

Fiona Harari, *A Tragedy in Two Acts: Marcus Einfeld & Teresa Brennan*

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The decline and fall of Marcus Einfeld, onetime Justice of the Federal Court, Queen's Counsel, member of the Order of Australia, National Living Treasure, played out over several years. In August 2006 Einfeld contested a speeding ticket by swearing that another driver, Professor Teresa Brennan, was at the wheel when the ticket was issued. This was not true, and, pleading guilty to charges of perjury and intention to pervert the course of justice in 2008, Einfeld was sentenced to three years in prison and incarcerated for two. In 2009 he was removed from the Roll of Local Lawyers, found "not a fit and proper person" to remain on the roll (*Council of the New South Wales Bar Association v Einfeld*). Einfeld's initial lie concerning that speeding ticket had long since been absorbed into a larger narrative of pervasive dishonesty, most egregiously evidenced by a "detailed and careful self-exculpation in relation to the circumstances of the . . . driving offence which he blamed on a 'Teresa Brennan' whom he said was a philosophy professor he met in Bangladesh in 1992, being (it was to be asserted) someone different to the Professor Teresa Brennan who had died in 2003." (ibid) By the time Einfeld invented the second Professor Teresa Brennan it had been made public knowledge, by virtue of some serendipitous court reportage, that the (real) Professor Teresa Brennan Marcus Einfeld had put behind the wheel of his car was dead at the time of the offence. So Einfeld invented a new one and compounded the initial misdeed according to the conventional maxim that it's not the crime, it's the cover-up that will be your undoing. Einfeld concocted his story of another Teresa Brennan, along with a host of fictitious detail, to conceal his original perjury, and as the judgement of the Bar Association makes painfully evident, some element of concoction had become a hallmark of Einfeld's statements regarding such legal matters and also, perhaps, of his professional life more generally.

Drawing together eminent identities across several prominent professions – including former SBS journalist, Vivian Shenker, who initially provided an alibi statement for Einfeld – the case appeared as a series of mostly avoidable pratfalls given a sombre cast by the revelation that Teresa Brennan was dead, and that Einfeld knew she was dead at the time of his false statement but somehow still inserted her into his minor deception. Einfeld, disturbingly, had already used her name in the same fashion to defend against a ticket he was issued for an offence on the same day he learnt that Brennan had died, 4 February 2003 (149). The figure of Teresa Brennan – the real one – thus became visible in a circuitous fashion, and she was for a brief period that rare thing, a newsworthy academic. The circumstances of Brennan's death came to become more widely known simply by virtue of her name appearing in the middle of this petty imbroglio, and as the case escalated, through mounting deceptions, into a matter of national consequence, its affective freight escalated as well. Brennan's status as an expatriate Australian philosopher offered a neat counterpoint to Einfeld, prominent social justice advocate who travelled the world but maintained Australia as home base. Brennan's picaresque career, carefully detailed in Harari's comprehensive retelling of this story, found her in Florida at the time of her death, after stints in Washington D.C., Amsterdam and Cambridge, and on the brink of another relocation, to a house in the Bahamas with her

recently fostered daughter Sangi. She died in 2003 of injuries sustained during a hit-and-run accident, and the party responsible for her death remains unknown: Harari provides what must be all available detail regarding that case, but it quickly appears to be a situation irresolvably lacking in detail and thus resolution.

Elements of the story are comic: Einfeld's invention of the second Teresa Brennan, a plot point that contributed to the determination of his dishonesty and to his downfall, has a farcical air. Characters who arose in the midst of his prosecution added a bizarre element to the story as it unwound in national media, including Angela Liati, a woman who brought herself forward to corroborate Einfeld's story that he knew two Teresa Brennans (Liati claimed to have met "Theahresa Brennan" at a retreat, corroborating, sort of, the claim that two Teresa Brennans existed). Harari, however, focuses her account of the story on an historical account of their characters, finding in each a propensity for dishonesty. In the case of Einfeld this is told as a kind of morality tale, where "hubris" is identified by a "former colleague" (191) as his reigning flaw, providing the necessary push as his "precariously balanced life toppled over" (191). Brennan is also characterised as, at the least, loose with the truth and in some sense a troubled person. The book charts her career and personal life through reminiscence, anecdote, and character assessments provided by family and colleagues. Many of these are affectionate and complicated, but the net effect is that they pile up as a set of mostly rather judgemental assessments that migrate from quotation to the body of the text: the character we are presented with is, in the words of the author, "enchanted and attractive . . . a good liar" (92). Harari documents her claims through extensive interviews with those who knew Brennan, and maintains the momentum of this story by marrying such observations with a careful outline of Brennan's personal and professional development.

Harari is not an academic and her comments on the work are not written with academic readership in mind, I guess, but the sense of academia presented here is chaotic. That is probably due significantly to the somewhat chaotic relationships with academic institutions Brennan established or failed to establish in her significant career, but sometimes due to Harari's lack of expertise, where for instance she describes eminent expatriate philosopher Elizabeth Grosz as a sociologist (38). Brennan's career is signal for its multi-disciplinary interests, which are evident in the variety and eminence of those she worked with and with whom she formed strong bonds: not only Australian academics, but a roster of exciting thinkers for feminism in particular and the humanities in general over the last few decades: from Dame Gillian Beer, to Susan Buck-Morss, Cambridge to Broward County, fascinating networks arise from the contours of her life. As I know, casually or quite well, several of the academics interviewed, it was an unexpected element of the book and an intriguing one to match their names to their reported comments. It was perhaps a distracting one as at times the net result was a lessening of credulity: not that I for a moment doubted the veracity of Harari's meticulous investigation, but the way their words stood without a richer contextual frame sometimes caused me to pause. Of all the accounts of Brennan's life, the one delivered by her brother Steven felt notably perceptive. Harari asks him when Brennan felt happiest, and he replies that while she could "summon" happiness he couldn't think "of a single point in her life when there wasn't some shit flying around in the other direction" (24).

Harari's book resurrects Brennan as a figure of more than passing interest, recasting the story of the downfall of Marcus Einfeld as a "tragedy in two acts," in fact a pair of stories that intersect in casual and then consequential ways. Brennan and Einfeld met in the 1970s and though theirs was not an enduring or profound relationship their stories crossed over spectacularly in the series of events that led to Einfeld's incarceration. It's probably not unusual for people to assume that non-fiction stories, particularly true crime, find their momentum from an idea about character. The prevalence of true crime writing focused on the figure of the serial killer is a good example of both the potential and the limitation of such a conception of what makes stories move. On the one hand, serial killer narratives offer their protagonist as deeply flawed, and therefore deep. On the other other, after reading more than a few books about serial killers, indeed constitutive as an insight usually located somewhere in the middle of them, arises the observation that the serial killer is a kind of empty space composed of repetitious actions in lieu of progression or transformation. As Mark Seltzer observes in his remarkable dissection of the serial killer as an evacuated identity within a pathological public sphere, the identity itself occurs as a kind of template rather than a character as such. The rise of the identity of 'serial killer' as a recognisable persona more or less coincides with Jack the Ripper, and seems to be fading. Its most common nationality is American, most prevalent form is a white male in his early adulthood, middle-class, intelligent, sociopathic. This "identity" as such is formulaic to the point that it can only be understood as, itself, bearing the hallmarks of a fictional convention, designed not to lend critical weight to the story but rather to perform the function of supplying convenient genre markers for a reader who could be reading the story of Ted Bundy (an entirely genre compliant tale) or one of the several deviations from the type (the "historical" serial killer H. H. Homes, the "female" serial killer Aileen Wuornos, the "Soviet" serial killer Andrei Chikatilo, etc).

There are no serial killers (that we know of) in this story, but its two principal characters are, ultimately, similarly conventional: the haughty judge and the erratic philosopher. This is not meant as a criticism as such, for such stock characters are intrinsic elements of morality tales, meant to elicit an equally conventional moral. Despite the use of the word "tragedy" to describe their stories, we are not really in that precinct, except in a more colloquial sense than references to Shakespeare would suggest. Einfeld's downfall may have overshadowed his important work when it dominated the news cycle but that work is of much more significant weight and substance than this, ultimately, trivial misdeed, and it certainly seems that a custodial sentence of the kind handed down to him was barely just. It is an unavoidable element of our culture of incarceration that here was judged not the sin but the sinner. Similarly, although the book hints at impropriety around the events of her death, the only determined miscreance is the fact of an unreported accident, and so ironically the much more severe event, a death, remains as undetailed as the minor infraction is minutely examined. The irony of Brennan's unobserved death in a traffic accident intersecting with the minor "camera-detected traffic offence" (*Council of the New South Wales Bar Association v Einfeld*) suggests a profound dissociation between the importance of events and their record. Instead, the extremely complicated elements that are put together here though revolve around time and place, not character. From his boyhood as son of the redoubtable Syd Einfeld and student at the storied Sydney Boys High School, through his valuable work as human rights activist, via his petty indiscretions and vanities, the story of Einfeld embodies the life of the city of Sydney as surely as Syd Einfeld Drive, a bypass in Bondi Junction names for his

father (1). Einfeld's traipsings on the day of his offence, driving from Mosman to Pulu restaurant in Freshwater for lunch with Schenker (and with television personality John Mangos also in the room) -- all documented by receipt as well as the infamous traffic camera -- is as quintessentially a story of affluent, newsworthy Sydney as is the improbable coincidence that Tony Jones and Sarah Ferguson, ABC journalists, move into the semi- that adjoins his house in "leafy Woollahra" (164) and are drawn into the saga. Brennan's global movements are less cramped but equally resonant for charting the networks of academic work and affiliation. Harari quotes Elizabeth Grosz' comment on Brennan's early years that '[s]he was unbelievably *for* whatever it was at the time' (18), and ties the story of Brennan's Sydney years to political and social movements, through her work as an intellectual but also through her activism and association with, among others, Juanita Neilson. Brennan's passionate attachment to justice and sheer intellectual brilliance clearly provides a more profound ground for her association with Einfeld than the citation of her name in his statement ultimately provides, but the clever thing about this book is that it uses the last as an occasion to contemplate the first. Although her death was untimely that sense of forward momentum characterises Brennan's work and life, and Einfeld's too, and while at times the events she narrates oblige the work to feel as though it's also in danger of careening, Harari gives a thoughtful account of this energetic but melancholy pair, one that leaves me feeling that they were less "tragic" than, at times, clumsy -- and that's a very forgivable failing.

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