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## **A Man's Home Is His Castle**

**by Wendy McElroy**

The Castle is a tacky tract house in Melbourne, Australia, where the quirky Kerrigans live in the firm belief that they are the luckiest family in the world. Their house is so close to the airport that planes almost scrape their roof. But instead of complaining, patriarch Darryl feels lucky to have such an up-close view of man's conquest of nature. High-power lines buzz over the toxic landfill that is their backyard but the Kerrigans couldn't be prouder of their house. When an inspector drops by, Darryl gives him "the tour," pointing with pride to a fake chimney and garish plastic trim which he is sure will increase the house's resale value.

Not that the Kerrigans intend to move. Three Highview Crescent is not a house; it is a home brimming over with love and improbable characters who warm your heart even as you laugh at their lack of sophistication.

*The Castle* (1997; directed by Rob Sitch) is also a movie about eminent domain: the so-called right of a government to seize private property for a public use, such as a freeway, in exchange for what the government deems to be fair-market value. Thus the movie's title spins off the maxim, "A man's home is his castle." The inspector's visit turns out to be a preliminary step in the "compulsory purchase" of the Kerrigan home by government-backed private developers who wish to expand the airport. Along with his neighbors, Darryl decides to "just say no" to government and to the powerful development company.

The movie had a poignant tinge for me when I first viewed it; indeed, I laughed more the second time around months later. The U.S. Supreme Court had just rendered a decision in *Kelo v. City of New London*, which is now infamously and simply known as *Kelo*. The Supreme Court ruled that the city could use eminent domain to transfer private property from its owners to a private entity that wishes to use it in a "better" economic manner. The reasoning: if the new economic use creates jobs and enhances a city's revenues (i.e., taxes), then it is a de facto public use and, so, permitted under the public-use clauses of both federal and state constitutions.

The ruling shocked the majority of Americans. Prior to *Kelo*, the Fifth and Fourteenth Amendments to the Constitution limited the reach of eminent domain. The Fifth Amendment

states, in part, that no person shall be “deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.”

The Fourteenth Amendment extended this limitation from the federal government down to the state and local levels. Through the *Kelo* ruling, however, the Supreme Court validated the city’s actions as “due process,” redefined “public use,” and declared the rejected compensation to be “just.”

In short, local governments were given a green light to coerce the transfer of property between two private parties.

### **Battling leviathan**

*The Castle* taps into the sadness, fear, and outrage that the average person feels when confronted by big government and big business. It also resonates with a theme that is strong in the American character: resistance to unjust authority.

The Kerrigans are “battlers.” Within Australian culture, this term has a specific and respected meaning in much the same manner that “rugged individualism” has in America. The “little Aussie battler” is an archetype that depicts the working man (Darryl is a tow-truck driver) who triumphs through sheer will and merit over those who consider themselves to be his superior. Usually, the battler’s opponents are the rich, the privileged, or the government.

Over and over, Darryl says “no” to the money and threats extended by government and company representatives. He hires a small-time and inept attorney who argues before the court that evicting the Kerrigans is against “the vibe” of the Australian constitution. Even the attorney becomes endearing as he approaches the judge’s bench to whisper, “How am I doing?” The answer is clearly, “Not well.”

Kerrigan loses the appeal. At this point, *The Castle* provides a serious glimpse into the human cost of eminent domain. The formerly irrepressible and sweet Darryl becomes a broken man. Early on, the movie establishes the Kerrigan family by gathering them around a dinner table on which the matriarch, Sal, places a chicken. Detecting something on the bird, Darryl eagerly asks what it is. “Seasoning,” Sal replies with pride. And Darryl glows like a light bulb in admiration of his wife’s culinary genius.

Now, the changed Darryl doesn’t notice what’s on the plate before him.

Happily, a chance encounter outside the courthouse becomes the Kerrigans’ salvation. An elderly man is there to witness his son’s first day as an attorney in a courtroom. The two proud fathers exchange niceties, with Darryl bragging about his daughter, who is also a graduate — of a local beauty college, that is. We soon discover that the man is a retired expert in constitutional law. He takes the Kerrigan case to the Australian Supreme Court, where he challenges the legality of the compulsory purchase under Section 5 of the Constitution and draws specific parallels to the aboriginal land-rights movement. The Kerrigans prevail.

*The Castle* was a smash hit and an award winner in Australia. In North America, the movie has never received the attention it deserves. One reason may be that it is a low-budget film with a straight plot line and simple camera angles. Moreover, it leans heavily on a much-repeated joke: the unsophisticated Kerrigans with their unlikely dignity. Audiences who are used to Hollywood slickness, big-name stars, or special effects may be disappointed in the unassuming simplicity of *The Castle*. Yet that very simplicity is part of its engaging charm. Nevertheless, it may be better to rent *The Castle* and see it on a small screen among friends with whom you can talk than to see it on a large screen where you must sit in silence.

This movie is a comedic treasure. It is a loving homage to the common man who loves his family and his castle, and will fight anyone who threatens either.

Wendy McElroy is the author of *The Reasonable Woman: A Guide to Intellectual Survival* (Prometheus Books, 1998).

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