost you \$79 per month for a total of \$316 per semester.

Now, is that a completely unheard of price? Not at all, but that's not really the point. If I'm paying north of \$38,000 a year in tuition and textbooks, I think it's fair to expect what most North Americans consider a basic student service.

It might be said that Australian universities don't do things that way, but as a pillar of the academic community, the University of Melbourne should feel comfortable paving the way for a new and improved strategy for student health. Moreover, it should take pride in putting student health at the forefront wherever possible. The likely outcome is that only a small percentage of students would take advantage of the opportunity, but give students the option.

If you're concerned with student health then do something proactive to help. Give students a convenient, affordable option for physical activity. Promote it. Make it easy. A healthier student body will only yield better results for the University, both in academic performance and its reputation as an institution.

*Jared Percy Mintz is a first-year JD student*

## THE COMMENTS SECTION

*Equity, I want to write for De Minimis but I'm worried I'll get a negative reaction from online comments. What should I do?*

Non-Anon

Dear Non-Anon,

Equity was once afraid, Equity was petrified! Comments do not commend themselves to calmness. Those incorrigible commenters will be there at every turn, Equity can hear them now;

'Great Dane? What's a dog got to do with the price of fish?' ... 'Book Fairy sign ups link below ;)' ... 'Kirbz waz here'

Have they no shame Non-Anon?! Equity stands on the shoulders of Earls! Of Kings! Of people like Jack Baker who cleverly build huts on their father's land much to the chagrin of evil stepmothers (see *Inwards v Baker*, honestly first years, Equity sees your unopened textbooks and Equity is not impressed). The derivative drivell, goes on non-anon, and on and on. Equity often looks down at Equity's clean hands and wonders, will that which ought to be done ever be done.

As for you my worried writer, remember she who seeks equity must do equity. Write articles to get articles, scribble scriptures to solicit solicitors, rap out reviews to get revenue. Be the Waleed Aly to Equity-y.

Stingy De Minimis has Equity working overtime at 1 word a week, Equity does not delight in dictatorial editors. Equity has posted a help wanted sign outside the Courts of Chancery, so apply within. In return, Equity can offer that greatest of all rewards - Equity-

Yours, Equity Uncle.