

THE AUSTRALIAN

The great tragedy of justice delayed

HENRY ERGAS THE AUSTRALIAN APRIL 21, 2014 12:00AM



Illustration: Eric Lobbecke Source: Supplied

WATCHING Barry O’Farrell’s resignation recalled Enoch Powell’s conclusion to his biography of Joseph Chamberlain that “all political lives, unless they are cut off in midstream at a happy juncture, end in failure, because that is the nature of politics and human affairs”.

No less poignant, however, was the observation Powell added that, while some fall like Achilles, the careers of others, including Chamberlain, end “in the pathos of Ajax”.

To Powell, an outstanding classicist who was appointed professor of Greek at Sydney University at age 25, and to his readers, that now long-forgotten reference would have been rich in meanings.

And however provincial last week’s dramatis personae seem compared with the giants on Powell’s stage, those meanings resonate into the present. For while Achilles, undefeated on the field of battle, was killed by Paris’ cowardly arrow, Ajax, bravest of the Greeks, died by his own hand.

Immortalised in Sophocles’ tragedy, Ajax was deeply flawed: he valued honour above life itself. Humiliated by Agamemnon, who gave the slain Achilles’ armour, made by the god Hephaestus, to Odysseus, thus anointing him as the Greek army’s finest soldier, Ajax went mad and tried to murder his rival.

Unable to live with the further humiliation of failing in his attempt and then losing his self-control, Ajax chose suicide. His body should have been abandoned to the vultures and wild dogs; but Odysseus

himself intervened to ensure Ajax received a proper burial.

Ajax's sense of slight was understandable: even Odysseus regarded him as the greatest warrior. But it was Odysseus' brilliance that would ultimately win the Trojan War.

And though Agamemnon was a coward, who avoided responsibility by delegating the decision about Achilles' armour to a jury of soldiers, the process was neither manifestly unreasonable nor self-evidently unfair.

That doesn't mean, however, that it was just. After all, justice, as Plato taught us, is to give each his due. Ajax was owed the respect he had earned through long years of fighting, all the more so as respect mattered so deeply to him. For sure, Ajax took offence too readily; but his failings were those of mere mortals, as Sophocles emphasises when he has Odysseus acknowledge that "I could be in the same position". Yet far from according Ajax his due, Agamemnon shamed him in front of his peers, inflicting a penalty disproportionate to the sin of human frailty.

None of that is to impute to O'Farrell the greatness or weaknesses of Sophocles' Ajax. Indeed, the comparison appears so improbable as to be absurd.

The goal of Sophoclean tragedy, however, is not to reflect everyday lives but to highlight moral dilemmas: situations that cannot be solved but, at best, survived. And no matter how serious O'Farrell's memory lapse may have been, the Independent Commission Against Corruption's procrustean bed, like Agamemnon's, seems to have proven better at respecting formalities than at dispensing justice.

Little wonder its two greatest victims have been Nick Greiner and O'Farrell, who both resigned when their honour and credibility were impugned, while crooks have been left burdened only by damaged reputations they care nothing about.

For shysters such as Eddie Obeid, the opprobrium of public exposure matters little so long as ICAC allows them, as it too often has, to retain the spoils they have gained from plundering the public estate.

Nor is the harm that causes limited to its obvious inequity. Should the scoundrels remain secure in their luxury villas, while ICAC's processes most severely punish the mistakes of good people, it will have undermined the very goal it exists to pursue.

And as Plato stressed, a polis in which justice is not seen to be done inevitably degenerates, as thieves prosper while public indignation descends into resigned indifference.

But that is not to claim that there are easy answers. The crimes ICAC deals with are difficult to prove to the demanding standards Australians rightly set; and exposure, whatever its deficiencies, is better than no remedy at all. Moreover, power corrupts; and though the Coalition is far from rivalling the gangrene that permeates Labor, the dreadful price it is paying should reinforce its vigilance against the threat that is posed by the Nick Di Girolamos of this world.

Yet vigilance cannot be enough. Ultimately, corruption is at its most dangerous when governments have large rents to distribute: lavish contracts for some; lucrative sinecures for others. Had Sydney Water been privately owned, Australian Water Holdings would have been more likely to compete on its merits, rather than through tainted gifts and extravagant donations. Equally, were industrial relations regulated mainly by contract, rather than by government fiat, Julia Gillard and Bill Shorten would not have had a slew of powerful and well-paid jobs for their union cronies at the public's expense.

It is therefore no coincidence that the elimination of the “old corruption” in 19th-century Britain, perhaps the most successful onslaught of its kind in human history, occurred as per capita government spending was cut by 60 per cent, while “economical reform” dismantled monopolies and special privileges.

Time and again, history has shown that economic liberalism and political integrity march hand in hand.

But that too cannot suffice, for states must exist and decisions must be made. No doubt, integrity safeguards help; but as the great Abrahamic religions each celebrate their holy days of sacrifice and redemption, it is well to remember Saint Paul’s warning that “the basic principles of this world, its rules, have an appearance of wisdom, but they lack any value in restraining indulgence”.

That, as the Greeks knew, requires virtue and a sense of honour to sustain it: qualities no ICAC can replace. But at least it provides some check on the worst abuses. “Justice?” asks William Gaddis in the opening sentence of *A Frolic of His Own*. “You get justice in the next world, in this world you have the law.” Whatever its costs.

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