

JUSTICE

Bitter break-up case opens a new frontier for the whole Australian race

This case illustrates a peculiar paradox beneath the concept of racial discrimination: what, actually, is race?

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FIONA BENDALL AND DUNCAN BENDALL (IMAGES: YOUTUBE)

Is Australian a race? According to a recent decision by an employment tribunal in the UK it is.

In 2016, Australian businessman Duncan Bendall co-founded a company with his British wife Fiona, called The Female Social Network. They moved to London, and their personal and business relationship fell apart. Bendall was sacked for gross misconduct. Then he sued. He claimed that, apart from his dismissal being unfair, he had been the victim of both sex and race discrimination. The race aspect was on the basis of his being Australian, a characteristic that his wife allegedly despised.

On the road to disaster, Fiona Bendall emailed her husband in clear terms: “I hate Australian mentality and you have it in droves...And DO NOT say you are a founder in MY business MY efforts ever again You Leech — you don’t even believe in women or have ever struck [sic] your neck out..”

Putting aside the challenging thought of how one might strike one’s neck out, along with the defamatory reference to unsuspecting leeches, it was accepted by the tribunal that Fiona Bendall really didn’t like Aussies and had ascribed the worst of our features to her husband. The question was whether the unpleasant consequences that he suffered were, at least in part, on account of his protected attribute: his race. The tribunal thought so, and some of the \$170,000 in damages it awarded was due to that.

Surprisingly, the culture warriors of Australian media haven’t latched immediately on to this case to point to the stupidity of drawing distinctions between people on the dubious basis of “race”. Nobody seems to be calling Duncan Bendall a snowflake or a cynical beneficiary of political correctness gone mad.

Still, even if the vigilantes against reverse racism aren't up in arms, the case does illustrate the peculiar paradox beneath the concept of racial discrimination. What, actually, is race? In scientific terms, it's nothing. That is to say, race is a nonsense term, reverse engineered to explain visible difference and justify discrimination and prejudice. The only race is, indeed, the human one.

At a practical and political level, of course, race very much exists. It's unfixed and constantly shifting, despite our best efforts to categorise and embalm it. However, people still insist on identifying with race, as they do with culture, religion, gender and sexuality. That's just part of being human.

The old argument about whether Jews are a race is a neat example of the classification problem — so is, in contemporary times, the same question relating to Muslims. Neither is a race, according to conventional thinking, yet the Nazis had no problem defining the Jews as a race and white supremacists are equally comfortable referring to Muslims as if they were a race, meaning that the distinction is meaningless.

So, is Australian a race? Well, it's a hilarious concept in one sense, given our population's multiracial makeup. Also, from some perspectives, insulting to Indigenous Australians because of the case that, if there is an Australian race, it would have to be theirs. And yet they are also anything but a singular racial or ethnic identity.

Actually what we're talking about here is the stuff of ethnic jokes: the laconic Australian, the dumb Irishman, loud American, crazy Italian, humourless German. So-called "national" characteristics are our global *lingua franca* for both self-identification and mutual categorisation. They're our shorthand way of making sense of the world in a way that doesn't require us to contemplate the larger but challenging truth that we're all relevantly identical. The differences we see and harden into belief are nothing more than wide generalisations.

However, the non-existence of race doesn't mean that wrongs aren't done in its name that require a legal response. The laws protecting against racial discrimination and racial vilification play an important role in civil society.

The point is that while Australian is not a race in science or reality, it is in the minds of people who don't like Australians.

If it's true that Fiona Bendall did unlawful things damaging to her husband's rights because he is Australian and she hates them, then that's as appropriately a case of unlawful race discrimination as any other.

Race is in the eye of the beholder. It'd be lovely if we could all see each other as people instead, but we don't.

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