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**MODERNISING RELATIONSHIPS - VIA ETHICAL WAYS
OF WORKING TOGETHER**

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Local government will over the next several decades be in the forefront of significant changes in society, economic development, employment, family cohesion, even security, besides continuing to deliver services to communities and cross boundary services like housing, transport and the environment.

For local governments and their communities the future agenda means building greater trust and confidence in each other. This trust cannot simply be willed, it must be built on evidence of ethical government, this means finding creative, innovative solutions to specific problems, involving local communities in addressing local needs and priorities and delivering government which is close to people and the issues which concern them.

This paper discusses models of protocols and relations between Indigenous and non-Indigenous and governance relationships. Exploring ways through which Aboriginal people and White Australians can engage in a positive dialogue that creates a discourse that, in turn, would open a path to, for the first time, an authentically ethical relationship that could have broader applicability to other communities.

The opportunities for embarking on that path are to be found, potentially, within the relationship between local government and Aboriginal communities. The great number of agreements, accords and partnerships (I'm not sure of the exact number across Australia) present a strategy for capturing the essence of different protocols, that is, ethical systems that could further develop and enrich relationships that work together in common purpose.

The general Western definition of ethics encompasses a range of different approaches to human action or intention, they include human rights; utilitarianism – the greatest good for the greatest number; justice for all – we're all equal; the common good – the good of everyone in society; the virtues – qualities like courage, compassion tolerance etc. that are encouraged in the development of individuals in society.

The Aboriginal notion of ethics emerges out of our metaphysics, that is, the Dreaming or more particularly the Law, which is a natural law system not positivist like the Western one. This system of ethics, which isn't called ethics but rather, the Law, is about balance or equilibrium both in society and in nature. For example, protocols are not just good manners, rather they set the scene for activities and discussions to follow in their correct and proper sequence and style; to put it another way all praxis is about form and content and ethics are like a navigational tool keeping individuals, groups, communities, society and land on a balanced footing or even keel.

Introduction

Aboriginal people's culture is ancient, and certain observations and insights have been made over many millennia about the nature of nature, spirit and being human. Some Aboriginal groups describe part of this deep understanding as the Law of Relationships that underpins the following points:

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Firstly, that the most basic questions for any human group, despite advances in technology, have not changed much over time; they include:

How do we live together anywhere in society, without killing each other off?

How do we live without substantially damaging the environment?

Why do we live? The need to find the answer to this question in ways that do not make people alienated, lonely or murderous.

Secondly, there are primary relationships that form our existence and our understanding of existence, they are the relationship between people and land and the relationship between people. The relationship between people is always contingent upon the relationship between people and land. This relationship is like the template that forms the shape of societies and the meanings that those societies give themselves.

Thirdly, if we did have a modernisation theory it would be something like the following -

- Indigenous sovereignty is both the *raison d'être* for negotiations and the guide for the outcome of negotiations with regard to any Treaty or Accord. Therefore obligations to traditional lands is inherent culturally and socially, and must be part of any governance system,
- Accepting the notion that freedom for Indigenous people is the same freedom that is taken for granted by Westerners. It is not a special class or form of freedom. Therefore it is freedom from fear i.e. fear of war; of domination; of scarcity; of surveillance; freedom to develop and protect their societies economically and politically; freedom to have a society and to protect their integrity,
- Finally, in what seems like a contradiction, modernisation from this perspective can also mean, incorporating into agreements - programs, activities, protocols based on the values and knowledge of an ancient civilisation like Aboriginal peoples, in particular the Custodial Ethic i.e. caring for land as much as for economics and technology,
- **The elimination of negative forms of dependency and policies of containment in relationships between groups and individuals.**

The plethora of agreements between local governments and Aboriginal community groups and Traditional Owners presents both an opportunity and a strategy for local governments to create a modern ethical framework that would have greater and broader application than Indigenous matters.

Making decisions and managing conflict are the two greatest daily challenges for human society in both personal and public life. They require a trained sensitivity to ethical issues and a practiced method for exploring the ethical aspects of a decision or a course of action. Having a method for ethical decision-making is absolutely essential. When practiced regularly, the method becomes so familiar that we work through it automatically without consulting the specific steps.

The more complex and difficult the ethical choice we face, the more we need to rely on discussion and dialogue with others about the dilemma. Only by careful exploration of the problem, aided by the insights and different perspectives of others, can we make good ethical choices in such situations.

The following insights of Aboriginal people may be very useful to local governments if the ethical frameworks (of local governments) were to be modernised to such an extent as to incorporate some ancient Aboriginal insights.

Indigenous Insight

Indigenous people do have expertise in negotiating positive outcomes to hostilities; they had to, in order to manage their autonomous regions in a reasonably peaceful way, over immense periods of time. Diplomatic relations were all important, although we call them protocols now, they are in fact the rules of engagement and interaction with ones neighbours, enemies and outsiders or newcomers.

It has always been a mistake for governments and society to see and deal with Aboriginal people solely as the poor victims of a not so distant colonial past or purely as poor welfare recipients on the bottom rung of the economical ladder to be lumped in with groups of other 'have-nots'. Aboriginal people are not peasants, they're not looking to own a small patch of land on which they may or may not be allowed to make a living, **remember we actually ran the country once.**

Aboriginal organisations have always sought to advance political and social reconstruction through rebuilding Indigenous identities, drawing on cultural elements such as language, logic, spirituality and developing innovative interpretations of ancient myths and customs. Aboriginal traditional political structures could provide highly appropriate frameworks for reconstituting social structures destroyed by 200 years of interference.

Custodial Ethic

The core part of the Custodial Ethic is the non-ego based nature of Aboriginal society that was grounded in a very deep understanding of the human psyche. This Aboriginal understanding posits that the tendency to possess is more deeply embedded in the human psyche than is the tendency to share. In other words, possessiveness is a more 'primitive' mode of behaviour than sharing or altruism; possessiveness precedes altruism and it therefore takes a higher order of abilities to maintain "sharing" behaviour than it takes to demonstrate possessive behaviour. Possessive behaviour is asserted or exhibited spontaneously and unreflectively. Sharing behaviour has to be inculcated in the first place and then "maintained". It involves such abstract concepts as 'reciprocity', 'strategy' and above all '*community*'.

The effect of this transcendence of ego is to inculcate a sense of communal, rather than individuated, identity, and, most importantly, *to encourage reflective engagement in all activities*. Such a reflective effort, which in Western culture issued in science, resulted, in Aboriginal culture, in the thorough examination of what it means to be human. Therefore for Westerners, possessiveness - which emerges from within the smouldering ember of the *unreflective motive* found within the cult of individualism - is what makes modern Western economic activity possible and money valuable.

Logic

Incorporating the Custodial Ethic means utilising a different logic. Aboriginal logic is very different to Western logic. Western logic rests on the division between the self and the not-self, the external and the internal. This means that it is the viewpoint of the human individual that is taken to be the window between the external world of fact and the internal world of beliefs. Within the terms of such a division, and the 'view point', which it produces, things can only ever appear as either true or false if they are to appear to "be" at all; this is the law of the Excluded Middle.

Aboriginal logic maintains that there is no division between the observing mind and anything else: there is no "external world" to inhabit. There are distinctions between the physical and the spiritual, but these aspects of existence continually interpenetrate each other. All

Local Government Community Services Association Australia (LGCSAA) 26-28 Oct 2005 perspectives are thus valid and reasonable: there is no single way or meaning of life. There is never a barrier between the mind and the Creative; the whole repertoire of what is possible continually presents or, is expressed as an infinite range of Dreamings. What is possible is the *transformative dynamic of growth*.

The custodial ethic, which is primarily an obligatory system, may be acted on by anyone who is interested in looking after or caring for land. It most certainly is not itself a "true" way - there are no ideas or ideologies surrounding it as to the right method, correct rules etc; there are no small, powerful groups that are the "only exponents"; there is no hard, soft, liberal, or orthodox approach to this ethic.

The Custodial Ethic thus cannot be ideologised: it is a locus of identity for human beings, not a focus of identity: we can achieve the fullest expression of our human identity in a location in land. This identity emerges out of a place in the landscape with meaning intact. Ideology, in contrast, provides a sharp focus for ideas and a definition of the human individual, where this in turn places the individual, as human, against land, as mere backdrop. Meaning is then moulded to fit this framework (rather than emerging intact from a place in the landscape).

Gender Relations

Could I start off this part by proposing a small but significant change in terminology? The word reconciliation should be used in terms of relations between the genders, and the word peace building should be used in place of the word Reconciliation. Of course it's too late now to change but when you consider the language used all the time in Reconciliation it's all about how Black and White can manage the hostilities arising out of a denied history, an unfair, unjust and racist present and an uncertain Indigenous future.

How do we manage this hostility? By building peace. What kind of resolution is called for to put an end to hostilities? By negotiating and constructing a Peace Accord between the 'warring parties'.

While women can be warriors they are peace builders too. Look at the numbers of women in the Reconciliation movement and in peace movements across the world.

It can't be emphasised enough just how important peace building really is and how imperative it is to get the support and commitment of the societies/communities involved. According to a report by an expert group convened by the UN Division for the Advancement of Women (1996:para. 65a), peace building would be more effective if Indigenous initiatives and processes – especially those initiated by women – were supported and integrated into the peace process. The group reiterated the point that '[people] who are most directly affected and involved must be the major interpreters and resolvers of problems of peace and security'.

The traditional Aboriginal governance system is lateral not hierarchical, women and men are separate but equal, if this wasn't so there wouldn't be any such thing as women's business, women's Law, women's spirituality and logic. Women have a society of their own. I'm not only talking about religious orders, the Country Women's Association (CWA), voluntary organisations, NGO's or feminism, with great respect to all of them.

I mean that besides women having their own knowledge and instinctive understanding about the importance of relationships, their very existence in fact always incorporates potentially two beings, themselves and the being/child they could have, regardless of whether they actually have children or not.

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This 'separate but equal' system ensured that the voyage to a monarchy or chieftainship system did not happen in Aboriginal Australia. This is also why Aboriginal child-rearing methods allowed such freedom to children, why Aboriginal people everywhere including women insist upon personal autonomy, why they never enslaved each other or instituted class or caste systems, why the community never needed an institutionalised judiciary. And it is what "land custodianship" means. *To allow this natural wisdom to assert itself within the limits of accumulated community experience and knowledge is what custodianship consists in.*

It is also why custodianship (separate but equal), in the form of men's business and women's business, is thus a philosophy, not just a green solution to environmental degradation. The outcome of this approach to knowledge is that absolutely everyone in the traditional Aboriginal community was acknowledged to have something unique to offer, because of his or her spiritual identity and personal experience of life. Essential to this system is the fact that Aboriginal personal identity extends directly into land itself; this helps to explain why knowledgeable members, men and women, of the Aboriginal community continue to assert that, "*the land is the Law*".

Governance

The classic modernisation paradigm, dominant in academic circles from around 1945 to 1965, supported the transfer of technology and the socio-political culture of developed societies to the traditional societies. Development was strictly defined as economic growth.

For the state, the prioritisation of economic development over political development for the poor developing nations is still important as long as the processes fall within a containment context. For rich, Western nations with Indigenous peoples within, sovereignty issues are controlled by weak, outdated agreements/treaties or by the absence of treaties altogether like Australia. Economic development is as above only to an even more restricted degree.

Further, the lack of appropriate, modern governance systems allows human rights abuses and community social problems to flourish. However the presence of such systems gives political power to Indigenous people and also supports economic development (Amartya Sen)

Relations between states and Indigenous peoples have reached the critical stage of institutionalised dependency of Indigenous people on the state. A dependency relationship exists between developing countries and rich industrialised Western countries too.

In Australia, governments have gone a little way with the recognition of native title rights of Indigenous people, however the installation of appropriate governance structures would return a very large measure of independence for the first time to Indigenous communities. In some regions people are trying to institute new ways of running their communities through economic models. But economic models on their own do not work. Structural changes have to be in place for the economic systems to be truly effective.

Changes in the structure of governance are practical and the effects can be seen and experienced immediately, whereas native title business is surrounded by the conflict of negotiating agreements, of going through complex Federal court procedures, producing and completing research into connections to land and a whole raft of activities and positions that all too often lead Aboriginal and Torres Strait Island people into yet more conflict with each other and with mainstream society and its institutions.

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A new political framework is needed within which Indigenous peoples and states can have a stronger, more mature and equal relationship. The proposed changes above should be negotiated and agreed upon within a Peace Accord.

To be in a state of complete bureaucratic, political, economic and administrative dependency is to be in a state of being occupied.

Consider starting off this new century with a revised model of having an actual Peace Accord struck between Indigenous people and the nation state.

Peace Accord

To accept the proposal for a Peace Accord is to acknowledge that peace does not exist in this country and the current status of Indigenous people reflects this. Violations include 200 years of racist violence and social neglect, decades of administrative policies that actively work against Indigenous interests, constant surveillance under the guise of accountability, and the refusal of a treaty.

Many Aboriginal and Torres Strait Islander people have maintained that relations between Indigenous people and Australian governments strongly resemble a country at war.

The relationship between Indigenous peoples and states is not a peaceful one and never has been. It is a myth perpetuated for years that says because Indigenous people in developed industrial countries are not being directly shot at, that therefore there are no violations of peace. Indigenous people and communities live in fear in these suspended hostilities and are kept in a perpetual state of struggle - to keep safe from racist violence, to run their own affairs, to get affordable housing even just shelter, to get a job, to reach middle age, to get an education. In a rich country like Australia these things should not be insurmountable problems and yet they are.

The institutional frameworks - legal, government and administrative - do not recognise that Indigenous people have rights and all the current indications signal that this situation is not going to change in the near future.

If there is a Treaty/Peace Accord, there would have to be an agreement on Indigenous protocols being a core part of the principles of any agreement, even the preliminary agreement.

Some Ethical Strategies/Protocols for Modernising Relationships

With Indigenous people -

Negotiating and agreeing to a Peace Accord which provides a regime for working through issues of Treaties, programs for the resolution of social problems, Native Title and Land Rights, economic and community development and possibly the continuing problems of racism. The Oslo Peace Accord and the Guatemala Peace Accord, could be models for this proposal.

For incorporating the Custodial Ethic in education -

Accommodation within the education system of programs with activities through which identity of self-hood with land is grown in children. Activities such as groups caring for particular chosen tracts of land, not only via gardening, but tending, having recreational and ceremonial activities there, creating stories about and artistic expressions of the relevant sites, protecting them from damage, and maintaining continuity with them throughout the formative years of childhood and on into adulthood.

Initiating a modern Rites of Passage program appropriate for young people - Indigenous and non-Indigenous. This would include the following: physical challenges, artistic expression, self-defence, learning about sexuality, sports and cultural activities, the establishment of sacred relationship with land, community caring and celebration.

For acquiring a non-ego based society for the 21st century -
Teaching philosophy in schools - teaching children not so much what to think but how to think. This has never been more important than now with the growth of computer use in education and play, and the gradual "removal" of children from the social landscape. Indigenous philosophies as well as general Western ideas should be taught, especially the notion of the 'reflective motive', which would help young people to be more contemplative.

The reflective motive is a group process of meditating upon our collective actions and experiential learning; it is not a matter of individuals reflecting in a random way but of the collectivity reflecting on why and how we as a group act and experience events. This process is encouraged, via acts of sharing and communal living, in as natural a way as possible i.e. not solely as an intellectual exercise. The result is that the process becomes habitual and, at the same time, non-egocentric. The activity of philosophical speculation should not be engaged in alone, or in a competitive, adversarial debate, but with others in a sharing environment, so that reflective thought is always associated with the 'other'.

For gender relations in the 21st century -
An on-going consensus involving White Australian men and women and Aboriginal men and women, jurists, custodians, philosophers, theologians and other members of society sitting down together in order to discover how each of these logically opposing systems Aboriginal and non-Aboriginal and men and women, can nonetheless accommodate each other.

For Indigenous/local government partnerships -
Creation of a standard ethical framework for risk-managing partnerships and agreements between Aboriginal communities and local governments or, if local government already has a general ethical framework then adding an Indigenous partnership specific clause to the framework.

Conclusion

The world is immediate, not external, and we are all its custodians, as well as its observers. A culture which holds the immediate world at bay by objectifying it as the Observed System, thereby leaving it to the blinkered forces of the market place, will also be blind to the effects of doing so until those effects become quantifiable as, for example, acid rain, holes in the ozone layer and global economic recession. All the social forces that have led to this planetary crisis could have been anticipated in principle, but this would have required a richer metaphysics.

Aboriginal people are not against money, economics or private ownership, but they ask that there be a recognition that *ownership is a social act and therefore a spiritual act*. As such, it produces effects in the immediate world that show up sooner or later in the 'external' world. What will eventually emerge in a natural, habituated way is the embryonic form of an intact, collective spiritual identity for all Australians, which will inform and support our daily lives, our aspirations and our creative genius.

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