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KEEP CALLING ME 'PERSON OF COLOUR'

Asad Kasim-Khan

Psychology tells us that first impressions are made in less than a second. Race often manifests in our appearance, thus affecting how we are perceived. People also bring their cultural and world-views to bear on the judgements made of people of colour (PoC) – examples being that Asians are more likely to be diligent and intelligent, while those with African ancestry are not.

Ideally, character rather than colour would have bearing on how we are seen in the world. Ideally, firms, universities, and other institutions wouldn't have to consciously get more PoC. In reality, trying to ignore difference simply ignores the problem.

An example is US university admissions. When race-based affirmative action was banned in several states, the best selective universities declined significantly in their share of minority ethnic students.

Likewise, few should doubt that banning measures increasing Indigenous representation at universities wouldn't be disastrous for improving the prosperity of the First Australians.

Yet grouping Indigenous people together is not divisive. It helps advance individual prosperity and that of entire communities. It should go without saying that Indigenous heritage is but one facet of a person's identity, just as a white person's race is not their entire identity. PoC generally must deal with having their race seen as the major aspect of their identity. Banding together empowers us to tackle the challenges of racism, of which being perceived as primarily non-white is a symptom. PoC solidarity is in fact empowering and ditching it would be to the detriment of all minorities.

The onus for recognising PoC as humans worthy of respect must be on whites. By banding together we are more likely to

achieve this. If we are seen as the same, as simply non-white because of this, that fault lies squarely with whites. Arguing that solidarity is the cause of racism and race being singularly seen as PoC is as nonsensical as arguing that all workers are seen as the same and bring it onto themselves by joining unions.

Ideally, everyone would have an even playing field. We don't. Well-integrated Asian people in the West have often been used to silence minority demands for equality. We are told that if Asians can do it then there must be nothing stopping us but our laziness. The previous *De Minimis* article, *Not So Fresh Off the Boat*, is instructive on how untrue this myth is.

Revoltingly, some people hold up Asians as a model-minority, while simultaneously ridiculing them as poorly-endowed human calculators devoid of personality. White people use them to keep other minorities from banding together, and afterwards discard them as inferior. No matter how hard we try to "integrate" Western societies don't see us as equals.

This was clear in how Yassmin Abdel-Magied, a political commentator, was slandered for daring to point out the hypocrisy of those whose only care is Australia's fallen on ANZAC Day rather than learning the lessons of war and caring for those seeking asylum. She was suddenly reminded of her eternal debt to white Australians, to not question them. PoC in Australia must simultaneously disown our heritage or be attacked as un-Australian; if we do this, we are nevertheless constantly reminded that we aren't white anyway.

Certainly, it is problematic when the experiences of PoC are heaped together. Different ethnic groups clearly have different needs to achieve equality. Individuals also have different needs. Yet we don't see the advancement of women as a group as somehow detrimental to the advancement of individual women, and there is no reason we should with race. We can achieve more together and advancing the rights of PoC solidarity empowers individual PoC as well.

FAILING MY FAVOURITE SUBJECT AT LAW SCHOOL

Ayu Maylinda

I was a Literature and Linguistics major. In first year, there were not many subjects to which I was naturally inclined. I could rattle on and on and on about Othello and Chaucer but I could not tell you what a mortgage was.

And then there was Constitutional Law: a subject which, though notoriously difficult, I completely fell in love with. I never skipped a class. I read diligently before every class. I went through all 100+ pages of WorkChoices. In short, it was a subject for which I felt a certain affinity.

And then I failed.

It was hilarious, really, the day I found out I failed. I was on vacation with my friends and had been checking my phone compulsively every single day since the last examination and when the number flashed before my eyes I was in complete and utter shock... that I passed 3 other subjects for all of which I tried half as hard as I did for Consti.

I could explain to you all the different judgments in Williams No. 2 but I couldn't get myself over 50.

The sense of pride that you had when you entered the venerated gates of Melbourne Law School? Forget about it. That day, I went ice-skating with a friend in the hopes of distracting myself and hit my chin on the barrier of the rink.

I went home with a bruised ego and a bruised chin.

I thought I was above basing my self-worth on a number on an academic transcript until I saw the number itself. And then I got mad about all the wasted effort I put myself through just to receive a bad grade. I cried on the phone to a couple of friends. I posted self-deprecating Snapchats when I had to cut my vacation short to sit the supplementary exam. Two 8-hour take-home examinations later, I have emerged with a renewed sense of abandon regarding assessments.

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Running Towards the Finish Line

Steph McHugh

I have recently taken up long distance running. This is hilarious to the people who know me best, given my total lack of any kind of athletic ability. But it is funny how 1km can turn into 2km, and then 5km, and then 10km, 15km ... and now I am training for a half-marathon. Things kind of snowball. This is similar to how I articulate my pathway into the JD when people ask me how I got here. I wanted to be a secondary school teacher, but I sat the LSAT as a backup, somehow got accepted and then just went along with it. Three years and five months later, I am nearing the end of this hard-fought degree.

There are a lot of parallels between long distance running and studying law. Running has quite an introspective quality to it. But my reflection has also been prompted by reading Haruki Murakami's running memoir *What I Talk About When I Talk About Running*.

When I first started running, everything was difficult. I was using muscles and energy I had never previously accessed. My pace was slow and I struggled to reach small distances. Being a die-hard perfectionist, this was a confronting challenge. Surely, with the right runners, GPS watch and determination you should be able to smash 10km in no time at all.

This initial disappointment was compounded by the fact that I also found the act of running quite unpleasant. With every step my body screamed 'please stop'. I was bored, tired and could think of nothing but my discomfort when I ran. At this point, I was certainly not employing Murakami's 'pain is inevitable, suffering is optional' mantra.

Suddenly, I started reaching target goals. Running 5km. Running 5km not slow, but not fast. Running 5km moderately fast.

Running 10km. Doing my first proper race ... and so on. These achievements were sometimes short lived. In a world of 'use it or lose it', abstaining for long periods could unravel weeks of effort. This was particularly pertinent for me, given that my best running quality is mental stamina rather than sheer physical aptitude. These ebbs and flows were frustrating as the perfectionist in me strives for total control and stability in all areas of my life.

For me, contained within one single run is a whole range of emotions. I am usually excited to get out the door, but when I do and begin, I immediately cannot contemplate running for more than a kilometre. This lack of belief in myself usually subsides by the 2.5km mark, where I start to settle in on a preferred pace. At about 6km, my legs begrudgingly accept that they are in for a long run. Sometimes I am pelted with rain and hail. Past 10km though, I find myself calm and focused. Running can have quite a mindful, meditative quality to it. All that matters is placing one foot in front of the other.

When I first started law, everything was difficult. Coming from an undergraduate degree where you think you are pretty capable — the inevitable slap down that is your first poor mark can be hard to swallow. But you pick yourself up and try again. 24 times to be exact. Just as in childbirth, the mind and body have a cruel, but necessary, way of making you forget the pain of exams (or races) — so that you do it all over again the next semester.

I started reaching goals in law. But these were haphazard, and often short lived. Like my earlier runs, whose success may have depended on the sun, rain, wind or temperature — my law grades too seemed to be guided by random external factors over which I had no control. Windy with a chance of afternoon sun? H1. Morning mist with

showers developing? H3.

The range of emotions I have experienced in law is profound. The highs and lows have been stark, sometimes within days of each other and always unexpected. Since the beginning of my third year, however, I feel as if I entered the final stretch in this long, unrelenting race. Even now, in my last semester, there is a peace in accepting that you have done all you can. I am going through the motions of exam preparation — but without the frenetic behaviour that usually accompanies it.

In the office of my physiotherapist — who, strangely enough, I see not because of injuries from running, but from neck injuries sustained from 6 years hunched at a desk — there is a sun-faded, framed picture of champion runner Steve Moneghetti, in a style not dissimilar to cheesy office inspirational posters. When running, it says, there is a beginning, a middle, and another beginning. Whether or not this quote is actually attributable to Moneghetti is debatable but beside the point.

I am currently running towards the finish line of this degree. But although law, like running, appears to be a solitary activity — in truth, it is far from that. Like I am lucky that my sister came and cheered me on in the cold and rain, I am fortunate to have been surrounded by supportive friends, family and professors throughout the JD.

I am grateful for stumbling into this degree — for the opportunities it has given, and the (often hard) lessons it has taught. I am not going to win any running races. Just like I am not going to be awarded the Supreme Court Prize. As Murakami says, 'Nobody's going to win all the time. On the highway of life you can't always be in the fast lane'. That is absolutely fine by me. Everyone who has, or will, graduate this degree should be simply proud for making it through.

Steph McHugh is a Fourth Year JD Student

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Many bristled at reclaiming "queer" to refer to LGBTI people. Nevertheless, it a more inclusive term than "gay" and easier to use than the abbreviation. Campaigning for gay rights alone would mean that the statistically smaller number of trans people would likely be ignored. Solidarity provides visibility, and it is the responsibility of every queer person to maintain this solidarity so the worst treated members of our society are not left behind.

We PoC have the same responsibility. Regardless of how well the terminology — PoC or queer — sits with us individually, solidarity elevates the issues facing our weakest members. We privileged PoC at MLS must try not to be self-indulgent and

shed this responsibility.

It may seem divisive, but focusing on race issues, like focusing on women's issues, works to address inequalities rather than enlarge them. Ignoring that we face racism isn't a solution; if tomorrow we started pretending that unconscious bias doesn't exist, women would not magically achieve pay parity.

Different groups have different needs: the changes needed to achieve gender equality are not the same as those necessary for greater income equality. Focussing on class doesn't address racism, nor fix gender issues — this is the importance of intersectionality. Its great insight is to allow issues to be seen through various lenses. We can then find solutions that bring along all

the disadvantaged in our society, rather than only white straight men.

Further, while achieving equal pay for equal work is a worthy goal, it does little to help the unemployed trans or brown person. It is not divisive to recognise these categories. Ignoring race — like ignoring gender — serves to maintain the status-quo instead of address disadvantage.

Whiteness is the orthodoxy of the West. Nothing reinforces this fact more than not challenging it. Until racism is gone, pretending race doesn't exist works to reinforce the status-quo.

Asad Kasim-Khan is a Second Year JD Student

Limping Across the Finish Line *Failing My Favourite Subject Continued...*

Jesse Cowie

I'm just about in my final weeks of the JD, and I've found myself developing an unhealthy habit – stalking people on LinkedIn. It began innocently enough: 'Wonder what some other people in my cohort are up to outside of the course', but it quickly spiralled into a panicked scrolling through the profiles of just about everyone I knew in the course. My conclusion? My god.....people are doing really, really well! And then the bitter afterthought. Why aren't I doing as well?

My feelings of inadequacy have always been present throughout my studies in the JD. I failed a subject in the first year, and got pretty average grades for the rest. There was some other stuff going on in my life at the time, and I felt more concerned with just keeping my head above water than trying to go above and beyond. And yet I realised that people around me were embarking on their first steps in the legal profession: unpaid internships, working at community legal centres, shadowing an associate they happened to know.

I mostly responded to this with a sort of vague curiosity, and some unjustly deserved snark. It definitely sounded interesting, but I was always more of a detached student, and reassured myself with the knowledge that I was studying law at Melbourne. My future success was assured, in some form or another. Good on other people for being more driven, but I was happy enough being a low-altitude flyer.

Then came my next steady realisation: the job market was far more grim than I had understood it to be in my happy ignorance. Maybe I wasn't going to be able to slide into a graduate job in a government department, or complete my PLT and happily begin work at a smaller law firm. Is this why everyone was doing those internships? Why didn't anybody let me in on the big secret?

It's quite a confronting moment when you realise you're not necessarily preordained for success. If anybody had asked me point-blank whether I felt I was, I would have of course laughed and played down my own achievements: 'I'm at Melbourne, but I'm not a genius or anything, mate, really I'm happy to just keep on keeping on'. And yet there was something inside me that felt differently. A certain quiet confidence, that I was going to be just fine. Somewhere along the way I had internalised my acceptance into Melbourne and people's kind flattery, and come to believe that, of course, I was a young man who was going places.

And then it hits you. It hits you when you put in 20 graduate applications, for government jobs, consultancies, large

corporations, and find yourself rejected in the first round from nearly all of them. It hits you when you start reading threads on Whirlpool and articles online about how tough it is being a law graduate. It hits you when you look at your CV and you realise that you just don't measure up: a lone internship, a lone extra-curricular placement. And it hits you when you realise that life isn't going to take you back. To quote Cormac McCarthy, 'You are now at the crossing. And you want to choose, but there is no choosing there. There's only accepting. The choosing was done a long time ago.'

And so, where does that bring me? Limping across the finish line of the JD, battered, bruised and disillusioned. I never thought that a degree from the most prestigious law school in the country would feel so worthless, and yet here I am. There isn't any great truth to discover from this experience. No pithy quote about failures making you stronger. If I could impart any wisdom it would only be these two parting thoughts.

To the first years happening to be reading: Get out there now. Hit the pavement. Internships, CLC's, placements, competitions. Not next semester. Not next year. Now. We live in an incredibly competitive, stress-filled cutthroat environment, but merely acknowledging that isn't enough. You need to accept that you live in this world, that you are not special, and that it will not change for you. You need to adapt, or you will not survive. Secondly, you should probably stop looking for the 'point of it all'. As I said, there is no great lesson in my experience here. You could say that the point is there is no point.

If you can accept that the world isn't waiting on you, that the universe doesn't owe you a thing, then hopefully you can begin to strive for something better.

Jesse Cowie is a Fourth Year JD Student



Failing My Favourite Subject Continued...

The funny thing about failure is that it forces you to take a second to reevaluate whatever mental fortitude you think you have. When, in this process of reevaluation, the worst thing you could do is punish yourself for feeling like a failure over a set of numbers. Disappointment is as native to the human condition as happiness; having a punitive attitude towards your own experience is unnecessary.

Once you're done evaluating yourself, you begin to consider what others may think. Perhaps you're worried that others will deem you unintelligent. The truth is, they may very well do so. But the opinions of others are external. The beauty of things which are external is that you can elect to incorporate them into your consciousness. After all, they do not dictate what is to be printed onto your academic transcript moving forward. Whether or not you choose to be open about your failure, let them be.

Being hard on yourself probably means you will be hard on others for the same thing; asking yourself whether you will be this judgmental of others in the same position really puts things in perspective. There are many factors that can contribute to a fail grade, and analysing the impact of the grade rather than the factors that may have led you there is counterproductive to future progress.

Of course, the practical impact of failing a subject is that you will have to repeat it. You will have to sit in a class full of eager first-years and come face to face with all the decisions that have led you here twice a week. And you will inevitably be left behind by some of your peers.

I have yet to be able to speak to this specific experience, but having failed a subject in one of the most results-driven academic courses of all life will imbue you with a unique mix of IDGAF, a natural empathy for peers of yours who may be struggling within the course, and a reminder to be easier on yourself — 49 is, notwithstanding our fertile imaginations and strong emotions towards it, just a number.

If all efforts to self-console fail, just remember this: if Obama could sleep at night at least once in 8 years as President of the United States, so can you.

Ayu is a Second Year JD student and Equality and Social Justice Director of the Law Students' Society.

FINDING THE 'I' IN ANXIETY

Paul Goddard

In my understanding of it, anxiety is when there is considerable dissonance between yourself and your surrounding environment. It affects a considerable number of people in Australia, around one in five men and one in three women. Environmental pressures such as work, friends and family all build and you feel like you have no space to yourself.

My personal experience with anxiety seems more muted and subtle than others. My heartstrings would be plucked every time I thought I had forgotten something, especially something crucial, such as leaving my locker key back home when I was at secondary school. I would have to go to my Head of House to borrow the master key. Then there was stress in being entrusted with considerable responsibility over the course of that day to ensure that key did not get lost. At the end of that day, I would return the key and my anxieties surrounding the key would vanish, but anxiety of study would remain.

Anxiety can strike at even worse moments, such as during an exam. You see references to something that is not covered in your notes and so your mind has to juggle its entire memory for the semester to figure out how to address it. You either spend time doing this or you forget it and focus on the more basic points.

After the exam, you kick yourself for not adequately preparing yourself but there could be multiple factors involved, ranging from other commitments outside university to personal factors affecting study, such as

relationship or family issues. These factors may even involve special consideration, if they meet that definition. Some of you will know that I do not really have this problem because I start working on exam notes right now rather than later.

Anxiety can strike at very trivial moments. Did I miss something important said in the lecture? Ask the lecturer and write down the important stuff. Should I have had those potato chips today? Forget it and just decide not to have them for a while. What is the meaning of life? There is no objective meaning in life, so a better question is what is your meaning in life? Since you are here, at Melbourne Law School, it must have something to do with law, right?

It seems anxiety in general can never really go away, so it is all about finding the "I" in anxiety. How do "I" do this, you say? Ask yourself these questions:

- How many total problems or commitments do you have at the moment? How many of them bother you at a particular point of time (so right now you might be more concerned about an upcoming competition tomorrow night and then some family commitment the morning after, but you have exams next month to worry about)? What are your plans for addressing each problem?

- How much time do you have for yourself to either address the problem or relax? Is the problem really a problem? Which problem needs most time to address?

- What are your self-expectations? Do you have a very high expectation of yourself? If so, why? Why induce such turmoil on yourself? This point is not to say you should drop your standards

completely but make them realistic.

I have gone through secondary school and university primarily by sacrificing my social life. I believed it was necessary to cope with a new environment to seek solace in one's own self rather than in others. For me, I would say it has worked in managing my anxiety, but the price was reduced initiative and a mind that only focuses on what is necessary. That means my motivation can abruptly cut out if I am unable to rationalize the necessity of what I am doing. It's not something I recommend to everyone but what I do recommend is giving yourself that extra time to address the issues as soon as possible and to have moments where nothing is bothering you. Sometimes, friendships and relationships just add to that stress rather than detract from it. Ultimately, that would depend on your personality.

A good way to know that you are not stressed or anxious is when you are bored. When you are bored, nothing is bothering you at all and you are longing to do something. That is the best point to consider spending time with friends, not when something is bothering you, unless you think they can help you fix it. I also need to distinguish this from procrastination, where you induce a false sense of security by underestimating your problems and then they all build up when deadlines arise, leading to extreme anxiety. When you have that alone time, use it wisely.

When I am anxious, I chat to myself considering different views and figuring out which is better towards addressing the anxiety. Just having this chat to myself is the best way to find my "I" in anxiety. The first question that comes to my mind is whether my problem is an actual problem at all and whether it can be easily and quickly fixed. We tend to overthink certain problems and often with a single mind.

You know you have a problem when it will place you in a worse position in the future if not addressed. It's best to define this "worse position" according to the consequences of failing to address the problem. So if you miss the bus in order to get to class on time, go to bed earlier and get up earlier next time. Find your own alone time whenever you can and make the most of it. Manage your concerns. Don't overwhelm yourself with commitments. You know you are doing fine when you get bored every now and then because you get things done! That's when you find the "I" in anxiety and you place your well-being at the centrepiece of your life (which is where the "i" actually is in anxiety).

Paul Goddard is a Third Year JD Student

