

**ROTARY CLUB OF MELBOURNE**  
**ROTARY INTERNATIONAL - DISTRICT 9800**  
**ANGUS MITCHELL ORATION**  
**WEDNESDAY 14 MARCH 2007**

**THE FOUR-WAY TEST - IS IT ADEQUATE TODAY?**

**The Hon Justice Michael Kirby AC CMG<sup>\*</sup>**

IN THE COMMUNITY OF ROTARY

It is a great honour to be invited by the Rotary Club of Melbourne to deliver the Angus Mitchell Oration. I do so in succession to a number of fine Australians, many of whom I have known in the years since December 1974 when I was first appointed to public office. It is amazing, really, that I have been delayed for so long. I hope this wine has not gone off.

In 1975 Dr Davis McCaughey gave this lecture. He returned to do so as Governor of Victoria in 1988. In 1980 my honoured friend Sir

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\* Honorary Member of the Rotary Club of Sydney CBD. Paul Harris Fellow, November 1999. One-time member of the World Health Organisation's Global Commission on AIDS. Member of the UNAIDS Global Reference Group on AIDS and Human Rights.

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Zelman Cowen addressed the Club. In 1986, Bishop Peter Hollingworth gave the first of two lectures. The other was given as Governor-General in 2002. In 1987, Sir Gustav Nossal addressed the Club and in 1990 Professor David Pennington. In 1993 Justice John Phillips stood here. In 1999 Sir James Gobbo, as Governor. In 2000 the Reverend Tim Costello and in 2001 Sir Ninian Stephen.

Dr Barry Jones gave the Lecture in 2003. And many other distinguished and famous people did so, to stimulate, cajole, inspire and inform the members of this Club. What a kaleidoscope of fine citizens, drawn to this occasion by the Club's record of community service, social engagement and international outlook.

I know these things because of my own involvement, over the years, in the community of Rotary. I am proud that the Rotary Club of North Sydney chose me in 1999 to be a Paul Harris Fellow. I am grateful that the Sydney CBD Club, with the indefatigable Joan Richards, selected me to be an Honorary Member. Beyond these personal associations, since 1974 I have spoken at countless clubs, to long suffering Rotary audiences. When Sir Zelman telephoned me to accept the Angus Mitchell Oration, I knew that my hour had come.

I now occupy the unsung pinnacle of the longest serving judicial officer in Australia. And because Chief Justice Gleeson and Justice Gummow, my colleagues in the High Court, are, with Justice Hayne, at an important conference in Canada, I have also ascended this week, in

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accordance with the *High Court of Australia Act*<sup>1</sup>, for the first time, to the office of Acting Chief Justice of Australia. Alas, the office does not come with higher duty allowances. But we in Rotary know that "service beyond self" has its own rewards.

I honour this Club, its distinguished record and the fine citizens who have played a part in its outreach to the needy and the vulnerable in our community. All clubs in the world today, including service clubs, are going through a period of re-evaluation. At least in developed countries the new generations, so-called X and Y and to a lesser extent the baby boomers, do not seem to have the same interest to "share their time and energy for the betterment of their communities". Many of the new generations seem to have too much on their plate. They work very long hours to get ahead and make the income necessary to support ever-expanding lifestyles. To many of the younger generation Rotary apparently appears, like the Masonic order, the Elks and other clubs before, to be "old men going to meetings".

The Melbourne Rotary Club, the first Rotary Club in Australia, held its inaugural luncheon on 21 April 1921. This was closely followed by the establishment of the City of Sydney Club. Australia today is a very different place to the land of those days. To reach out to the new generations, Rotary must discover the interests, the passions, the needs

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<sup>1</sup> *High Court of Australia Act 1979 (Cth)*, s 9.

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and motivations of younger people. This will not be done by inviting a venerable judge to lay down the law. It will only be done by engagement, involvement and consultation.

Consultation is a lesson that has been learned in tackling the HIV/AIDS epidemic, about which I want to talk. In the early days, AIDS policy was invariably developed on occasions addressed by old men with epidemiological expertise. Later, it came to be appreciated that other voices had to be heard. The voices of those actually living with HIV. The voices of their partners and their parents. The voices of their carers and those close to them. Today, throughout the world, it is rare to have a discussion on the topic of HIV that does not include authentic voices that can speak from the heart about the epidemic and what should be done about it. This is the way Rotary too must find its place amongst new generations in a new century.

#### ROTARY'S BEGINNING

If we go back to the beginnings of Rotary, and to the remarkable moves that converted the initiatives of Paul Harris into a world-wide community, we may find the ideas that will give us the clue as to how Rotary will survive and flourish in its second century.

I was recently reading Victoria de Grazia's 2005 book *Irresistible Empire*<sup>2</sup>. The subtitle of the book is *America's Advance Through Twentieth Century Europe*. The book contains many controversial and disputable statements. This is inevitable, in a work that tries to paint the so-called "big picture". Its thesis is that the social ethos of the United States of America in 1900 brought with it values and organisational practices that infused the mass production line with an egalitarian morality.

According to the author, it was no coincidence that Rotary International originated in the United States. She points out that Alexis de Toqueville, who made so many perceptive comments about the Americans, declared that one obvious feature was the American "aptitude for association"<sup>3</sup>. Whereas Europe was class-ridden, stratified, hierarchical and socially frozen, America, from the start, was a land of joiners.

It was therefore no coincidence that Rotary developed in Chicago and Detroit, the first luncheon meeting being held on 23 February 1905. In an economic environment where business was on the go and innovation was all the rage, a luncheon club was made to measure. At

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<sup>2</sup> V de Grazia, *Irresistible Empire: America's Advance Through Twentieth-Century Europe*, The Belknap Press of Harvard University Press, Cambridge, Massachusetts, 2005.

<sup>3</sup> *Ibid*, 29.

first, Rotary was largely a club for white, Protestant, American males. It filled a perceived emptiness in their social environment. At first, it excluded from membership women, blacks and orientals<sup>4</sup>. It brought together people in local districts with a mixture of individual talents and interests. It avoided clashes with family values by holding meetings at lunch time rather than in the evenings<sup>5</sup>. It tapped the Judeo-Christian charitable impulses that ran deeply in the American psyche.

In fact, de Grazia claims that Rotary came to symbolise the American moral component just as Henry Ford had represented the mass production of the new age<sup>6</sup>. The Protestant values of the time in America were reflected in a kind of Calvinist belief that social activism and help to the disadvantaged was a means for securing redemption by good works in this life<sup>7</sup>. One advocate of those early days tried to explain the Rotary principle "service above self" as equivalent to a doctrine that "he profits most who serves best". In time, this view of Rotary as a means of "profiting most" was regarded as inappropriate. Service was supposed to have its own rewards.

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<sup>4</sup> *Id*, 27.

<sup>5</sup> *Id*, 29.

<sup>6</sup> *Id*, 29.

<sup>7</sup> *Id*, 34.

What was most astonishing about Rotary was the rapid spread of this very American idea throughout the world. The egalitarian attitudes might fit comfortably in other new settler societies like Canada, New Zealand and Australia. But in European societies the firm handshakes, jocularities, use of first names, singing and male bonding were regarded, at first, with refined horror<sup>8</sup>.

Yet obviously, Rotary did not express solely American values. Otherwise Rotary would never have become International, as it quickly did. The first foreign club was formed in Winnipeg, Canada, within a decade of the establishment across the Great Lakes<sup>9</sup>. By 1916, it was agreed that Rotary could spread throughout the world. It was the Canadians who brought the concept to Melbourne and Sydney in 1921. By 1922, Rotary's first international meeting was held in Edinburgh. Quickly, the idea took off in the German port cities which set up their clubs along lines similar to the Americans. Coming as he did from middle America, Paul Harris could speak German. He supported the German bridgehead into Europe. And it did very well.

At first, there was suspicion in many Catholic countries that Rotary was a kind of American theosophism<sup>10</sup>. Yet it was the British who were

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<sup>8</sup> *Id*, 29.

<sup>9</sup> *Id*, 36.

<sup>10</sup> *Id*, 63.

strongest in resisting American control and demanding local autonomy<sup>11</sup>. They won. De Grazia suggests that it is no coincidence that the number of Rotary Clubs in the world, about 30,000 today, roughly coincides with the number of McDonalds Golden Arches<sup>12</sup>. She seems torn between cynicism about what she calls the "dab of cologne" that she felt Rotary lent to global capitalism, to give it the "odour of sanctity"<sup>13</sup>, and her genuine fascination with the astonishing proliferation of this organisation throughout the developed, and then the developing, world and the wonderful, practical things that its members did - often on an international scale, not otherwise achievable.

Of course, not all the moments in the history of Rotary International have been proud ones. De Grazia describes the way, in Germany, the newly installed Nazis moved against Rotary, gradually insisting that all Jewish members be expelled<sup>14</sup>. In a totalitarian state, or even one intolerant of diverse opinions, communal groups that permit ordinary people to meet and share freely-stated views, are intolerable. De Grazia suggests that, whilst Rotary International would never tolerate the expulsion of members on the basis of their religion or ethnicity, for many years it went along with the "voluntary" resignations of Jewish

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<sup>11</sup> *Id*, 53.

<sup>12</sup> *Id*, 29.

<sup>13</sup> *Id*, 63.

<sup>14</sup> *Id*, 68.

members in Germany and Italy<sup>15</sup> before, ultimately, District 73 was dissolved<sup>16</sup>. Rotary faded in Europe until the War brought renewal after 1945.

The central ideas of Rotary are still compelling. Its structure of Districts is decentralised. That is a protection against rule from on high. In the past, a similar decentralisation has been a strength of the diversity of my own religious denomination - Anglicanism - a Church, until now, of many mansions. There is much to be said for allowing Rotary Clubs, within very broad limits, to do their own thing, to establish their own ethos and to adopt their own programmes.

Conviviality and just plain friendships has been another strength. The male bonding and harmony singing may now be a thing of the past. But finding enough common ground to bring people together regularly to think beyond their own purely selfish interests is the great notion lying at the core of Rotary.

The international character of Rotary, achieved so soon after its establishment, has been another core idea. It long preceded the invention of jumbo jets, the Internet and all the other technology that now

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<sup>15</sup> *Id*, 72.

<sup>16</sup> *Id*, 70.

draws humanity together. Rotary was into globalism before it became fashionable.

In today's world, we need more than a dab of altruistic cologne and "profiting most". If the core notions that led to the original spread of Rotary International can be tapped, adapted and preserved, they are, I believe, ideas in harmony with the current age.

### THE FOUR WAY TEST

But what of the four way test? Does it still resonate in today's society? Is it in tune with contemporary values?

Every Rotarian knows that, from the beginning, Rotary committed itself to promoting high ethical standards in the working lives of its members. A four-way test was created to this end in 1932 by Rotarian Herbert J Taylor. He later served as R I President. He conceived the test when he was asked to take charge of a company that was facing bankruptcy. In the dark days of the Depression that was not an unusual challenge facing many business people.

The twenty-four word test was propounded for employers to follow in their business and professional lives. It soon became a handy guide for a whole range of activities, performed by the members of Rotary. For salesmanship; for production; for advertising; for all relations between

dealers and customers; for all people and also for dealings between Rotary Districts and at an international level.

In 1943 the four-way test was adopted by Rotary world-wide. It has been translated into more than a hundred languages. It has been published in thousands of ways. Let us remember the four questions that it poses for us:

"Of the things we think, say or do:

- (1) Is it the TRUTH?
- (2) Is it FAIR to all concerned?
- (3) Will it build GOODWILL and BETTER FRIENDSHIPS?
- (4) Will it be BENEFICIAL to all concerned?"

How does the four-way test travel in the 21st century? Is it still relevant to our daily lives. Is it sufficient as a guide for us today?

I was thinking of these questions as I sat in a chapel of the Anglican Cathedral Church of the Holy Cross in Lusaka, Zambia three weeks ago.

It was a beautiful, quiet space - a large place of prayer and worship. Sunlight poured into the chapel through panes of coloured glass scattering rainbow colours everywhere. Hanging high above the nave were old army colours, some of them looking a little careworn, even moth-eaten. These were the banners of the now disbanded

Northern Rhodesia Regiment. The oldest of them seemed to go back to about the time when Paul Harris founded Rotary in 1905. The battles in which the soldiers of the colony had taken part were emblazoned on the banners, in the manner of military tradition. One of them referred to the seizure of German South-West Africa at the beginning of the Great War in 1914. Memories of battles long ago and far away, of sacrifice and of suffering flooded into my mind as I sat there.

My purpose in resorting to the space was to contemplate quietly the day that had just passed.

The day had been spent with the judges of Zambia. An entire day was devoted to considering the lessons that could be learned from legal cases in Australia and other countries, responding to the challenge of the HIV/AIDS epidemic. This was a highly relevant subject for Zambia. Already, 1.6 million of the population of fewer than 11 million were estimated to have been infected with HIV, the virus that causes AIDS. Sub-Saharan Africa is the epicentre of the world's epidemic of this dread condition. The measure of the devastation can be contemplated by realising the extent of the penetration of the HIV virus in just two decades. An unwelcome visitor has come into their midst. It cause so much suffering and wretchedness. So many grievously ill. So many families devastated. So many orphans. So many unable to get the new, expensive medicines.

I endeavoured to inform the judges and lawyers of lessons that we had learned in Australia under the wise initiatives of Dr Neal Blewitt and Dr Peter Baume in the early days of our epidemic in the 1980s. Crossing political boundaries, these two politicians of different political parties had embarked on bold and brave strategies. they placed their endeavours above party politics in the quest to save human lives and to prevent suffering. The massive education campaign. The gradual removal of criminal sanctions on commercial sex work. The increased impetus to repeal the criminal laws against homosexuals. The specially bold measures of needle exchange to reduce the infections amongst injecting drug users. The candid teaching about sexuality and STDs in schools. The realisation of the special need to empower young women to protect themselves. These were not easy steps for Australians to take. But they were taken. They saved countless lives. The American rate of infection of HIV is ten times higher<sup>17</sup> than in Australia because the same wisdom and leadership were missing. Tragically for the first four years of his presidency, Ronald Reagan, a gifted communicator, could not bring himself to mention HIV or AIDS as thousands became infected. Leadership has also been missing in Zambia and most of Africa where the epidemic hits hardest.

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<sup>17</sup> W Bowtell, "HIV/AIDS: The Looming Asia Pacific Pandemic", Policy Brief, Lowy Institute, Sydney, unpublished March 2007 citing Australia, National Centre in HIV/AIDS Epidemiology and Clinical Research, *Annual Report*, 2006.

As I endeavoured to describe our Australian initiatives, I could see that some in my audience were becoming uncomfortable, restless. Was it not better to let the infected die, one asked, than to improve their apparent health so that they could continue infecting others? Are these not just immoral people? Aren't they reaping the consequences of their own immorality? In a continent where the Archbishop of Nigeria has likened homosexuals to people having sex with baboons, imparting the hard lessons that we had learned in Australia was not an easy task. Yet unless something strong and brave and new is done, the epidemic in Zambia will continue to gather up more children, uncles, friends, wives - even maybe judges.

I was encouraged that so many judges had come to the seminar - virtually the entire Superior Bench of Zambia. Many of their questions revealed a serious desire to know and to learn. But barriers often seemed to stand in the way. And whilst the judges were meeting in Lusaka, not far away as Africa goes, the Anglican Bishops were meeting in Dar-es-Salaam, torn asunder by the issues of women's ordination and homosexuality in the Anglican church.

I sat there in the quiet cathedral thinking of Bishop Desmond Tutu's reproof for the obsession about these topics when there is so much poverty, hunger, homelessness and so many orphans to AIDS.

### A MISSING FIFTH QUESTION

Then I turned my thoughts to the four-way test. What was the truth of AIDS that could be imparted? I could tell truly what we had learned in Australia. But was it the "truth" for Zambia? Was it fair to all concerned to trouble them with these perceptions of our truth? Was it fair to ask them to rethink their basic ideas of morality, especially sexual morality, in the face of such devastation?

If I ask did I build goodwill and better friendships by my remarks in Lusaka that day, the answer is by no means sure. Clearly, my message was upsetting. The story of how we tackled and brought AIDS down in Australia seemed merely to compound the Zambian sense of helplessness and stress in the face of this pandemic. Would my suggestions be beneficial to all concerned? In the abstract, surely. But could they actually work in Zambia to save lives in the setting of the cultural values and religious and missionary instruction of that part of the world? Did they have the slightest chance of being accepted?

As I reflected on these thoughts, it occurred to me that there is a fifth question to be asked. In effect, a five-way test. Is it KIND? Is what I am saying and thinking truly motivated by LOVE in its broadest sense amongst all human beings? Is it something that will help bind our planet together and motivate us as human beings, as a species, to work for and with each other and for the blue Earth that is temporarily in our charge? I have always thought that the ultimate basis of all the great religions

and also universal human rights is love - although Anglo-Saxons seem very loathe to use the word.

In a world of so much anger, danger, hate and intolerance, is it too naïve to add this concept to the Rotary test? Truth, fairness, goodwill and beneficence are very practical things. Yet behind them all is a basic urge for empathy for fellow human beings that derives from our love for one another. Why do we feel impelled by love for others - others outside our immediate families? It is because in one another, we can see a reflection of our human selves and of our own values, vulnerability and needs.

I may be wrong, but I think questions such as these are the questions that young people are asking themselves and each other in the loneliness of virtual lives in cyberspace. In its second century, let Rotary International be motivated even beyond service to others so that it commits itself to a global attitude of kindness, accepting empathy and non-judgmental sharing. Only in this way will we overcome such mighty challenges as HIV/AIDS, religious intolerance, global hunger, homelessness, climate change. Starting locally with small steps. Reaching out to others in practical ways. Motivated by morality not moralising. Proactive, not removed. Committed to helping one another and helping the planet. A charter for a modern Rotary - engaged with one another and with the whole world.

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