[music and intro]

[music changes]

Presenter: Hello and welcome to Big Ideas, on RN and online, at abc.net.au/rn. I'm Paul Barclay.

Tonight, *The Power of Silence* and what's left unsaid. Steven Skala is the Vice Chairman, Australia and New Zealand, of the Deutsche Bank AG, and he says: "Wrong impressions are more often conveyed by what is omitted, than by what is actually said. To gain a proper understanding of what's going on in the world around you, and to have true relationships, it's important to assess the value of information.

Often, we don't know the conscious or unconscious bias of either the information provider or the sources of the information. The key to understanding information is observing what has been omitted and asses the context, in which such omission occurs. The law, literature, business, history and, indeed, life itself is littered with information, behind which sits all of the Wendell Holmes 'inarticulate premise'."

This is the third lecture of the Cranlana Program - a series of talks, which examine what constitutes a good life. Steven Skala's examination of the silences is his personal journey, reflecting on the nature and context of what has been omitted, to be said.

[applause]

Steven Skala: To me, the great challenge in seeking to live a good life, is the quest for understanding. I'm honoured to speak with you this evening, about a concept that assists in understanding and which, to the best of my knowledge, hasn't attracted full academic and intellectual rigour. We see and experience it every day and we, consciously or unconsciously, do or do not respond to it, in so many different ways.

I'm speaking about silences and omissions. Covert and overt, that occur around us, and causes, positively or negatively, to shape our own experience and, most significantly, our understanding of the nature of

things that are often most important to us. We listen and respond to what is said. My hypothesis is that what is not said, adds a huge amount of meaning and merits deep reflection.

As you know, I'm neither a psychiatrist nor a philosopher, so my dealing with this topic necessarily responds to the limits of my knowledge and experience. I propose to share a number of personal anecdotes and stories, illustrating and building the case for why there's deep meaning to be drawn from silences and omissions. In doing so, I will traverse issues, including those raised by the Holocaust, Thucydides, Oliver Wendell Holmes, Mabo, Monash, asylum seekers and three stories ranging from my school days to philanthropy. We can then debate this framework which, undoubtedly, you'll be able to improve upon.

For much of my life, I feel I've been in a crucible of a great swelling experiment. Sometimes as participant, and sometimes as observer. The best idea I never had, which is today's rather cryptic topic, was my discovery of the meanings and implications of silence. It happened when I was in Oxford - but I'm getting ahead of myself.

My parents were Holocaust survivors. I was the late child of a late marriage of older parents. I was the Australian-born child, growing up in Brisbane, in the '50s and 60s, with a great sense of patriotism to Australia and the knowledge of a curious fact - occasionally mentioned by my mother, that it was as far away from Europe, as they could get us.

We lived a life combining European culture and the freedom of Australia. We had a fierce desire to be good citizens and to add back to our community. We loved the Queen. Hard work was expected of us. We learned that self-reliance was virtuous and the education was paramount. My parents always wanted us to stay beneath the radar. Mum used to say: “Think, but don't be too outspoken, especially with people you don't know.”

Our home was full of coffee, cigarettes, books, music and intense debate. Around the dinner table we discussed all the great events of the world, as they unfolded and what they might mean: Gagarin, Cuba, Kennedy, the Cold War, Vietnam, the Six-Day War. Only one topic remained unspoken.

Not the fact of the Holocaust, but what actually happened to my parents and their family, during the Holocaust. As you can imagine, this was a huge unspoken in our home. And, as a child, I'd learned not to question it, when my parents would lapse into silence mid-conversation, and seemed to go to another place. They would disappear emotionally, for a short time, and then, reappear.

My parents loved me and I knew it, so I never questioned or understood where they went during those not infrequent silences. So, looming like a dark shadow in our home was this big question, which was respectfully never addressed by me – an, otherwise, most curious child. Somehow, I knew not to ask what my parents did not want me to ask about. I knew it was important, but I didn't wish to cause anguish or hurt. But I always wondered.

For me the seminal moment about silences occurred in the late 1970s, at Oxford, where I was studying law. One of our housemates, Jennie Kiesling, now Professor of Military History at West Point, Military Academy, disturbed a late morning breakfast, when she burst through the door of our kitchen, expressing confusion and bewilderment at a lecture that she had just attended.

Now, Jenny was not your average university student. She spoke fluent Greek and Latin, she had strode the Yale and Oxford Women's Eights, slept with Clausewitz *On War* beside her bed, was now reading Greats and, importantly, was the chief chef in our house. Jenny had been to a lecture discussing Thucydides monumental history of the Peloponnesian wars.

Essentially, the lecturer had said that he had revisited all the primary source documentation available to Thucydides, when he wrote the history almost three thousand years ago. He reviewed the facts which Thucydides, undoubtedly, had access to. And then, he reviewed which facts were actually presented in the book. The lecturer concluded that Thucydides had omitted numerous relevant facts which, if included, would have brought into question certain fundamental aspects of an underlying thesis of the work: that the war between Athens and Sparta was inevitable. Thus, the

lecturer concluded Thucydides was not a historian, but he was a polemicist - his silence had misled us.

This threw Jenny into disarray, as Thucydides was one of her heroes. When Jenny recounted the story, it hit me like a revelation. I recall my mind racing, to the story of my parents during the Holocaust. The silence of my parents immediately took on a different hue. What, indeed, was the meaning of their silence? What did it mean when information was omitted? Did they decide I was too young or not ready, to learn what had happened? Were they protecting my innocence? Were they silent because they did not want me to know what happened to them? Was the imparting of information too painful for them?

Were they ashamed of something or guilt-ridden because they'd survived and others did not? If parents try to teach their children the lessons of the past, what lessons did my parents decide not to teach me? Did they not want to destroy my faith in humanity? Did they not want me to consider that the veneer of civilisation is very thin, indeed?

From that moment on, I knew that it became important to listen to the silences and, since then, I've been doing so and wondering about what silence and omission mean, and where and how they're used.

As I delved further into the law at Oxford, I came across the important writings of the famous judge Oliver Wendell Holmes. Not all his views stand up to contemporary ethical analysis. But, as a scholar, he was justifiably renowned. In his famous and still worthy book *The Common Law*, Holmes reviewed the development of the common law and how the reasoning in many decisions reflects an 'inarticulate premise' of the presiding judges.

Combined with his famous dictum to the effect that life in the law is not logic, but experience, this requires any serious thinker to wonder about the roots of judicial decision-making. We often listen to the schools of thought about judicial activism on the one hand, and adherence to the language of the black letter of the law, on the other. The arguments spill over into discussions about Parliament's intent, descent from the language of the

Statutes themselves, as well as surrounding speeches, circumstances and mischief.

Yet, if the development of judicial decision-making resonates with 'inarticulate premises', it then renders much of our understanding of legal reasoning open to doubt. It's a wonderful pregnant phrase: 'inarticulate premise'. How can we ever understand the basis of decision-making or order our [?? 0:10:46] with certainty, if there is an inarticulate underlying premise or an unsaid - or silent - set of assumptions underpinning decisions?

Just one simple illustration of this is the US Supreme Court's discovery of privacy rights, nowhere expressed to such, lurking in the penumbras or shadows of the Constitution. Of course, alternatively, it may be that the great source of wisdom that is the common law developed, because the underlying premises were not often articulated? I wonder if the 'inarticulate premises' are no more than an absolute acceptance of the rule of law and the four key propositions of the civil law, being: there is a system of private ownership of property, we honour our promises, we write our wrongs and we give back that, to which we are not entitled.

If this were the case, I would understand it. However, I am aware that 'inarticulate premise' could also be code for bias, personal, philosophical or economic preference, the taking of judicial notice of apparently incontrovertible facts, or some underlying discrimination based on race, religion, colour, belief, nationality, gender, disability or wealth.

After leaving Oxford, I practiced law. During my legal career, I had the great fortune to be mentored and inspired by the late Ron Castan QC who, amongst many other things, was Senior Council for the Plaintiffs, before the High Court in the Mabo case. Ron asked me to assist him commercially negotiating the resolution of native title disputes. It was through him that I met, and then employed, a relatively young Noel Pearson, to work with me in my legal practice, in the 1990s.

Castan and Pearson had acquainted me with the history in the case law. It was clear that Australia was in a legal, historical, and moral minefield, on this topic. The subject was one that resonated with effective public silence

about the facts for decades, if not centuries. In my education at school, Australian history was not taught seriously. The mention of indigenous Australians was a footnote, at best.

[….section removed for sampling purposes…]

As a boy, in the late 1960s, I attended the Brisbane Grammar School, which was a tough place. It had a certain intellectual rigour, but there were expectations of behaviour and thought which were narrow and did not encourage the breadth of experience or thinking, I see in contemporary education. An unflattering story, from my early days with Grammar, illustrates neatly the narrowness of the times. The story is in no way the story of Grammar today, but is powerful.

In 1969, when I was 13, an assembly of forms two, three and four was called, to discuss and encourage the need for the 600 boys to participate in the life of the school. The relevant master got everyone to stand up and then, asked everyone who played cricket for the school, to sit down. He repeated this for rugby players, rowers, cadets, members of the orchestra, debaters and alike, until one poor boy was left standing, in a vast auditorium.

It was a gentle, thoughtful and quiet soul. He was introverted and decent. The master excoriated him, as the rest of us sat silently. I knew what was happening was wrong. But, at the time, I was not brave enough to stand up against the booming voice of school authority. We were all afraid. It was terrible to witness and, soon after, the child left the school.

I've often thought about this incident and wondered what became of him. In 2005, I told the story - as guest speaker, to a packed speech night at Brisbane Grammar. The next day, at the airport, a nervous and distracted man approached and thanked me for sharing the story of the night before. It wasn't an ordinary thank you. He told me that he was in that school assembly, in 1969. And that he sat down, even though he didn't participate in any school activities.

He had saved himself from the excoriation but ever since, had been racked by anguish and guilt, at the thought of what had happened. He had never

discussed the incident with anyone, until that moment, some 36 years later. The fear and anguish and the silence of that night, of that 1969 assembly, became very loud, indeed.

I mentioned earlier that I'm neither a psychiatrist nor a philosopher. To this list, I must add I'm not a historian. However, a few years ago, when I was the Chair of Film Australia, as part of a specially funded history series, we commissioned a documentary film about General Sir John Monash. It was not one of our best productions, but it stimulated an interest, for me, in learning more about the man.

Now, as Deputy Chair of the Sir John Monash Foundation, I've managed to secure some modest knowledge about this most remarkable of Australians, especially with the assistance and scholarship of Professor Roland Perry and Mr. Ken Crompton, to whom I remain indebted for many of the observations that I'd follow. There is a scholarly debate as to whether Monash exaggerated his own and his men's battlefield achievements.

This is a matter of no small moment, even though it is universally conceded that Monash was regarded as our great war-hero, Australia's greatest military leader and the man who championed his Diggers, to receive national honour and post-war support. The claims, diminishing Monash, essentially spring from two sources. First, the broad-based criticisms of the records and autobiographical writings of Monash himself.

And secondly, from the official war history, recorded by C.E.W. Bean. Of autobiography, none could put the argument better than the, then, Lord Justice Robert Megarry, writing of Errol Flynn's autobiography *My Wicked, Wicked Ways*, but innocent writing about all autobiography, where he said: "I am not covertly suggesting that what is said in the book is untrue. But truth is many-sided and a wrong impression is perhaps more often conveyed by what is omitted, than by what is said. Nor is it unknown that in the telling, a story intended to entertain should grow and be refined. The resemblance between a tombstone and an autobiography may not be very close, but justice in lapidary inscriptions a man is not on oath. So my autobiographies, even though verified by the oath of the collaborator, fail

accurately to convey the truth, the whole truth, and nothing but the truth, as the author knows it."

But what if C.E.W. Bean, the official Australian war historian – let me give you a few examples and some detail, because the case I'm putting requires a more careful examination. In Volume Six of the *Official History*, in the success of the Battle of Le Hamel, Bean seems to downplay Monash's role, in the masterful combination of arms, innovative initiatives and stratagems that simultaneously protected his men, and proved dramatically effective in the field.

There is no mention that the allied leaders were waiting for the Americans to enter the fray and that, until the Battle of Le Hamel, those leaders had believed that the war would run on until 1919, or even 1920. Bean does not mention that the Battle of Le Hamel changed thinking, and that an overview of the Battle was circulated amongst the British Army, and became the model for all subsequent major battles, that led to the early cessation of hostilities.

However, Bean does suggest that the plans for the Battle of Le Hamel and the subsequent Battle of Amiens, were not those of Monash, but were the product of plans for an offensive on the Somme, drawn up in May, 1918, by the Australian General White and his commander, General Birdwood. In doing this, Bean omitted to mention that those particular plans were dropped by the 4th Army commander, General Rawlinson, at the end of May, on the advice of General White, who said that he did not favour the plan, which would cost division in casualties for little gain.

Curiously, the evidence being most heavily relied on for the assertion that the decisive plans were not created by Monash, is drawn from letters written by General White to Bean, in 1935. Some 17 years after the 1918 battle plans were drawn and four years after the death of Monash. Surprisingly, I could find no record in the *Official History*, in Bean's diaries, when Monash's records or correspondence, that Bean ever asked Monash the direct question as to who was responsible for the plans.

One wonders why the historian, who seemed to interview everyone else, never put this question to Monash. Bean did not regard it especially noteworthy, that on the 11th of August, 1918 - three days after the Battle of Amiens - the Prime Minister of France, Mr. Clemenceau, and all the main allied leaders personally visited Monash near his headquarters, to congratulate him and his divisional commanders, and to discuss plans for future action.

The visitors were no mean bunch to turn at operational headquarters in the middle of a war. Apart from Clemenceau, the allied Generalissimo Field Marshal Ferdinand Frosh, the British Army Supreme Field Marshal Sir Douglas Haig, General Henry and Rawlinson, Major General Bernard Montgomery, General Sir Arthur Carrey, and the commanders of the 3rd Corp, the Tanks Corp, the Fifth Brigade of the Royal Air Force, and the respective officers, all visited.

It seems curious, for an official of war history, not to have dealt with this in a befitting manner. In fairness, Bean did record that, on the 12th of August, 1918, King George V attended Monash's headquarters and in a formal ceremony, knighted Monash in the field – the first time such an action had occurred, in 200 years. However, in Bean's diary, he records his view about the attendance and ceremony. The whole theme seems, to me, to some of us, a damn waste of time and energy, in a moment like this. He also recorded that John Monash was tapped on the left shoulder and got up, before the King had time to tap him on the right. So, I suppose, he's only half-a-Knight. Interesting words, indeed, for a mere chronicler of events.

Of course, Bean was not a mere chronicler of events. In his diaries, he exhibited a great tendency to want to be a player. Nowhere is it clearer than in his dislike of Monash. Bean manoeuvred in opposing the appointment of Monash, in May 1918, to command the Australian Corp, in France. He was subsequently unsuccessful and seeking to have Monash replaced as the Corp Commander. It's instructive to review Bean's diaries so that omissions in the official war history may have some resonance.

[….section removed for sampling purposes…]

Many years ago one of our clients was a tough, hard-driving American business executive. Let's call him Frank. Frank was difficult, strong-willed, formidable and not always pleasant. The reality was that working with Frank had its challenges. He had an odd rule: he was not contactable before 8:30 in the morning and made it clear that any attempt to do so, would not be kindly dealt with. We knew nothing more about Frank, as he didn't socialise and he wasn't the kind of man you voluntarily chose to break bread with. When he finally returned home to the US, I know quite a number of his executives breathed a sigh of relief.

[….section removed for sampling purposes…]

So what do we think of the anonymous donor, as a proposition? For years, in Australia, medical research benefited enormously from the support of a person known only as the anonymous donor. It was a condition of the grants from the donor, that his anonymity was maintained. This confidence was faithfully upheld by the recipient research institutions, until the vail of secrecy was lowered by him, only a few years ago.

Beneficiary to the gifts of Chuck Feeney, founder of Atlantic Philanthropy, included the Queensland Institute of Medical Research, the Translational Research Institute and the Walter and Eliza Hall Institute of Medical Research, where I'm the Deputy Chair. In all, Mr Feeney invested nearly $500 million, to develop 25 state-of-the-art buildings in Queensland, New South Wales, Victoria and Tasmania.

Coupled with Government, university and other philanthropic contributions, the total billed value exceeded $1.8 billion, helping to transform bio-medical research, in Australia. As many of you know, Atlantic Philanthropy came to you. You did not go to Atlantic Philanthropy. Perhaps this was part that, I suspect, not the whole of the reason for the insistence of the donor's silent anonymity.

Finally, to close, I'd like to borrow a story from Stephen Covey. It's one Sunday morning, on a subway in New York. People were sitting quietly, some reading newspapers, some lost in thought, some resting with their eyes closed. It was a calm, peaceful scene. Then, suddenly, a man and his

children entered the subway car. The children were so loud and rambunctious that, instantly, the whole climate had changed."

These are Covey's words: "The man sat down, next to me, and closed his eyes. He sat silently, apparently oblivious to the situation. The children were yelling back and forth, throwing things, even grabbing people's papers. It was very disturbing. And yet, the man sitting next to me, did nothing. It was difficult not to feel irritated. I could not believe that he could be so insensitive to let his children run wild like that and do nothing about it, taking no responsibility, at all.

It was easy to see that everyone else on the subway felt irritated, too. So, finally, with what I felt was unusual patience and restraint, I turned to him and said: "Sir, your children are really disturbing a lot of people. I wonder if you couldn't control them a little more." The man lifted his gaze, as if to come to a consciousness of the situation for the first time, and said softly: "Oh, you're right. I guess, I should do something about it. We just came from the hospital, where their mother died, about an hour ago. I don't know what to think and, I guess, they don't know how to handle it either."

As Covey said: "Can you imagine what I felt at that moment? My paradigm shifted. Suddenly, I saw things differently. I felt differently. I behaved differently. My irritation vanished. I didn't have to worry about controlling my attitude or my behaviour. My heart was filled with the man's pain, feelings of sympathy and compassion flowed freely. Your wife just died? I'm so sorry. Can you tell me about it? What can I do to help?"

Everything changed in an instant. So, silence reflects many different things. It can protect the innocent, until their ready to hear. Silence can be intended to mislead. It can demonstrate the existence of fear. Maybe, the silence shows there's something that is hidden, for economic or unvirtuous reasons. Silence can demonstrate the existence of conscious and unconscious bias. The fact of silence can reflect menace or toughness. Silence can be understood as reflecting deep personal modesty or facilitating control.

The discernment of one fact can shift a paradigm and change our feelings about silence, in an instant. I urge you to listen to the silences. Open your

minds, your thoughts, your curiosity and your hearts. If you do, reflecting on silences and omissions will guide you in the direction of genuine understanding. That's the best idea I never had, and one I thought worthy of sharing with you, this evening. Thank you.

[0:38:10] [applause]