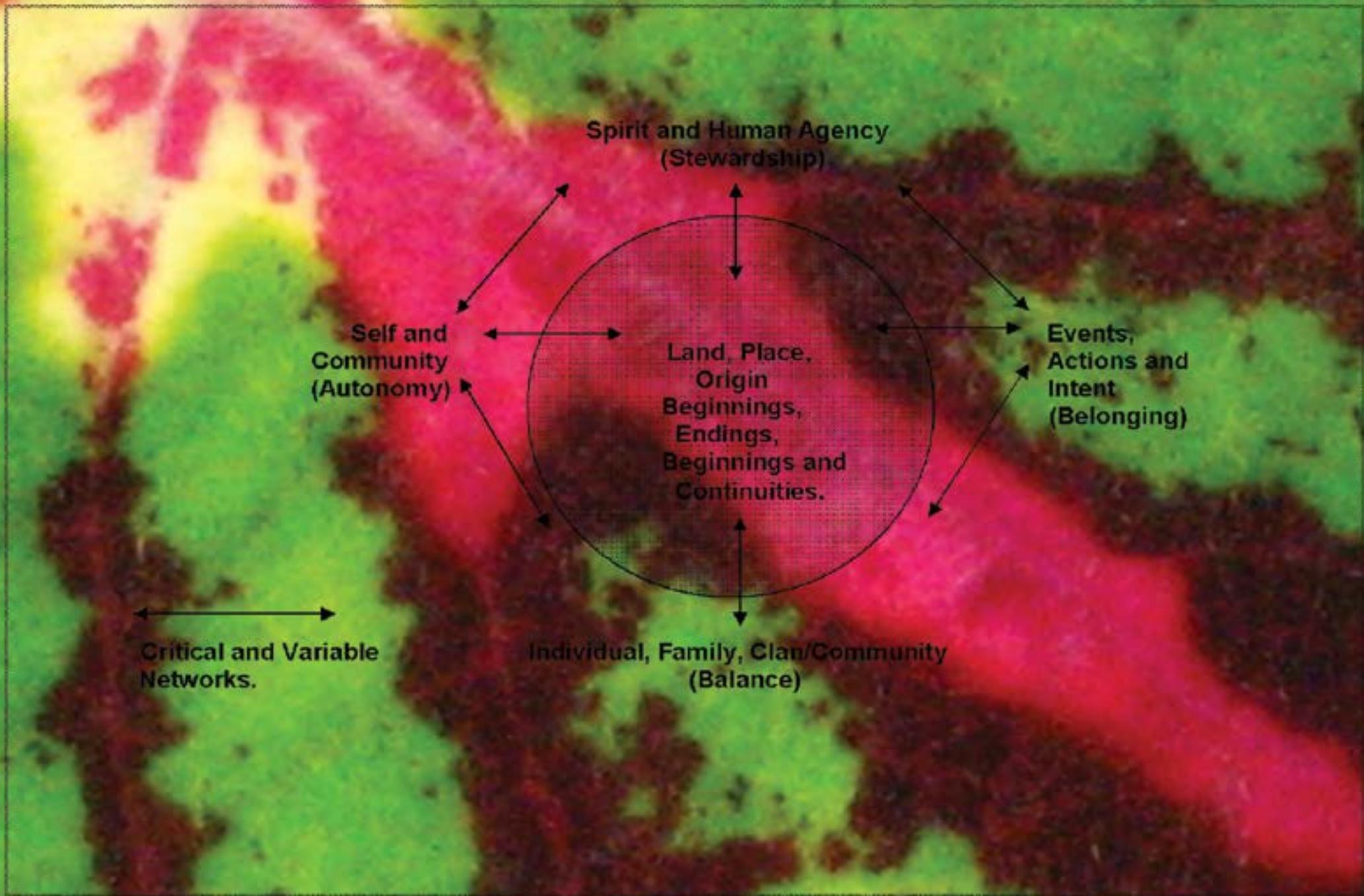


Custodial Navigator
A preamble



Spirit and Human Agency
(Stewardship)

Self and
Community
(Autonomy)

Events,
Actions and
Intent
(Belonging)

Land, Place,
Origin
Beginnings,
Endings,
Beginnings and
Continuities.

Individual, Family, Clan/Community
(Balance)

Critical and Variable
Networks.

The Concept of Ethics in Australian Aboriginal Systems of Thought

Introduction

Land is the source of morality and meaning in Australian Aboriginal society, with notions about the world, human beings and knowledge serving to ground a moral philosophy centred on the relationship with Land and people - ***Caring for Country and Caring for Kin***. This defines the essence of Aboriginal society. Therefore, strictly speaking, it's difficult to talk about Ethics outside of Land and Kin ('our mob', including ancestors), because it is these two fundamentals that underpin notions of conduct (proper way or right conduct); much more than any question like "How shall one live?"¹ which is the individualist, rationalist approach to the subject of Ethics.

Also, the moral philosophy of Australian Aboriginal culture lays the foundations for the organising principle that governs the social and political structure, decision-making and conflict management systems developed over an immense period of time, forming the basis of our concept of Sovereignty.

¹ Socrates

Western society, from this perspective, sees Ethics as standards of behaviour that tell people how human beings ought to act in any given situation. That is, human beings as individuals who may or may not be following an ideal taught or passed on to them by family, church and education.

Ethics (as defined in the English dictionary):

- 1.** A system of moral principles: the ethics of a culture.
- 2.** The rules of conduct recognized in respect to a particular class of human actions or a particular group, culture e.g. medical ethics; Christian ethics, etc.
- 3.** Moral principles, as of an individual e.g. He was an ethical person.
- 4.** A branch of philosophy dealing with values relating to human conduct, with respect to the rightness and wrongness of certain actions and to the goodness and badness of the motives and ends of such actions.

What are not Ethics?

- Religion, for example, some religions have high ethical standards but don't address all types of problems that people face;
- Following the law, for example, law has ethical standards but it also can become corrupt;
- Necessarily, blindly following culturally accepted ways, for example, some cultures (or cultural spokespeople) can also become corrupt or blind to some ethical matters or behaviours.

Philosophy and Principles of Aboriginal Ethical Concepts

Ethics starts as with everything else, from the perspective of the Land and the relationship established and maintained with the Land.

The Land invents or creates us with the help of Creator Ancestors of particular localities across this country. So immediately, from the beginning, Land is a moral entity with both physical and spiritual attributes manifest in myriad life forms. Our venerable society also manifests itself in human beings patterning themselves into the Land via the Law. So in the broadest sense Law is an understanding of the fundamental nature of reality, both physical and spiritual, including what constitutes order in both these realms; and underlying Law is a very powerful and all encompassing ethical dimension.

The ethic that grows out of the Land/Human relationship could be called a **custodial ethic**. The custodial ethic is contrary to a survivalist ethos of rivalry and competition over resources, and structural conflicts regarding hierarchies of power. It emerges from an ancient reciprocal relationship with nature; an ethic of looking after, stewardship, caring for, and the obligation to look after Land that nurtures. The result is a well-known term which is both an Australian Aboriginal form of protest and philosophical worldview: **The Land is the Law**.

The concept of a relationship with and about Land leads to the formulation of ethical behaviour, ethical principles and values for engaging with each other; and includes the importance of seeing the spirit within and respecting the autonomy of others, being non-judgmental, walking and talking with others as equals, keeping mindful of their safety and not shaming them. *This way Ethics become habituated and made valuable, rather than idealised*. Ethical behaviour is the means to a positive approach in partnerships and relations.

In contrast, emerging from an *unreflective motive*², as evident in the cult of individualism, Western societies' fundamental concept is ownership; which is what makes modern Western economic activity possible and money valuable. This is sustained by inquiry, science and technology, wherein the exploratory impulse, with both an urge to victory and accelerated trajectory towards goal seeking, makes the sought-after Ends/Gains overwhelm the means.

There is an acknowledgement that moral principles are important, but not so important that they prevent achieving preferred End(s)/Gains. Western societies' cultural praxis therefore creates double standards as the norm in both

² Shallow reasoning guiding paths chosen or behaviour displayed.

national and international contexts; with Ethics remaining an ideal to strive for perpetually, and to discuss or be concerned about occasionally. This gradually diminishes the importance of ethical consideration in actions and intent; constant wars over resources being evidence of this condition.

Being Human

Humans are not intrinsically good or bad and perfectibility in life is not the aim; nor is salvation in the after life. The inclination to temper selfish behaviour by more thoughtful and considered conduct, takes ethical behaviour into normal everyday actions (without this being named ethical). Reciprocal behaviour, protocols and attitudes imbedded in the social praxis of a Land based ethical principle, resolves the dichotomy of what "is" and what "ought".

As with basic abilities like walking, talking and so on, Ethics are skills learned. Likewise by seeing Land as a sacred entity, human beings are socialized into an accompanying reciprocal relationship with Land; that is a physical, active, emotional and spiritual caring for and about a life force in all its variations - flora, fauna, insects, landscape and the elements etc - each of which is storied. Simultaneously reciprocal relations with

others are learned making society a non-ego based civilizational³ culture in a natural way.

The effect of the transcendence of ego, combined with ethical learning and skilling is to inculcate the principles of a sense of communal self-hood, rather than individuated identity; and, most importantly, encourages reflective engagement in all activities. Such a reflective effort (which in Western culture issued in science), results in deep understanding of what human nature, action and intent consists of; and in changing circumstances and conditions what the potential, spirit, disposition and character of that human nature could be.

Ethics in this view is far more than conscience - more than a cognitive activity that emphasises and evaluates the different aspects of a person's position and/or actions, and the generalised obligations people have in any situation.

In the context of Maslow's hierarchy of needs⁴, for example, instead of proceeding like a purely physical individual concerning myself with only what I need or want, the approach would be –

How should I proceed with what I need?
(reflective motive)

This approach encompasses three basic assumptions:

3 I take 'civilisation' to mean a stage, especially an advanced stage in social development; by 'civilisational' I mean tending to produce or lead to such an advanced stage.

4 Maslow, Abraham H., (1987) Motivation and Personality 3rd Ed Harper and Row New York.

1. **We are not alone in the world;** even if other humans are absent, there may be other sentient beings present and these have meaning. People are not discrete entities living in a hostile environment, neither are they conscious isolates searching for meaning;
2. **Standards of behaviour are preceded and shaped by a deep reflective motive which is akin to long-term strategic thinking,** that in turn leads one to a **stewardship frame** of mind which then guides and influences people not only to act positively but to do so willingly. This is preferred to short-term tactical thinking that can lead to instability and disregard for others.
3. **Rejection of the survivalist** ethos is a form of self-orientation where the self is placed at a distance from others because all environments – natural, human, and social - are seen as potentially hostile; so the self has to arm itself psychically and physically to keep 'safe'. Social and technological developments ensue and then praxis follows including normalising competitiveness.

A survivalist ethos is countered by a deep reflective motive which comes with sharing resources, fulfilling one's social obligations, maintaining good relations and diplomatic traditions. The first outcome of this reflection – the importance of reciprocity - arises from relating to Land/ Nature. This great life force which we touch and feel looks after all our physical, emotional and spiritual needs.





Following this, understanding emerges that:

- **reciprocity is a vital, creative element in all relationships including between humans;**
- **such an approach is both sustainable and moral and further creates a moral environment in which we live;**
- **significant meaning and power resides in the notion of Place through continual enactment of protocols, ritual and ceremony;**
- **such a respectful relationship with both Land and Place becomes the template for human relationship and social structure; and finally**
- **a non-ego based social and political system is one that encourages people to respect each others autonomy and helps people realise their full potential while at the same time looking after Land and Place.**

The old approach towards many Indigenous peoples, through Western societies' science - summed up in a statement like "Aboriginal peoples (or whoever) are primitive hunter-gatherer societies struggling to survive in a harsh, cruel world" - says more about the people who hold such a view; one that is firmly based on the values of a survivalist ethos. This ethos has human relations operating in a permanent state of uncertainty and anxiety, where their environment is to be conquered or brought under control.

The great understanding that comes from a non-survivalist, non-ego based society is the

understanding that my needs, or an individual's needs, **don't** take precedence over the needs of others. This is not to say that the group is more important than the individual, nor is it a competition between the group/others and the individual, but rather that the group is the originator of Being; that Being comes from and is shared by and with others (including the spirit of others), which includes environments.

Looking after Kin - Looking after Others

Aboriginal Australia is a unique civilizational culture in existence for many thousands of years, with its own logic, philosophy, values and notions of social development. This perspective brings a collective responsibility and obligation to look after Land, family and community, which is vital in transcending the persuasion of advantage at the expense of others.

This approach is centred in the significance of Place, a particular locality (or localities) of Land within a particular region. 'Land' includes the landscape and all living things within it, humans, spirits, animals, air, sea, rivers, moon, stars, birds, insects, the wind, language, dreams etc.; with Place the core interest, conscience and spirit of culture. These collective values are the template for looking after the whole society, that is, part of the organising principle of society.

For example, each Place or Region is autonomous. In principle no one group dominates another; there is no hierarchy of Places/Regions, or of the people within the localities. It is a system of equality between the Regions, with no centralising power to enforce decisions or agreements; and is without police or armies.

In terms of values, the aim of the organising principle is to respect and protect the integrity of Regional, Clan/group and individual values and rights. Such a holistic tradition, derived from the Land/Human relationship, is part of a custodial ethic; and, in promoting the wellbeing and safety of the whole society, is converse to an individualistic ethic.

Historically the Australian Aboriginal social and political structures are not hierarchical (as in leadership) but lateral, where men and women have their own social, political, spiritual and psychological place. Elders constitute a soft hierarchy wherein they are an authority but they don't rule like monarchies. Consensus decision making practices means no individual prevails if he/she deviates too much from the group consensus.

Relationship with Land combined with the way society is organised, creates very sound ethical strategy that works towards long-term stability, in social praxis and environmental regard and safeguards. The organising principle that underpins a social system includes the approach to achieving an outcome; that is,

the means to achieve a particular desired end. A great deal of thoughtful consideration and effort goes into choosing the means to an end, because experience has shown that measured well thought-out processes, along with good management of difference, leads to stability.

Instead of the short-term tactical approach of competition, warring over resources and territorial power and control, the long view looks after the interests of the young and the future generations, achieving stability and harmony rather than advantage over others.

This is accomplished by the formation and combination of two Principles forming the Custodial Ethic:

- 1. the ethical principle of maintaining a respectful, nurturing relationship with Land, Place and Community;**
- 2. the organising principle based on autonomy and identity of Place.**

Difficult as it is to make such assumptions, if the first principle stands alone the outcome might be a kind of nature worshipping religion with competitive elements. Despite its non-judgmental quality the second principle on its own could still lead to a multi-polar world of suspicion and rivalry. Either of the two principles alone does not lead to a non-ego based society. It is the conjoining of these principles that starts the process of a Custodial Ethic.

The philosophy underlying the first principle is we are not alone in the world. Land invented humans; whether we see it in maternal terms or not, it looks after us, we're obliged to look after it; spiritual significance and meaning arises, and more obligations develop with particularised responsibilities according to place/locality. Ethics grows in a natural organic way with the deepening of feeling coalesced with stewardship practices.

The narrative underlying the second principle is that hierarchy is not the only natural structure of all living organisms. Lateral structures more akin to the collaborative, cooperative building of authentic relationships avoid the confines of the "prisoners' dilemma" argument.⁵

While the natural environment may have moments of uncertainty (earthquakes, ice ages etc.) the human environment cannot become fraught with uncertainty. It must retain stability throughout changing natural conditions. Sustainable social and political structures put in place a stable world essential for young people and future generations. (Compare this view to the current situation in communities where administrative systems in place are generally not controlled by Aboriginal terms of reference and chosen/imposed solutions to social problems are nearly always non-Aboriginal.)

5 Axelrod, Robert (2006), The Evolution of Cooperation (Revised ed.), Perseus Books Group

Summary of Principles of Aboriginal Ethical Concepts

An ethic of looking after, of stewardship, firstly towards the Land and then throughout the society gives rise to a unique civilizational culture, that in itself is highly ethical. It has its own logic, philosophy, values and notions of social development and has been in operation for many thousands of years.

A summarised view of Aboriginal Ethics encompasses appropriate social conduct, social and political structure of society, all knowledge (sacred and otherwise), spiritual obligations, as well as systems of logic, time and space. Below is a list (by no means exhaustive) of collective values or Terms of Reference:

- **The Custodial Ethic – looking after country, looking after kin**
- **Primacy of family - especially children and young people**

- **Age and gender recognition and respect**
- **Non-hierarchical structures with men and women equal and Elders an authority**
- **Positive group dynamics**
- **Consensus decision making**
- **Transcendence of ego**
- **Positive conflict management**
- **Non-competitiveness and maintenance of harmonious relations**
- **Land as a moral entity**
- **Spiritual integrity**
- **Primacy of Place, identity and autonomy as an organising principle**
- **Sharp observational skills (reading the signs and patterns)**
- **Aboriginal system of *logic, time and space (different to Western and Asian systems)**

These terms/qualities underpin social praxis and form the ontological and epistemological basis of existence.

★Logic

Multiple Places = Multiple Dreamings = Multiple Laws = Multiple Logics = Multiple Truths =
All Perspectives (Truths) are Valid and Reasonable⁶

⁶ Graham, M., (2007) Proposed Aboriginal Research Methodology on Place Unpublished Paper.



Philosophy and Principles of Aboriginal Ethical Approaches to Peace and Conflict

Introduction

Strategies and Tactics

The dictionary⁷ meanings of tactics and strategies:

Tactics:

- a method used or course of action followed to achieve an immediate or short-term aim;
- the science of organising/manoeuvring forces in battle to achieve a limited or immediate aim;
- the art of finding and implementing means to do the same.

Strategies:

- the science or art of planning and conducting a war or a military campaign;
- a carefully devised plan of action to achieve a goal or the art of developing or carrying out such a plan;
- in evolutionary theory, behaviour, structure, or other adaptation that improves viability.

The Law and the vast range of social and cultural understandings, systems and protocols that go with the Law, over an immense period of time in Aboriginal society, have taken the place of tactical thinking. A society frequently at war with others makes tactics crucial to gaining successful

advantage and/or even conquest; and continuous tactical thinking in turn leads groups towards a propensity to see potential 'enemies' everywhere; evidenced in the "war against terror".

Strategists, on the other hand, tend not to embrace ideologies. In principle no one entity/personage, physical or spiritual, tells or leads individuals or collectives to believe, act or proceed in a particular way. (This is why the Aboriginal Provisional Government (APG) (which the writer supports) did not go very far.) Also no one is searching for a spiritual truth as it is already present, all around, immanent; so Aboriginal society does not, in the formal sense, have a religion as such.

A modern very good experiment with tactics was the Aboriginal Tent Embassy; which was the opportune time for something like the APG to begin and grow. The timing was right but not taken advantage of for lack of resources, leaving a vacant space (the post- Embassy period) to be filled by the Commonwealth government. It followed through with their policies (tactics) for controlling Aboriginal people, that is, the office of Aboriginal Affairs; **but it was not to be controlled by Aboriginal people.**

The Custodial Ethic, Look after Country – Look after Kin, is a relatively brilliant all-round strategy, and within this is the logic, structural form and behaviour engendered by the Custodial Ethic, which leads to not seeing others as 'the other'; and the essential humanity of others is never hidden from view. In principle:

- Other people's perspectives are valid even though we're obliged to defend our own side/party in a contested issue; and other disputants must not lose face or be humiliated when making decisions, arguing cases, settling disputes, making agreements etc. A lot of effort is put into mediation or trying to get along. This logic is unique in that it helps (collectively) to be non-judgemental. This is not to say people can't be opinionated, adamant or highly and loudly critical, but this approach tends not to produce the fetish of ideological argument that forces people into holding hard positions, thus making conflict worse.
- This ethical system ensures a stable environment for the safety, acquisition of knowledge and transformative dynamic of growth for everyone, but especially for young people and future generations. Further, this rationale posits that, in principle, this can

⁷ Oxford English Dictionary (OUP)



be done without resorting to the short-term tactics of advantage over others like – opportunism, dishonourable conduct, selfish ambition, possessiveness, etc.

- Empathy is learned and inculcated from a very early age; the child develops into adulthood and a moral sense is instilled that inhibits anti-social impulses. The development of empathy is therefore part of the process of socialization; as with compassion, understanding, sympathy, mercy, the elation of giving and sharing and other characteristics of empathetic relationship-building. These are all qualities requiring great skill and understanding.
- Feeling and emotional knowing bring with them motivation in the form of being moved by the other's situation; not simply being aware of that situation. Being able to conceive of other moral contexts, and being able to understand more deeply the other people involved, are major achievements in moral development. This is where the term "poor fella" comes from; it means humans are neither intrinsically good nor bad but rather vulnerable beings tossed this way and that by fate.

High level comprehension, accomplishment and benefit come from an organising principle underpinning a non-hierarchical system of governance, such as:

- > Women and men have equality in the contributing, considering and making of final decisions that in turn lead to the inclusiveness of all stakeholders; and, especially for young women and girls, provides a good example for them to emulate;
- > Clear equality of men's and women's sharing power and authority in the processes of decision-making, conflict management, evaluating issues and solution seeking, is a positive demonstration of power diffused and not concentrated in small elites or in individuals;
- > Elders presenting and engaging in all discussions, issues and concerns, with their authoritative contributions, oversight and guidance, also provide good examples for young people to aim for. The Elders presence and involvement provides a certain gravitas to the deliberations taking place in any forum; this also provides a good example for young people to aim for – that is, respectful, well mannered and gracious behaviour.
- > Inclusion of the views of all community members on the matters/decisions being considered ensures that such matters are carefully thought through and consequences carefully measured, because everyone has a stake in seeing positive outcomes of matters discussed;

- > Respecting of all perspectives of community members relating to the matters/decisions - the weighing, evaluating, debating and reflecting also ensures a high level of openness, integrity and courage amongst everyone;
- > A sense of shared ownership of the matters at hand, and with that a shared strong, sense of accountability for both processes and outcomes, because the views of all community members are welcomed and respected.

The above points form a list of Principles⁸ that could (with some re-configuring) accompany the Nolan Principles, because while the Nolan Principles are right and proper for the running of any public organisation, the addition of Aboriginal Principles broadens issues and takes into account the many other related cultural concerns and considerations inherent in our unceded Sovereignty.

Although Justice Blackburn, in a Northern Territory Land Rights case, was describing Aboriginal Law, his following statement could describe Aboriginal civilisation in general:

“A subtle and elaborate system highly adapted to the country in which the people lead their lives, which provided a stable order of society and was remarkably free from the vagaries of personal whim or influence. If ever a system could be called “a government of laws and not of men”, it is that shown in the evidence before me.” (Blackburn, 1970)⁹

⁸ The Seven Principles of Public Life by the Committee on Standards in Public Life UK.

⁹ Justice Blackburn, (1970) ‘Milirrpum and others vs. Nabalco Pty Ltd and the Commonwealth of Australia’, 17 Federal Law Report 267.

In this sense Law/civilisation could be both an action guide to living and a guide to understanding reality itself. Especially in relation to Land as the basis for all meaning – it is a highly

complex but ordered, elegant understanding of existence, far removed from the chaotic and dangerous world of the short-term survivalist ethos.





Ethics and Culture Now

Australian Aboriginal Ethics are the foundation of our social values, order, meaning and praxis. As such they are an intrinsic part of our Cultural Heritage and form the basis of our concept of Sovereignty. Therefore Ethics is valuable to cultural action, expression and knowledge.

If part of the process of change is to gradually restore and build our own sovereignty, being the creators and writers of our current and future narrative - including social, cultural and political aspirations, policies, plans, community and economic development and institutions - then all the more reason to strengthen the ethical basis of our decision making governance systems, social relations, cultural activities and careful awareness of being good character examples for young people.

One writer said "Ethics are not just a problem of knowledge but a call to a relationship".¹⁰ What kind of relationship would that be? The strong will to power that brought forced

¹⁰ Spivak, Gayatri Chakravorty, (1996) Introduction to the Spivak Reader Routledge New York.

unifications, also normalised, commoditised and even romanticised the modernising process, regardless of how much chaos it brought to the people undergoing the change.

Discussion and conversation about the overall direction to go in the future should include:

- Is our aim for Aboriginal Affairs to be run and controlled entirely by Aboriginal people?
- Or, should Aboriginal affairs continue to be a shared responsibility between Aboriginal and non-Aboriginal governments? (Keep in mind governments are not ethical entities and do not have friends or relationships, only interests.)
- And, more importantly, what kind of path do we choose to achieve positive change? That is, what values will we adhere to?

All of the above is an attempt to describe how the ethical system is certainly sustainable. The challenge we have is how to continue this system in the kind of world we live in now? Whatever the path chosen, our Ethics are a crucial part of the life we live, the work we do, and our hopes and plans for the future.

We need to revitalise our thinking and doing in regard to our Ethics, with Aboriginal integrity and the endurance of Stoics ... but with a sense of humour.





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