

**BEYOND THE WIRE: LEVINAS VIS-À-VIS VILLAWOOD**

**A Study of Emmanuel Levinas's Philosophy as an Ethical Foundation for  
Asylum-Seeker Policy**

by

DEVORAH WAINER

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Department of Humanities and Social Science

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## **Certificate**

I certify that the work in this thesis has not previously been submitted for a degree nor has it been submitted as part of requirements for a degree except as fully acknowledged within the text.

I also certify that the thesis has been written by me. Any help that I have received in my research work and the preparation of the thesis itself has been acknowledged. In addition, I certify that all information sources and literature used are indicated in the thesis.

Signature of Student

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## **Dedication**

To My Family

**Betty, Izzy, Casey-Ann, Kim, Hilly and Alexander**

who have given me the knowledge of love and the love of knowledge

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## Abstract

‘Beyond the Wire’ accounts for the seeker of asylum who unwittingly becomes entangled in the Australian detention regime. This thesis provides a lens through personal visits to Villawood Detention Centre—1999–2004—for studying the interpersonal and intrapersonal experiences behind the wire. Midrashim developed through a framework of Emmanuel Levinas’s philosophy reveal dialogic relationships in the visitors yard of surveillance. When interpreted through the multiple layers of the researcher–author’s Midrashim, boundaries are collapsed, disclosing spaces and lacunae.

People detained are not victims in these relationships, and power dynamics shift between the free and the locked up. The Midrash Social Research Methodology extends the boundaries of qualitative research methods, offering a new pathway for knowledge creation, which in this thesis is the *in-between*.

During the decade 1999–2009 the Australian Government’s response to people seeking asylum reflected an uncoupling of the letter of the law from the spirit of the law. This thesis argues for a paradigm encompassing ethics more than politics and law with which to conceive and receive the 21<sup>st</sup>-century refugee.

## Prelude

### *Part One: Ubuntu—To Save a Life*

“We thought he had gone soft.” John Kani’s mellifluous voice carries the drama of the story. He is telling me about Nelson Mandela.

“We thought he had gone soft in jail. We were ready to start the march on Pretoria.”

In those days, the bad bad days of apartheid, ‘Marching to Pretoria’<sup>1</sup> was a euphemism for starting the civil revolution.

“‘But, Nelson, we have the arms. We can render the country ungovernable. We have the AK47s ready.’ We had expected Madiba to say, ‘Take it to the white man. Let’s march on Pretoria’”, he says—his eyes saying more than his words.

We’re in a Sydney city coffee shop. I am hanging on John Kani’s<sup>2</sup> every word as he unfolds this little-known account of the first meeting the handful of trusted leaders and close friends had with Mandela upon his release from captivity. Goose-bumps present themselves in ever-intensifying waves upon my arms as I listen, hardly breathing, not noticing either our coffee getting cold or the business people entering and leaving the busy city coffee shop.

Simultaneously with listening my mind is flitting here and there, seeking memory, stored long ago, that connects to this telling of Kani’s. Something is feeling familiar.

I recall the connection. My friend Frankie, originally from a township, smuggled out after years in prison<sup>3</sup>, now with two PhDs from Oxford, UK, and the Professor of Development Economics at Oslo University, left his position and security, returning to South Africa after Mandela’s release. In my South African home, quietly in the lounge room, Frankie had told me: “Devorah, our patience is

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<sup>1</sup> Pretoria was the administrative capital of South Africa. As such, Pretoria symbolised apartheid.

<sup>2</sup> John Kani—South African actor, director, playwright and initiator of South African protest theatre under the apartheid regime. Kani was in Sydney acting his play *Nothing but the Truth* at the Sydney Opera House. *Nothing but the Truth* is a tribute to his younger brother, who was shot and killed by the police in 1985, while reciting a poem at the funeral of a 9-year-old girl, killed during riots.

<sup>3</sup> People were held for 90 days in detention without trial. The 90 days could be repeated, thus challenging Habeas Corpus.

running out. You Whites have our patience and goodwill now—but for how long?”

John Kani continues; our heads move closer together across the table in conspiratorial proximity. I had met him, the South African legend John Kani, activist playwright and actor, in 2005 when he was playing his *Nothing but the Truth* at the Opera House in Sydney. Our initial meeting was proper. No handshake; no comrade’s greeting either. Simple acknowledgment of each other. My heart thumping in my throat was the result of anxiety and excitement. How would Kani respond to my question. What is ‘Ubuntu’?

At that time I was reading and writing about the Truth and Reconciliation Commission as an alternative to the Nuremburg Trials model for closure between victims and perpetrators. Almost unbelievably, synchronistically, Kani’s season opened in Sydney.

The promised half hour became an hour and a half. Here we lived the sacred moment that only looks mundane. The entire experience of coming together in interview turned deep conversation, and recognition of each other beyond Black and White bodies, South African and ex-South African, woman and man, past and future, embodied what I will write about in this thesis.

I set the background of my question within the context of my thesis.

Desmond Tutu in his book on the Truth and Reconciliation Commission *No Future Without Forgiveness* writes: ‘Ubuntu is very difficult to render into a Western language. It speaks of the very essence of being human’ (Tutu 1999, p. 34).

“So, John, what is Ubuntu? How shall I write about Ubuntu?”

When Pontius Pilate washes his hands—in the Bible story—the Xhosa translation is based upon the root stem *ntu*. Pilate says take ‘umunu’. That means ‘take this human being’. Pilate says this to differentiate Jesus from the oppressors. It’s *umntu* in Xhosa and *umuntu* in Zulu. **Ubuntu** means *the essence of being*.

Ubuntu is the only thread that seems to weave itself around all of us, connecting each one of us to the other. When that breaks, we become individuals—and individuals care about themselves; they become materialistic. More greed means less care, less respect, less responsibility to the other. Then, I have ceased to be my brother’s keeper.

He continues with his story: “In South Africa at that time we had forgotten *Ubuntu*. A massive education was required to learn that **right is not the opposite of wrong. Right has no relationship to wrong.** Before Mandiba was released the elders didn’t say ‘Stop the killing’. They sent out the word to Wait. Wait for Nelson. Wait for Nelson Mandela.

“And then he was free. And we met with him, expecting him to give the order to take it to Pretoria. Instead he said:

“ ‘Wait. Please give us time to establish a new South Africa peacefully.’ So when Nelson asked us that, we said ‘Alright’.

“Because of that respect—a grey-haired elder—standing next to all the other grey hairs we couldn’t tell him to ‘piss off’—they looked so beautiful—the grey hairs ... they were entrusted by the ancestors ... by the Creator. So we needed to give this a chance and in so doing we gave peace a chance.

“Madiba asked us to wait. We asked him: ‘Why?’

“ ‘If it saves One life<sup>4</sup>—it will be worth it.’ ”

We hug and begin farewelling each other. Turning—but at 45°, we turn again, and face each other. Yes, something special did happen *in-between* us. We hug each other again—this time holding on a while to the unique sacred ‘something’ that dwelt in our midst.

Some—where, some—time, some—place during our conversation Kani had asked me:

“Where is Ubuntu for Australia? What will you do?”

### ***Part Two: The Tree—Foe or Friend?***

“Where is Ubuntu for Australia? What will you do?”

With renewed courage and vigour I began writing the story about Rami—the day his application was refused by the High Court of Australia.

Within the first few weeks of our meeting I learned that Rami had no preparation at all for his court case. Cautious not to distress him further, I asked if he would appreciate some support. If so, still being sensitive to his situation,

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<sup>4</sup> See Chapter Seven re the value of each individual life.

would he like me to help out. Hastening to add—almost without an interrupting breath—that I had no legal knowledge, but would do whatever it takes.

With eyes to the ground, the gentle Rami nodded almost imperceptibly. Three years inside had institutionalised the once feisty Rami well. The courageous one-time hospitality student who, escaping more torture at the hands of the Saddam Hussein regime’s secret police, escaped on foot from Baghdad through Northern Iraq into oblivion until he reached Australia—entering the oblivion of Villawood Detention Centre.

Three—sometimes four—times a week I undertook the nearly intolerable drive to Villawood Detention Centre. The queues, the loneliness I felt, the time away from home, the money not spent on my children but used for petrol, food for Rami and tissues for my tears all seemed to culminate in the throat-constricting tension the day Rami’s judgment was due to be passed down by the High Court.

Every cell in my body was on high alert. Meditating to stay calm, centred and focused I knew my role was either to celebrate or to commiserate. Always leaving the central stage of the drama to Rami. Misgivings flooded me. Had I explained clearly? Or had I failed the test of courage, making sure he knew that if he failed he was in the most vulnerable position of all his years in detention. Asylum seekers are most vulnerable to deportation when they are not in the middle of a legal process.

The day was long. Tick tock ... tick tock ... tick tock ... And suddenly unannounced, the phone rang. “Oh, no— *Where* had I put my mobile. Please don’t stop ringing.”

“Devorah?” One word, the tone of his voice, and I knew the result.

“Would you like me to come now?”

“No.”

“WHY?” Rami ALWAYS wanted me to come out whenever I could.

“No”—today—was not good.

“Is someone else coming to be with you?”

“No.” This is very not good I thought. Rami was *never* monosyllabic. His Middle Eastern manners were exquisite, always dancing the ‘hello dance’. How

are you? How are your children? How are Mummy and Daddy (my parents)? And back to: So, *you* are good? ...

Not today. This is bad. I shivered.

“I’ll come. By the time I get there it will be visitors time.”

“I don’t want to make you upset.”

I had been wrong. Rami as always was considerate of the other person. Knowing how devastated, how deathly he felt, he did not want his atmosphere, his vibrations, to pollute me.

How could my heart not be pulled? How could I not respect this young man who in the moment of deepest despair thought of someone other than himself.

And so I set off on the well-trodden way to Villawood Detention Centre, more distressed than ever before by the slow-moving traffic. Trying to control the cascade of questions—no answers possible while driving. How bad is he? Will I be able to cope? Shall I reveal the depth of my disappointment or must I be strong?

Driving, and berating myself for the insinuating thought “Now I will have to continue driving out to Villawood Detention Centre and going through the wire into the Villawood Detention Centre visitors yard of surveillance ...” I was so tired.

And then—I saw him showing his security identity to the guard at the gate of the wire that divides the visitors yard of surveillance and Stage 2 living—*living!*—quarters.

For the first time in all the visits, Rami wanted to sit down at the bottom of the visitors yard, indicating the big tree near the fence, at the bottom of the yard. Internal alarm bells went off. Rami never wanted to sit down at the bottom of the yard at the big tree, near the fence. Had I misinterpreted “I don’t want to upset you?” Did he have some plan?

How long did we sit in silence, the white bucket chairs facing each other, our knees touching? Silence. What could I say? How could I open up the conversation? I waited for a cue from him. None came. Instead, Rami sat looking

up at the big tree. I sat facing him, trying not to look too intensely at him, and he looked up at the big tree.

My nerves were wracked. I had reached the moment when I thought I knew what he was thinking.

“What are you thinking?” I finally broke the silence, imagining I knew the words that would follow my question.

Silence. His big brown eyes, suddenly sunken so far they were hardly there, looked at me, momentarily, and then back up at the tree. Silence.

“Are you thinking bad thoughts?” “We can work this out. There are more approaches we can take.” “We’ll prepare a submission for the Minister—” I was casting out the line into the abyss, trying to intercept an event that was already taking place.

“I mean: I know it’s bad. But ... you are precious, Rami. One day this will end. But not today ...” Pausing to find more words to stop the imminence ... As my voice scaled the notches of my desperation.

“No, Devorah.” His very quiet, accented voice sounded for the first time under the big tree, near the fence in the Villawood Detention Centre visitors yard of surveillance. “No, Devorah. I am not thinking any bad thoughts. I know what you mean. No.”

“What then?”

“I am praying to my God. I am asking my God, when it is my time? When will my God remember me?”

Spirit is not in the I, but between I and Thou. It is not like the blood that circulates in you, but like the air in which you breathe. Man lives in the spirit, if he is able to respond to his Thou. He is able to if he enters into relation with his whole being.

Only in virtue of his power to enter into relation is he able to live in the spirit.

(Buber 1958)