

CHAPTER 12

‘Put on dark glasses and a blind man’s head’: Poetic defamation and the question of feminist privacy in 1970s Australia

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The only successful defamation case ever run against poetry in Australia has at its centre a contest more precisely about changing definitions of privacy than of public reputation. Launched against Australian writer Dorothy Hewett by her former husband Lloyd Davies, the charge was not restricted to a single poem or piece of writing, nor to a single Australian jurisdiction, and in the first instance was scheduled to be heard by the High Court before being settled on legal advice. The multiplying offences and charges are best outlined in a narrative, clarifying the detailed roles of the various agents and actors in what became a high-profile cause célèbre in the late 1970s that ramified across Australia’s expanding culture industry. At stake was a highly gendered question about art’s access to the private sphere—its ability to represent intimate life acutely, even savagely—and then, more than this, about poetry’s ability to challenge legal measures of public truth. Stretching from 1969 into the early 1980s, notable dimensions of the case make it both exceptional and representative—a synecdoche for its times, in its conflicts and ambiguities, as well as a point of departure, in legal terms and in literary terms—in ways that illuminate transformative political and social change across the decade.

Second-wave feminist critiques of the legal concept of privacy can be seen to have arisen as part of attempts to break down gendered boundaries between the public and private spheres, which, in the long wake of first-wave feminism, targeted historical legal formations that subsumed women and children to a male political subject. Feminist efforts to make the personal political were directed against privacy's established social function to hide, shame and stigmatise intimacy, and to hold women, domesticity, family life and sexuality outside public life. Importantly, these efforts in many ways were shaped and informed by the kinds of cultural expression Hewett's poetry represented, as a new speaking out, a laying bare of intimate life. By the 1970s, this represented a dramatic shift from the mid-century Western liberal models of rights and freedoms that had informed the UK Wolfenden Report of 1957, for example, which had condemned criminalisation of adult homosexuality as an infringement of civil liberties. Its committee famously concluded: 'It is not, in our view, the function of the law to intervene in the private life of citizens, or to seek to enforce any particular pattern of behaviour.'¹ That model, sourced in British liberal philosophy, particularly the thinking of John Stuart Mill, rests on the assumption that intimacy depends on privacy, and in positing a sphere of relational security and familial dependency, distinct from government and political community, it replicates the Aristotelian model of a free male individual subject sustained to engage in public affairs by a wholly separate sphere of dependent women and slaves.

By 1976, when the writ against Hewett was formally brought, feminist critique of these separate spheres was fully fledged, as attested by the launch of the Australian Royal Commission on Human Relationships two years before, among other actions. Feminists understood a right to privacy, in so far as it was articulated as such only in the twentieth century, to protect the interests of upper and middle-class white men in particular, and to rest in unexamined moral values that perpetuated rather than guarded against shame and persecution.² Feminist activism and expression of many kinds contributed not just to deconstruction of the boundaries of the private sphere, as this volume explores, but a pointed recalibration of the role of government, through an insistence that it intervene against repressive actions in that sphere. In the contest between

1 *Report of the Committee on Homosexual Offences and Prostitution*, CMD No. 247, 1957, p. 10.

2 No single author represents feminist thought on privacy from this period exactly and most work is only solidified in academic publications from the late 1970s onwards. Diverse work by Carole Pateman, Nancy Fraser, Drusilla Cornell, Catharine McKinnon and Anita Allen is indicative.

the Davieses' legal actions and the new ambits of confessional poetry, we see enacted some of the largest and most consequential social, political and legal shifts of the period.

My version of the defamative case narrative begins with a visit by the poet, playwright and then academic Dorothy Hewett, with her mother Rene Hewett, to the Perth home of her first ex-husband, the prominent left-wing barrister and writer Lloyd Davies, and his wife Jo Davies and their children, in 1969. As the Vietnam War ground on, Hewett was there on behalf of her son, Joe Flood, then 19, and one of his friends, to seek Davies's advice on legal recourse should either of their birth dates be drawn in the conscript lottery. Lloyd and Jo Davies were prominent in West Australian protests against the war, even more so than Hewett and her family, and Jo Davies had been the first West Australian to be arrested in the campaign—for throwing a shoe at Harold Holt, as a member of Save Our Sons.³ Hewett and Davies had maintained an equable but distant friendship in literary circles in Perth, after marrying in 1945 and divorcing in 1951. Hewett left Davies for Sydney with her new partner Les Flood in 1949, and in 1950 her only child with Davies, Clancy, died of leukaemia when he was barely three years old. She returned to Western Australia in 1959.

Soon after this visit, Hewett wrote a poem with the encounter at its centre, titled 'Uninvited Guest'. It was published in *Poetry Australia* in October 1969.⁴ Though still a young journal, housed in Sydney, *Poetry Australia* was a forum for some of the major and most recognised poets of the period, and through the late 1960s Hewett placed a number of her poems there. 'Uninvited Guest' is indicative of her poetic output from those years, which grew increasingly personal and confessional as Hewett detached it from the aesthetics of organised politics. By the time she left the Communist Party of Australia (CPA) after the Prague Spring in 1968, Hewett had moved her work determinedly towards newer literary trends in the West, towards intimate revelation and declarative interiority, and the kind of confessionalism demonstrated in the work of American poets Anne Sexton, Robert Lowell, John Berryman, Sylvia Plath and the more feminist Adrienne Rich.⁵ Though her poetry had never been afraid of

3 Lloyd Davies, *In Defence of My Family* (Perth: Peppy Gully Press, 1987), 13; David Davies, interview by author, March 2015.

4 Dorothy Hewett, 'Uninvited Guest', *Poetry Australia*, no. 30 (1969): 14–15.

5 Cf. Kate Lilley, 'Introduction', in *Selected Poems of Dorothy Hewett* (Perth: University of Western Australia Press, 2010), 8.

the first person pronoun, her poems from the late 1960s and early 1970s meld Hewett's formal interest in poetic citation and mythic reference with workings-through of specific and clearly identifiable personal experiences. She wrote poems about the deaths of her father and mother, her activities in the CPA, her early suicide attempt, the retina of her right eye detaching, her work as a lecturer at the university (one poem directly satirises her former boss and mentor Professor Allan Edwards), her relationships with her husband the writer Merv Lilley and her former partner Les Flood, her love affairs of those years (including with the then well-known director of the Perth zoo, about whom she published one poem called 'Zoo-Keeper' and another called 'Zoo Story'), her desires, dreams, memories and disappointments, as well as different kinds of sex, writing itself, and politics.

Anne Sexton's poem 'For John, Who Begs Me Not to Enquire Further' from 1960 is Sexton's explicit riposte to criticism of the confessional impulse:

I tapped my own head;
it was a glass, an inverted bowl.
It is a small thing
to rage in your own bowl.
At first it was private.
Then it was more than myself;
it was you, or your house
or your kitchen.⁶

The concerns of 'Uninvited Guest' are exemplary in this mode, this turning inward to everyday agonies and the personal space of domestic life, to one's own life and the lives of those close—not least in that it is set largely in 'your kitchen', the Davieses' kitchen. This poem is only slightly distinguishable from others by Hewett of the period, principally in its tone (even more waspishly caustic) and in its detailed specificity (unambiguously about the Davieses). 'Re-Union', a companion poem published alongside in *Poetry Australia*, places Hewett in the same room as 'my husband, my ex-husband and my ex-lover' as well as the latter two's wives: 'The eyes of their women/ Deliberately pluck out my backbone'.⁷ 'Uninvited Guest' extends such scarifying attention to the notably

6 Anne Sexton, 'For John, Who Begs Me Not to Enquire Further', *Selected Poems of Anne Sexton* (Boston: Houghton Mifflin, 2000), 26.

7 Dorothy Hewett, 'Re-Union', *Poetry Australia*, no. 30 (1969): 13.

misrepresented and unnamed children of 'my ex-husband's wife', subject to barbed and inaccurate description: 'her delinquent boys' (there is only one son in the family, if Clancy is not included); 'her autistic girl' with 'pale dopey eyes' (the Davieses' daughter suffered from significant hearing impairment in her childhood, not autism). The poem declares that Jo Davies talks too much, is abusing tranquilisers and has had her ovaries removed, and returns, brutally, cruelly, to the death of Clancy, Hewett's and Davies's lost young son, to charge Lloyd Davies with culpability: 'What poison did you carry in your genes? All the bright children of your body turned to death'.

The communist journalist and writer Joan Williams, a friend of both Hewett and Davies from the 1940s, drew Davies's attention to the poem in 1970.⁸ As Davies reports, she saw it as a 'personal attack' on him, Jo and their children, and unarguably libellous.⁹ According to him, Davies chose to ignore it then, characterising *Poetry Australia* as an 'insignificant' publication. After attending the premiere of Hewett's play *The Chapel Perilous* in January 1971, however, in which a character with a role parallel to his in Hewett's life is represented as impotent on his wedding night, he sought it out. Reading 'Uninvited Guest', he was 'shattered'. 'I did not think that anyone, let alone someone I had once loved, could be so venomous'.¹⁰ Choosing to refrain from drawing further attention to the issue's contents, but with, it is understood, legal redress always possible, he reports telling Hewett herself of his hurt and offence in 1973, and warning her that only the small circulation of the journal had stopped further action.¹¹ Soon after this, Hewett and her family moved again to Sydney. In 1975, the poem was included in Hewett's new collection of poetry, *Rapunzel in Suburbia*, exactly as it had previously appeared. This collection was published by Prism—a venture of a different young poetry journal, *New Poetry*, run by Sydney poet Robert Adamson.

In response, Lloyd Davies and Jo Davies, with Lesley Davies and David Davies (then aged 20 and 18 years) launched a writ against Hewett—as Mrs Dorothy Lilley—in late 1975. The writ charged that Hewett had 'falsely and maliciously published of the plaintiffs a poem entitled "Uninvited Guest"' and that, by reason of its publication, the plaintiffs had 'been

8 Cf. Stephen Murray-Smith to Dorothy Hewett, 1 September 1976, bag 2, private collection held by Kate Lilley.

9 Davies, *In Defence of My Family*, 13.

10 *Ibid.*, 21.

11 *Ibid.*, 22.

seriously injured in their character and reputation and have been brought into odium and contempt and have suffered distress and humiliation'.¹² In what remained Perth's small world for legal matters, barrister Davies and his family were represented by a central Perth firm, while Hewett found a Sydney solicitor after advice from friends in New South Wales and Western Australia. Because the two parties were in separate states, the case had to be scheduled to be heard in the High Court, and was due before the Chief Justice in Perth on 16 September 1976. After advice to Hewett in August from Mr C. H. Smith QC that she stood 'little chance of success', which accorded with the views of most of her literary friends, the matter was settled out of court, in the weeks preceding the hearing.¹³ Six thousand dollars settled on the Davieses represented injuries and costs, with the court arbitrating an injunction preventing Hewett from occasioning the poem to be published or distributed.¹⁴

In the months between writ and settlement, spilling afterwards into the next few years, public debate blew up about the case. This was not only because of Hewett's prominence as a writer and playwright, the role of the case as an effective precedent, or the climate of interest in questions of free speech and what was still then, during the Cold War, called cultural freedom. The case had impact as a gendered instance in which an ex-husband used the law to prohibit a woman writer from the expression of domestic and personal matters in her work. The mainstream newspapers covered the case, extrapolating from it, with plenty of space for Hewett and her defenders, on the question of a literary defence for libel and the threat to the ability of 'any writer or critic to work freely'.¹⁵ The theatre critic Katharine Brisbane described the settlement as a decision taken to avoid a 'nasty legal precedent' for which every Australian writer should be grateful.¹⁶ The *West Australian* was an exception in reporting descriptions of the 'shocking' poem's 'vitriolic tone' and Davies's insistence, '27 years after the end of their life together', on 'freedom from such attacks in print'.¹⁷

12 'DAVIES Lester Lloyd; DAVIES Joan Gladys; DAVIES Lesley Annette and DAVIES David Clancy versus LILLEY Dorothy Coade', Series A12920, Item Control 17/1975, National Archives of Australia (NAA), Canberra.

13 Letter from Keall, Brinsden & Co to Mrs Dorothy Lilley, 8 September 1976, private collection held by Kate Lilley.

14 'DAVIES Lester Lloyd; DAVIES Joan Gladys; DAVIES Lesley Annette and DAVIES David Clancy versus LILLEY Dorothy Coade', A12920, 17/1975, NAA, Canberra.

15 David Hummerston, 'Dorothy Hewett Slams Libel Laws', *Australian*, 16 September 1976.

16 Katharine Brisbane quoted in David Armstrong, 'Poet's Fight Starts Reform Bid', *Sydney Morning Herald*, 16 September 1976.

17 'A Poem with a Too-Clear Message', *West Australian*, 15 September 1976.

Stephen Murray-Smith, long-time editor of the Melbourne literary magazine *Overland*, tried to mediate between the two parties, explaining to Dorothy that he saw himself as 'one of the few people, perhaps the only one, with open lines to you both; and indeed, with sympathy with you both'.¹⁸ Writing to Lloyd, he included his wife Nita in declaring:

We were horrified when Dorothy's last book came out and revolted by references to personal friends of ours—not only you. We both made it clear to Dorothy ... that we felt what she had done was morally indefensible ... that the artist does not have licence to wound people and behave sadistically in the name of 'creative effort'.¹⁹

Murray-Smith nevertheless sought to dissuade the Davieses from taking legal action, visiting them with Nita after a Fellowship of Australian Writers meeting in Perth in August 1976. He reported to Hewett on 1 September: 'Great yellings and unpleasantness and some very harrowing scenes. No doubt at all that they are both worked up about the matter, Jo particularly'. He explained to Hewett that he and Nita had agreed 'that the poem was in bad taste, agreeing that it was wrong to draw Jo and the children into it, and so on, but insisting on your stature as an artist (which didn't help!) and insisting that two wrongs don't make a right, and that everyone stood to lose if this case got into court'. Davies subpoenaed Murray-Smith nevertheless, along with numbers of other mutual friends, wishing him to give evidence that the poem was 'published'. To Hewett, Murray-Smith declared himself 'open to give evidence for both sides ... and the furthest I would go in condemning the poem would be to admit that it was in "bad taste"'. But he advised settling out of court, believing her 'almost certain to lose the case' and likely to be hit with costs.²⁰

Support for Hewett afterwards concentrated on raising money for the settlement, as well as protest. This was despite what Davies perceived to be Hewett's then financial resources, having inherited from her parents' estate in 1971 and recently sold a holiday house at Yunderup, south of Perth, after the Lillies' move to Sydney: Murray-Smith understood that this money had all gone to their Sydney mortgage. Soon after the first

18 Stephen Murray-Smith to Dorothy Hewett, 1 September 1976, private collection held by Kate Lilley.

19 Stephen Murray-Smith quoted in Davies, *In Defence of My Family*, 310.

20 Stephen Murray-Smith to Dorothy Hewett, 1 September 1976, private collection held by Kate Lilley.

writ was issued, a 'Literary Defence Committee' was formed by Hewett supporters in Victoria, with further members in New South Wales and South Australia. The theatre world was particularly supportive. With the injunction in place, a benefit variety night was held in the Adelaide Town Hall on 17 October 1976. Called *A Tatty Show* and over four hours long, with 91 participants, it was directed by Hewett's favourite director Rodney Fisher with assistance from Wal Cherry. Robyn Archer used two Hewett poems as lyrics for songs, excerpts from her plays were staged, the feminist protest singer Margaret Roadknight performed some of Hewett's folk songs, as well as a rendition of comic singer Bob Hudson's 'Libel Song' to close the show, before a teary Dorothy got up to thank everyone.²¹ Letters of support were sent from writers, actors and directors, including A. D. Hope, Graeme Blundell, Jim Sharman, David Williamson and Manning Clark. The benefit raised \$1,200 towards the \$6,000 paid. On 28 April 1977, South Australian parliamentarian Anne Levy read 'Uninvited Guest' into the South Australian record, under parliamentary privilege, which meant it was effectively released for publication in Hansard. The *Australian* reported that 'reading of the poem created an uproar, but Ms Levy said important issues affecting freedom of artistic expression were involved'.²²

The storm was fuelled too by further legal actions from the Davies family. Because a substantial portion of the poem had been quoted in a review in the literary journal *Westerly*, its author Hal Colebatch, the editors of the journal and its publisher the University of Western Australia (UWA) were also charged with libel, this time with Jo, Lesley and David Davies only as plaintiffs. UWA's insurers also settled, for a separate \$6,000. Actions continued—when Adamson issued a second printing of *Rapunzel in Suburbia* later in 1976, with a poem titled 'Envoi' substituted for 'Uninvited Guest', Davies issued another writ citing it, 'Re-Union' and other poems in charges of libel. 'Envoi' is explicitly about the 'Uninvited Guest' libel charge. Adamson published an apology and withdrew the new edition. The Currency Press—published version of *The Chapel Perilous* was the next subject of action, along with Hewett's more recent play *The Tatty Hollow Story*, which had been performed at The Stables in Sydney in August 1976, a month before the High Court case was due to be heard, and published by Currency Press with another earlier play later that year.

21 Rodney Fisher, 'A Tribute to Dorothy', *Theatre Australia* 1, no. 4 (1976): 38–39.

22 'Hansard Publishes "Libel" Poem', *Australian*, 29 April 1977.

As Davies describes it, *The Tatty Hollow Story* 'depicts an outrageously avant garde female poet—obviously an idealised Dorothy—who also had a maligned and ridiculed lawyer ex-husband'.²³ Davies issued a writ against Phillip Parsons, the publisher of Currency Press, requiring an injunction and damages, and this action was long and protracted, but the ultimate terms of settlement in 1978 prohibited the distribution or publishing of either publication in the State of Western Australia in the plaintiff's lifetime (Davies died in 2006). Red stickers reading 'Not for Sale in Western Australia' were applied to covers of circulating editions. When booksellers and distributors tried to sell *Rapunzel*, or publishers re-release 'Uninvited Guest', the Davies sent notifying letters. Declared Lloyd Davies: 'Clearly, for all the world to see, the libel had been an attack upon a husband and wife and their two young children in their private capacity. As such it was a violation not only of the law but also of Article 17 of the International Covenant on Civil and Political Rights [ICCPR]—to say nothing of the 9th Commandment'²⁴—which is, of course, 'thou shalt not bear false witness against thy neighbour'.

The ICCPR, to which Australia is a state party, was endorsed by the United Nations in 1966 but came into effect from 23 March 1976. Notably, Article 17 mandates the right to privacy and states: 'No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation'.²⁵ In September 1976, Australia had not yet ratified it, and the federal Australian Privacy Act was not passed until 1988. Nevertheless, in invoking the Covenant Davies was seeking to expand the offence at issue in the definition of libel in Australia to include not just the damage to any individual's public reputation (the defamation) but unwarranted ingress into privacy—announced as this ingress is in Hewett's title for her poem. The 'he' of the ICCPR definition in Article 17 is not accidental, moreover, neither for the UN nor for the Davies case—'his privacy, home, family', 'his honour and reputation'. The Covenant identifies the private sphere as an owned patriarchal space and a family as an extension of that singular man.

23 Davies, *In Defence of My Family*, 38.

24 *Ibid.*, 26.

25 'International Covenant on Civil and Political Rights', Article 17, United Nations Human Rights Office of the High Commissioner, accessed 21 January 2019, www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx.

The Australian Law Reform Commission (ALRC) undertook a review of Australian defamation and privacy laws, beginning almost immediately in the wake of the Davies–Lilley case, in late 1976, and published its report in 1979. As an issue of import for that moment, privacy was a legal concept under great strain. On the one hand, feminist and other liberationist critiques were exposing what political theorist Beate Roessler describes as ‘the thoroughly conventional nature of the separation between public and private life’, and the historical obsolescence of any ‘natural’ right to privacy.²⁶ On the other hand, a strong international trend towards the legal codification of exactly such a right was responding to the manifest expansion of the popular mediascape, in which public figures, especially politicians, were subject to far greater public exposure than had been the case. The all-male membership of the ALRC recommended ‘significant change’ to Australian law, to enable the Commonwealth to enact legislation protecting against not just defamation, or falsely implied damage to a person’s reputation, but against the publication of what were termed ‘sensitive private facts—whether they be true or false’.²⁷ These were defined as ‘information relating to the health, private behaviour, home life, personal or family relationships of the individual, which, in all circumstances, would be likely to cause distress, annoyance or embarrassment to a person in the position of that individual’.²⁸

This formulation reflected a perceived loss of what Deborah Nelson describes as a ‘certain fantasy of privacy as a self-evident concept’, which she presents as a formulation dependent on Cold War American patriarchal ideals of ‘autonomy, freedom, self-determination and repose’. She argues that this concept broke down in the face of challenges such as those from confessional poetry, which showed that privacy could also mean ‘isolation, loneliness, domination and routine’.²⁹ Women were contesting the terms of ‘private behaviour’, naming domestic violence and sexual harassment as issues of public, as well as political, concern, while the abolition of no-fault divorce in Australia with the passing of the Family Law Act in 1974 removed one notorious mechanism through which the

26 Beate Roessler, ‘New Ways of Thinking about Privacy’, in *Oxford Handbook of Political Theory*, ed. John S. Dryzek, Bonnie Honig and Anne Phillips, online edition (Oxford: Oxford University Press, 2009).

27 Australian Law Reform Commission, *Unfair Publication: Defamation and Privacy* (Canberra: Australian Government Publishing Service, 1979), xii.

28 Ibid.

29 Deborah Nelson, *Pursuing Privacy in Cold War America* (New York: Columbia University Press, 2002), xiii–xiv.

state enacted public judgement on such behaviour. The historical shift towards what Lauren Berlant conceives as 'public intimacy', with its overturning of social hierarchies of gendered experience, was driven as much by communication technologies and developments in the culture industry, as by political activity and targeted legal change.³⁰

If we step back from barrister Lloyd Davies's extrapolation to the right to privacy from defamation, however, and notice the shift in the law's language in the late 1970s from the family to 'the individual', the interests of the other plaintiffs in this case move more clearly into view, while the gendered binary of the conflict also becomes complicated. Jo Davies, who married Lloyd in 1952, besides figuring most prominently in the poem, was a vocal and active participant in the first charges and writ and in the ongoing prosecution of their case, and those involved attest to her sustained anger, even fury, at the poem's characterisation of her and the children. Her own feminist activism also throws Hewett's position, and Lloyd's, into a different light: there is a feminist case to be made for her protection from the harmful public grievances of her husband's previous marriage. Lesley and David were adults by the time of the claim, furthermore, no longer mere dependents in the eyes of the law, while Jo and Lloyd's work as disability advocates on Lesley's behalf informed their stance in explicit terms too. For a case of defamation, the main defence historically is truth, though this was formalised in Australia only with the introduction of uniform defamation laws across all state jurisdictions in 2005. The misrepresentations in 'Uninvited Guest' are patent and multiple, however: this is why Hewett stood little chance in court. Where her position was exceptional, of course, was that the publication under question was a poem.

In responding to the first Statement of Claim against her, Hewett's defence team began from this position: that 'Uninvited Guest' is art and thus cannot be defamatory. The Statement of Defence issued in March 1976 denied the matters in the claim and 'further denies that any of the words in the poem ... are in *their ordinary and natural meaning* defamatory of any of the plaintiffs' (my italics).³¹ There is no defence based on literary merit in Australian defamation law, however, as this phrasing reflects;

30 Cf. Lauren Berlant, *The Female Complaint: The Unfinished Business of Sentimentality in American Culture* (Durham, NC: Duke University Press, 2008), doi.org/10.1215/9780822389163.

31 'DAVIES Lester Lloyd; DAVIES Joan Gladys; DAVIES Lesley Annette and DAVIES David Clancy versus LILLEY Dorothy Coade', A12920, 17/1975, NAA.

rather, a text's meaning is stripped of any extraordinary, exceptional or figural reference. The original claim identified defamatory matter in the poem line by line, indicating to which member of the Davies family each matter referred: '(Second plaintiff): With her bare fat suffering feet/ with her head stuffed full of tranquilisers and her ovaries removed'.³² In a later riposte to Dorothy's supporters, called 'Tit for Tatty' and published in response to the Adelaide fundraiser as well as articles that he felt assumed the truth of the poem, Davies identified and refuted individually what he characterised as the poem's 'lies'. 'My wife enjoys (and so do I vicariously) a well turned pair of pins and is particularly shapely of foot and ankle. Mutual acquaintances—both friend and foe—will testify she is much more slender in every way than Ms. Hewett.'³³

The form or nature of poetic truth, or more exactly, truth in poetry, is a complex question, of course, but it is not a legal one in Australia, even though poetry's status as a special kind of speech or linguistic form is everywhere deployed in legal discourse. The ALRC's 1979 report on 'Unfair Publication' begins its section on privacy with a stanza from T. S. Eliot, one of Hewett's most frequently employed influences, and this could be read as a subtextual rebuke to her, given Davies's professional connections to the Commissioners:³⁴

There's a loss of personality;
Or rather, you've lost touch with the person
You thought you were. You no longer feel quite human.
You're suddenly reduced to the status of an object—
A living object but no longer a person.³⁵

With that special status comes the contemporary assumption, as Rose Lucas articulates it discussing Sexton, that poetry has 'unique access to the personal and the so-called authentic',³⁶ and this is perhaps a legacy of the mid-century confessional lyric itself, besides Romanticism. Hewett's poem, with its caustic tone and calculated hurt, is nevertheless full of examples of what Sexton's poem, 'For John', cited earlier, calls a 'complicated lie'.

32 Ibid.

33 Davies, *In Defence of My Family*, 35–36.

34 See references in Davies, *In Defence of My Family*, 42–43.

35 T. S. Eliot's *The Cocktail Party*, Act 1, Scene 1, quoted in Australian Law Reform Commission, *Unfair Publication*, 109.

36 Rose Lucas, 'Gifts of Love, Gifts of Poison: Anne Sexton and the Poetry of Intimate Exchange', *Life Writing* 6, no. 1 (2009): 46, doi.org/10.1080/14484520802550312.

And if you turn away
 because there is no lesson here
 I will hold my awkward bowl,
 with all its cracked stars shining
 like a complicated lie,
 and fasten a new skin around it
 as if I were dressing an orange
 or a strange sun.
 Not that it was beautiful
 but that I found some order there.³⁷

Itself addressing a critique very similar to Davies's of Hewett, 'For John, Who Begg Me Not to Enquire Further' locates its defence in art—'I will ... fasten a new skin around it'—even if the poem's subject himself finds the words merely literal, without a 'lesson'.³⁸

'Uninvited Guest' has more expansive, less concentrated imagery, and locates both the poet and her subjects in a trajectory across the past, present and future, centred on a kitchen in which a green potato vine 'grows and covers the walls and ceiling/ a climbing, monstrous ganglia, green nerves, groping arms'. It seems to address Davies directly, calling on their shared memories ('Once you danced "L'Après-Midi d'une Faune" in a green garden/ With an ancient parrot swearing away like a stable hand'), and voices a wondering concern that seems to ask him to attend more closely to dangers haunting his family ('Where are you when your wife sits strangling in a great green vine in the kitchen ... I want to cry after you, "Rip off those cataracts!" / But haven't the heart').³⁹ The Davieses' Statement of Claim read these lines as directly defamatory: 'the defendant meant and was understood to mean that Mr Davies had no care for his wife and children and failed to show any responsibility for their physical and psychological condition'.⁴⁰ But the poem's literal mistakes—that there is only one Davies boy, no longer two; that the image of the 'delinquent boys piss[ing] over each other in bed' is impossible, and instead more likely to be sourced in Hewett's own children's behaviour;⁴¹ the casting of the Davieses' daughter as 'in a deep freeze, tranced out of hatred', rather than unhearing—these are the detritus of a greedily imagistic poem for

37 Sexton, 'For John', 26.

38 Ibid.

39 Hewett, 'Uninvited Guest', 14–15.

40 'DAVIES Lester Lloyd; DAVIES Joan Gladys; DAVIES Lesley Annette and DAVIES David Clancy versus LILLEY Dorothy Coade', A12920, 17/1975, NAA.

41 Cf. Tom Flood, interview by author, 20 October 2016.

which the real is perhaps beside the point. As her daughter Kate Lilley says, for Hewett, ‘the stuff of poetry was everywhere: it was anywhere she was or could imagine, and everything was fair game to use or recycle, including her own earlier work’.⁴²

By the mid-1970s, contemporary poetry was shifting its ground to encompass more obvious abstraction and linguistic play, via European post-structuralist critiques of the illusion of realism. Veronica Forrest-Thomson’s *Poetic Artifice*, from 1978, articulated a full theory of poetic abstraction in which poetry is always fictive, arguing that it necessarily ‘lifts meaning away from direct reference to a state of affairs’ and makes it ‘part of a thematic synthesis, where the external contexts are evoked only to be made fictional’.⁴³ And we can see the attraction of this kind of fabulation in much of Hewett’s work, tipping as it does between the speaking confessional and the abstraction of the particular, or the thematisation of such, and of everyday detail made representational, mythic. Forrest-Thomson would categorise Davies’s reading—and that of the claim itself, the law’s insistence on ‘ordinary and natural meaning’—as an instance of what she terms ‘bad Naturalisation’, ‘with its stress on external interpretation’.⁴⁴ Explicating the formal achievements of Sylvia Plath’s 1962 poem ‘Purdah’, she describes such ‘limited, external’ reading: ‘In its anxiety to get at the meaning *behind* the words it would overlook the meaning *of* the words’.⁴⁵

Elizabeth Bishop, the highly influential mid-century American poet, was one of Hewett’s favourites. Even though her work was never directly confessional, she was very close to Lowell, and her poems everywhere demonstrate a search for what she called ‘accuracy’. As her biographer describes, by this she did not mean realism, but rather an emotional or subjective form of truth; an acute and formal way of inhabiting things, places, externalities through language, or linguistic image, to reflect on their subjective freight.⁴⁶ More than mere emotion, her poetry seeks in objects and nature, in observation of that which is other to the poet, states of understanding, not just feeling, that are not dependent on rationality.

42 Lilley, ‘Introduction’, 10.

43 Veronica Forrest-Thomson, *Poetic Artifice: A Theory of Twentieth-Century Poetry* [1978], ed. Gareth Farmer (Bristol: Shearsman, 2016), 19–20.

44 Forrest-Thomson, *Poetic Artifice*, 163.

45 Forrest-Thomson, *Poetic Artifice*, 163.

46 Brett C. Millier, *Elizabeth Bishop: Life and the Memory of It* (Berkeley: University of California Press, 1993), *passim*.

Sexton's poem voices this as a perception of 'order', distinct from beauty, that can work to hold complex significance, as she holds her bowl, which is also her head, herself. And we see something of this endeavour in Hewett's work too—an aim to render conceptually that which is felt and experienced, to bring such into language in a way that is grounded not on reference but on aesthetics, on the minimal techniques of poetic form, symbol and voice, as well as the more maximal reflexes of citation, imagery and story—even as it seems 'merely' to tell of her truths.

This kind of subjectivism, particularly confessionalism's dependency on a mimetic version of a self, even if a modernist abstracted or alienated form of such, gave way through the 1970s to a more thoroughly abstracted and experimental relation with language. But in the 1960s, confessional poetry was enacting a radical social impulse that had at its heart an attack on socially policed boundaries between public and private experience, and whose liberatory force for women was manifesting, by the early 1970s, in the exploration of self-identity, taboo-breaking and consciousness-raising as political acts. Confessional poetry actively trafficked in truth claims and as a gendered genre at once critiqued forms of authority and relocated it in performed versions of the self, often expressing taboo, traumatic or highly emotional aspects of life that were not customary parts of public discourse. Through the 1970s, feminist forms of autobiography and memoir took on this mantle, insisting not just on authenticity but on typicality and collectivity, testifying to women's experiences as at once true and representative, and transforming in profound ways what could be said about how people live.⁴⁷ This is the nature of the social and political work performed by such cultural production in these decades: literary texts could offer alternative bridges between public and private, political and personal, via pathways both more nuanced and expansive, as well as more ethically complex, than the laboured governmental and legal ones then being engineered.

Authenticity is precisely under abeyance in Hewett's poem, however, as both a legal and a literary concept, and, in as much as 1960s confessionalism has an aesthetic, this tension is characteristic. Paul de Man reminds us, moreover, of the function of guilt and shame in the act of confession, and warns that 'it is an epistemological use of language in

47 Rita Felski, 'On Confession', in *Women, Autobiography, Theory: A Reader*, ed. Sidonie Smith and Julia Watson (Madison: University of Wisconsin Press, 1998), 84–85.

which ethical values ... are superseded by values of truth and falsehood'.⁴⁸ Hewett's 'Uninvited Guest' confesses only in so far as it slights and insults a present the speaker misreads through her own past; Davies was right to see the poem's rhetorical, generic claims to truth as its greatest threat. But perhaps in so far as 'Uninvited Guest' is a lie, it also reaches for the abstracted and fictive, and is not exhaustively referential; that is, perhaps it is not necessarily or always or only about the Davieses. Perhaps the poem's precise failure, even though it works well enough as a poem, is that it falls between these stools—it is neither a true enough confession nor a complicated enough lie. 'Put on dark glasses and a blind man's head', Hewett charges, in the poem's address to questions of experiential truth, to evidentiary seeing: 'A blind man's listening uneasiness'.

48 Paul de Man, *Allegories of Reading* (New Haven: Yale University Press, 1979), 279; cf. S. Rosenbaum, 'Confessional Poetry', in *The Princeton Handbook of Poetic Terms: Third Edition*, ed. Roland Greene and Stephen Cushman (Princeton: Princeton University Press, 2016), 54–56.

This text is taken from *Everyday Revolutions: Remaking Gender, Sexuality and Culture in 1970s Australia*, edited by Michelle Arrow and Angela Woollacott, published 2019 by ANU Press, The Australian National University, Canberra, Australia.

doi.org/10.22459/ER.2019.12