

A book review by Shane Simpson of

**INNOCENCE REGAINED**  
**by Norman H Young**

published by Federation Press, Sydney

October 1989

If one were asked "Why live in Australia rather than Albania, Chile or Kampuchea?" one might point to those basic rights that are assumed to be the right of every Australian and to make up the very fabric that is "Australianess".

The freedom of worship, the freedom of the press, the right to a fair trial, the right to silence, the separation of powers in a Westminster based democracy, the right to be presumed innocent until proven guilty beyond reasonable doubt, the right to have access to legal advice and defence at a price that one can afford, the right of families to enjoy the countryside, and in the vernacular, the right to "be given a fair go".

There are very few Australians who have not heard of the Chamberlain family: It must surely be the most publicised, investigated, tormented and abused family of the decade. The family's privacy was destroyed and the public and its various organs treated the Chamberlains like a game of "Trivial Pursuit": Very few Australians have not publicly voiced their ill-informed and macabre opinion as to whether it was more likely for the Chamberlain baby to have been killed by a wild dog or her mother.

Dr Norman Young is an academic who has set out to present the established facts and tell the story of how those facts came to be established. It is not a rollicking yarn with a beginning, a middle and an end. When the book is finished the reader knows that the beginning of the tale is still mysterious and the end of it, still not told. Nevertheless Dr Young has told a chilling tale - all the more so because he has avoided personal and emotive comment and largely let the facts speak for themselves. It is the approach of an academic, a trained observer and analyst. At no time do you feel that you are being emotionally tampered with. That is not the style of the good doctor.

He does not editorialise, he quotes. The heart of the work is an analysis and synthesis of the numerous official reports, court transcripts and records and interviews, that were compiled over the years. Had Dr Young stopped there his work would have been valuable enough. At the end of the book he would have been able to say, "Thank God. Even though many questions remain to be answered, at least we know that Lindy Chamberlain should not have been convicted of murdering her baby".

Young however goes further. His text raises hugely important questions about the role in society of the police, scientists, media, lawyers, judges, politicians and indeed the responsibility (or irresponsibility) of the general population of whom the above are surely barometers.

At the story's end every reader will be forced to sit quietly and consider their own role, not only in the Chamberlain tragedy, but in the factors that turned tragedy into a horror.

The Press? For a moment let's think of the headlines that we read: "Dingo Not Baby Killer", "Trial By Satan", "Dingo or Murder: Mother", "Dingo Alibi for Baby Murder", "Azaria Held as she Bled", "Azaria's Mum Refused Police Hypnosis", "Dingo Mother In Disguise".

What right do newspaper editors have to make such appalling and prejudicial statements about any member of the community? Attracting readers, viewers and listeners cannot, surely, be based purely upon the economics of market share and advertising revenue? The much cherished freedom of the press is predicated upon the belief that the press is a responsive and responsible voice of the community.

Much of the press coverage may well have been responsive but it was hardly responsible.

It says a lot about the press treatment of the disappearance of Azaria Chamberlain that the dingo enclosure at the Taronga Park Zoo in Sydney is sponsored by the Promotions Department of News Media Ltd. It is at once amusing and hugely revealing.

The Law? I suppose that many who read the book will say "How could the prosecution have done it?" However perhaps the more useful question is: "Why do we allow our criminal justice system to be totally adversarial in nature and why do

the laws of evidence (which are supposed to protect the fairness of a trial) so often unfairly inhibit the telling of the whole story.

Is a socially powerful, but functionally primitive, gladiatorial system still the best we can come up with?

The scientists? Until this affair we have usually thought of forensic scientists as having the brains of Louis Pasteur and the integrity of Albert Schweitzer. The role of some of the police's key forensic scientists and the prosecution's expert witnesses must make us re-examine the sacredness that we have tended to confer upon their utterances. All too often, we forget that forensic scientists are humans with emotions and egos that affect their surprisingly primitive technical skills and methods.

The police? The book raises a number of issues about the police, in particular, their attitudes towards the accused, the assumptions that were made about her guilt, the paucity of the investigative technique, the permitted interference by politicians in the course of the investigation, the use of the press by the police and the leaking of prejudicial and unsubstantiated material by the police to reporters.

Women? Would we have had the same attitudes if the police had charged a male rather than a female? The fact that the accused did not break down and sob in public deprived her of sympathy. A man exhibiting the same strength would have been praised for his strength rather than maligned for his heartlessness. Add to this general sexism the specifically idyllic role that we confer upon mothers. The fault lies not in the importance that we place upon the role of the mother in the community but rather the community's idealised expectations that it places on the individuals in that role. Heaven help those who publicly fall short of that ideal.

Religion? Had the Chamberlains been devout Anglicans would they have been treated differently? One only has to remember some of the most destructive and bizarre newspaper stories of that time to realise the role that religious bigotry and ignorance played in this affair. It is a question that we must all ask ourselves, how we, a predominantly Christian community to see allowed ourselves to see devoutness, to be cause for adverse comment, suspicion and alienation.

Dr Norman Young has written a book that does not preach. It is coldly factual - and for that, all the more effective. It should be compulsory reading for all lawyers and law students, for all politicians and those who aspire to be community leaders, for all

4.

journalists, editors and media consumers and for all people who ever told a dingo joke or heard one and smiled and did nothing.

Turn to Fall Innocence Regained. 4:17. Innocence The Show Must Go On. 4:37. Innocence Mac Arthur's Park.