Vol 7 No 12

NEWS FROM THE UNIVERSITY OF ADELAIDE

JULY 20, 1998

Visiting Scholar Cynthia Herrup interviewed on mercy and law



Technology forum creates environment for IT



Scholarships take Adelaide dancer to the world

Drugs handbook offers better medicine

AUSTRALIAN DOCTORS prescribe more used to treat the same condition. than \$4 billion worth of drugs every year, but until now they haven't had an independent guide to Australian medicines.

As a result, the community has provided increasing funds for pharmaceutical benefits without any demonstrable improvements in outcomes, according to the executive editor of a new independent guide to Australia's prescription drugs.

The new manual — The Australian Medicines Handbook — has been produced with strong involvement from the University of Adelaide's Medical School. It will be incorporated into the School's teaching programs to ensure students have access to the latest information about prescription drugs approved for use in Australia.

Until now, the most common drug reference book used by doctors was MIMS. However, this book only contains approved product information which is listed under product names. This makes it virtually impossible for doctors to quickly compare information about a range of drugs which can be

The Australian Medicines Handbook changes all this, providing an independent analysis of the efficacy of drugs.

It also groups drugs according to their

Cynthia Herrup, Professor of History and Law at Duke University is currently based at the Centre for British Studies and History Department as a Distinguished Visiting Scholar. While at the University of Adelaide she is working on the cultural and legal framing of early modern ideologies of mercy.

Ewart Shaw spoke to her and commented that the best example of such an ideology was surely the trial scene in The Merchant of Venice when Portia gives the famous speech about the quality of mercy.

CH: Though it is Shakespeare's time, it isn't Shakespeare's concept, rather the practical workings of mercy as a governmental concept. One of the things that I'm interested in, and it does appear in the conversations between Portia and Shylock that everyone knows, is that mercy is, in fact, in many ways about the failure of law. It's about an action between unequals in a situation where what we expect to function properly doesn't seem to function properly; so its always about power and it's always about inequality.

What I'm interested in is how you use that power in a way that allows it to be legitimated and not seen as corrupting — in a period of time in the seventeenth century in England when kingship itself is undergoing a big transformation; when there were at least two revolutions and so when all these issues about the limitation of the proper power of law, the proper power of kingship are under question. So it's really not about sentencing as much as it is about negation; the negation of a sentence, the complete undoing of a felony sentence.

ES: Some people might actually see it not so much as a failure of the contract of law but because it represents in their minds divine love in action, it transcends the basic daily contract of our lives.

CH: Yes and it is in fact more central to early modern concepts of mercy than it is now because early modern kingship is of course supposed to be God speaking through the monarch, king or queen. So each act of mercy is in fact judged by the populace against that measure, and that's one of the things that makes that so interesting, because if it is salvation in its didactic form then it is really difficult to limit it. It's very difficult to criticise it, and yet because it is a king or queen who is acting out this didactic moment, other considerations invariably come into play — personal favourites, the need for money, all kinds of things. So that's the tension that I'm interested in.

ES: It cannot be consistent.

CH: It cannot be consistent. If it were consistent, it wouldn't be mercy. It would actually be law again, but its inconsistencies can be very troubling if a king is unpopular.

ES: What was it that first directed your attention to this aspect of history?

CH: I've always been interested in law, but in law as a species of cultural and social history; not in laws as they're passed or as lawyers tend to use them but rather in its more informal manifestations, the way people understand legal ideas, the way laws are borne into the practical interstices of people's lives. I'd written a book about the operation of the criminal law in the first fifty years of the seventeenth century, in a setting where there were no lawyers, and one of the things that struck me was how irrelevant and unusual pardons seemed to be, and yet how important discretion was throughout the system. So, having looked at the informal uses of discretion in the way juries produced verdicts, in the way sentencing was handled, then I thought I might try and look at more

formal uses of discretion and that led me to pardons.

ES: You've just mentioned a system in which there are no lawyers.

CH: I didn't mean to say that there were no lawyers but rather that the notion of criminal trial as one conducted by lawyers is actually not true before the eighteenth century; so in criminal matters lawyers are virtually never there except in large, show trials, where the king's attorneys are there for prosecution but there is no defence attorney except for issues involving law, not issues involving fact.

ES: You are also giving a talk while you're here on the trial of the Earl of Castlehaven, and this took place in 1631 at a time when the king's mercy or indeed the presence of the king and the potential for royal clemency is a significant factor.

CH: In fact, the two projects do connect though at first they don't seem be connected. When I began work on the mercy project I was reading through pardons in London and I came across pardons to two English aristocratic women — Anne the Countess of Castlehaven, and Elizabeth who was the younger, next generation's Countess of Castlehaven — and these were pardons for what were called, technically, fornication and incontinence, sexual acts, and that was obviously very interesting to me. That seemed very unusual and that then led me to the story of this amazing case, which hadn't been unknown but had really been unstudied. Mervyn Touchet, who is the second Earl of Castlehaven, is in fact, tried and executed for encouraging one of his servants, and helping this servant to rape his wife the Countess of Castlehaven, and for encouraging another servant to have an adulterous affair with the younger countess of Castlehaven, and then also for having sodomitical relations with other servants.

So this is quite a case — rape, sodomy, the more you know about it the more complex it gets. It's a movie of the week, and without any question it's the sexual scandal of the reign of Charles the First. One of the first things about it is that Charles does not intervene to pardon the Earl, even though people thought he might, and it also produces very interesting discussions because the Earl insists that he is innocent and refuses to ask for a pardon. So there is for an historian a very nice dynamic between the two that tells us a lot about gender issues, sexual issues, legal issues but also about pardoning, and also what is involved in that communication. It's a wonderful trial to work on, a frustrating one to come to any written conclusion about but a wonderful trial for all kinds of things, especially teaching

ES: We see a trial like this from a society that has been enriched by a feminist consciousness of how the law works. You must be teaching this to many women studying history and studying law. How do they respond to this?

CH: Well, actually they get very involved in it. They come into it, of course, outraged and they get more outraged as they hear about it because one of the things that becomes clear is that the women in the trial and particularly the rape victim who is the clearest victim, doesn't speak in court. The two women are the only one who do not appear in the courtroom because it would be considered immodest for them to do so. So they're the only ones who are not allowed to present their own stories, they are the only ones who are not allowed to answer countercharges; and so one of the things this trial does is actually show the disadvantages of women in law in this particular seventeenth century situation, even when they've been victimised, even when a prosecution is allegedly fuelled by outrage at their victimisation.





RESOURCES APPOINTMENT

Professor Hugh Possingham from Environmental Science and Management has been appointed Chairman of the Advisory Committee for the Australian Biological Resources Study for a three-year term.

The Committee advises the Federal Minister for the Environment on the planning and progress of the Australian Biological Resources Study program, and makes recommendations on grants to be allocated for taxonomical and documentation studies of Australian flora and fauna.

BONNIN ON BOOKS

The Chair of the Board of the National Textile Museum of Australia at Urrbrae House, Heather Bonnin OAM, is the next speaker in the Friends of the State Library's "Wednesday at One" series of talks.

Heather Bonnin was awarded the Order of Australia in 1994 for her services to the arts in South Australia, particularly the Art Gallery.

She will talk about the books which have influenced her life on Wednesday 5 August at 1pm in the Institute Building, North Terrace. Admission \$5 (\$3 concession and Friends of the State Library).

EMAC CONFERENCE

About 150 delegates from Australia and overseas attended the Third Biennial Engineering Mathematics and Applications Conference at the University of Adelaide last week.

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Hosting a conference in Adelaide can promote your research capabilities and expertise to industry, government and the community. At the same time, staging a seminar can build your professional profile in national and international circles. However if you have no experience the Adelaide Convention and Tourism Authority can help with free assistance to identify, bid for, secure and organise an academic conference in Adelaide. ACTA can assist with:

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Japanese study tours build a cultural bridge

JAPANESE STUDY TOURS hosted by the University of Adelaide are providing a vital link with overseas universities, according to Adelaid

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Reg Sprigg Symposium 'a success'

THE GEOLOGICAL SOCIETY of South Australia Inc (SA Division), in association with the University of Adelaide and the University of South Australia, recently organised a two-day Symposium to commemorate the pioneering contributions of Dr Reginald Claude Sprigg (1919-1994) to geological map-making, palaeontology, mineral and petroleum exploration, oceanography, Quaternary studies and environmental conservation in Australia.

The Symposium was held on 24-25 June in the Mawson Laboratories at the University of Adelaide. Its theme, the "Ediacaran Revolution", particularly honoured Dr Sprigg's discovery in 1946 — at Ediacara in the western Flinders Ranges — of fossils of soft-bodied coral-like animals which, from the stratigraphic position of the containing layers of sandstone, indicate the presence of simple, but multicellular animal life at a time period greater than hitherto recorded.

Since this original discovery, many more fossils of a similar nature have been located in the Flinders Ranges and also on all continents other than South Amercia and Antarctica.

The evolutionary relationship of these enigmatic fossils to evidence of more complex and abundant animal life in younger strata is currently a topic which has stimulated worldwide debate and controversy — a revolution in fact.

Seventy-four registrants, including seven from interstate and six from overseas, attended the Symposium of 22 papers and a display of "Ediacaran biota", all of which occasioned enthusiastic discussion of the most recent findings, theories and arguments about the Ediacaran fauna.

The Symposium was greatly enhanced by the participation of the majority of the members of the International Union of Geological Sciences Submission on the Terminal Proterozoic System, who had participated in a seven day field excursion to the Flinders Ranges separately organised by Dr Richard Jenkins from the Department of Geology & Geophysics at the University of Adelaide.

The field excursion was for the purpose of establishing a formal international chronostratigraphic unit or GSSP (Global Stratotype Section and Point) representing a new, latest Precambrian geological Period and System heralding the



ALUMNI ACTIVITIES PROGRAM

University Librarian Ray Choate poses the question, "Is the book dead?" in an illustrated talk to be given on Wednesday 5 August at 7:30pm in the Barr Smith Library.

Mr Choate will examine changes in the usage and management of libraries in today's changing information climate.

As the horizons of our information world expand, will the traditional methods of transmitting and preserving knowledge give way to a new paradigm?

Bookings and enquiries: 8303 4275.

THE MATHS OF ECONOMICS EXAMINED

The Science and Mathematical Sciences Chapter will host a public lecture on Tuesday 4 August at 7:30pm, entitled "Why the misery and suffering from modern economics?"

Retired physicist Mr Dean Dowling will give a personal view and analysis of the mathematical basis for modern economic thinking.

Mr Dowling believes that much modern economic theory is based on faulty mathematical reasoning, and in his lecture he will seek to demonstrate the fallibility of the mathematical basis for free market economics.

The lecture will be held in the Rennie Lecture Theatre in the Johnson Laboratories Building. The lecture is free.

Alumni may purchase a \$4.00 permit to enable them to park on campus from vending machines at the University gates.

OUR HIDDEN STATE

University of Adelaide staff and alumni are among the many contributors to *Our Hidden State*.

Recently published by ANZAAS with the support of the University of Adelaide Foundation and the Hickinbotham Group, *Our Hidden State* provides a scientific tour of the State under the guidance of its thirty contributors. Copies are available at the Alumni Office for \$15.95.

MUTUAL COMMUNITY POST-GRADUATE TRAVEL GRANTS

The Alumni Association is pleased to announce that three Mutual Community Postgraduate Travel Grants have been awarded to assist PhD students in their work.

The recipients are: Miss Felicity Harley (Classics), Miss Janet Coller (Clinical and Experimental Pharmacology), and Mr John Bradbury (Zoology).

The Mutual Community Postgraduate Travel Grants have been established to assist doctoral students to travel to conferences at which they will present aspects of their work, or to travel to other institutions where they will learn special methods necessary to their research.

These Grants are funded through the program set up between the Alumni Association and Mutual Community last year. To date, the program has brought more than \$25,000 into the University.

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THE ELDER CONSERVATORIUM has appointed Diana Kidd (right) as the new Project Manager for its Centenary celebrations.

Diana Kidd has worked with many companies, including Melbourne's Handspan Theatre, and local companies Junction Theatre and Unley Youth Theatre. She was associated with the Come Out 91 Youth Arts Festival, the 1995 Barossa Vintage Festival and the 1994 International Barossa Music Festival.

A busy program of events is planned for the Centenary, leading up to and including 10 days of celebrations beginning on Saturday 26 September, the 100th anniversary of the laying of the foundation stone of Elder Hall.

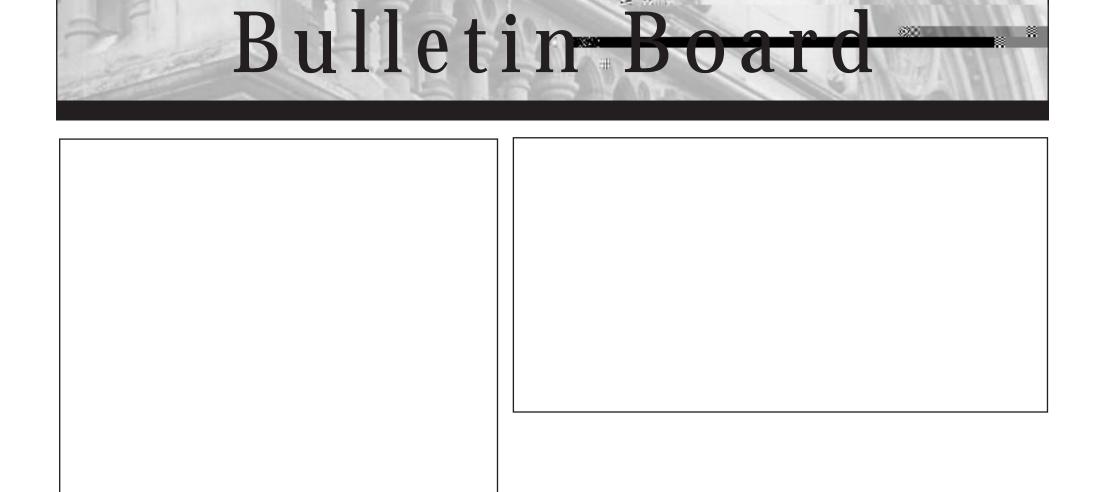
The Centenary Office is now located in Room 819 of the Schulz Building. The fax/telephone is 8303 3832. Mail can be directed to the Faculty of Performing Arts Office. Di Kidd can also be contacted on 0417 815 853.

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1.00pm Microbiology & Immunology PhD Progress Report: Comparative studies of solitary lymphoid aggregation in the mucosa of the small intestine by Ms Mahin Moghaddami. Departmental Library, 5th Floor, Medical School South.

1.10pm History Seminar: Ideologies of Mercy in Early Modern England by Cynthia Herrup (Professor of History and Law, Duke University, Distinguished Visiting Scholar, Centre for British Studies). Room 420, Napier Building.

1.10pm Public Health Seminar:Complementary and Alternative Medicine in Australia, by Peter Cook (Public Health). Public Health Seminar Room, Level 6, Bice Building (RAH).

12.00pm Lyell McEwin Health Service Tuesday Grand Round: Seamless Surgery, by Siobhan Rowe (Surgery, NWAHS).
Conf Rm 1, Community Health Building

1.10pm Anatomical Sciences Seminar: Morphology and Biochemistry of Gecko Pineal Gland by Dr Robert Moyer (Obstetrics and Gynaecology). Room S127, South Wing, Medical School.

Culture and Cultivation: Museums, Conservatories and Empire, by Peter Scriver (Architecture, Landscape Architecture and Urban Design). Seminar Room 1, 4th floor, Clarence Reiger Bldg.

4.00pm Obstetrics and Gynaecology Seminar: How Screening Reduces Invasive Cancer, by Dr Margaret Davy (Oncology, RAH). Seminar Room, 6th floor, Medical School North.

4.00pm History Seminar: The Castlehaven trial and its resonances by Cynthia Herrup (Professor of History and Law, Duke University, Distinguished Visiting Scholar, Centre for British Studies). Room 420, Napier Building..

1.00pm Microbiology & & &it