More than rights

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Dependency and marginalisation are as important as race in judging the success of the Northern Territory Intervention, argues Francesca Merlan

Protesters and members of the Aboriginal community in Redfern march to Sydney Town Hall on 21 June 2008, calling on the federal government to scrap the Northern Territory Intervention. Dean Lewins/AAP Image

ONE SMALL and relatively uncontentious corner of the Northern Territory intervention is the school nutrition program, which provides breakfast and lunch in sixty-nine schools. As well as combating poor nutrition, it has two broader aims: to improve school attendance and to provide employment within communities, increasing the local skills base through training, certification and experience. It seems like a straightforward initiative with clearcut and measurable goals.

Program staff based in Darwin assessed the capacities of communities to provide or help provide meals. Usually the local women's centre, the school or the store was selected to deliver the meals. As of now, about two-thirds of the workers on the programs are Indigenous, a large but unknown proportion from local communities, almost all working in some sort of assistance capacity. Managerial and administrative staff are largely non-Indigenous. The program is thought to cater for about 5500 of the approximately 8000 school-aged children in these communities. Parents are encouraged to contribute to the cost of the program, but no children are turned away.

Implementation has been complicated by a lack of adequate facilities and infrastructure to meet government standards, a shortage of skills, lags in training, a lack of housing for training or other contracting services, seasonal factors and absenteeism. Another key constraint is parental compliance, and this is linked to the question of the results so far. After about a year the program appears not to have produced any clear rise in school attendance. Partly this may have to do with attitudes among parents in the (roughly) twenty to forty year age group, many of whom do not prioritise – or cannot enforce – school attendance. There are also indications that children are still not obtaining regular meals in vacation periods. But principals report better behaviour and attention among pupils who do come to school.

Efforts to improve nutrition and living standards in Indigenous communities by centralising and institutionalising meals are of long standing. Although they were common, if sporadic, in the "assimilation" era, none was ever found to be particularly effective in changing school attendance. But the reintroduction of centralised meal provision as part of the intervention was aimed at a situation of clear need, regardless of its relation to school attendance. It is linked to questions of domestic routines and responsibilities, money, access to stores and their role in servicing communities, and so on. How do the programs affect people's habits, and the prospects for self-reliance? What are the implications for responsibility within households? Does the program reinforce the uneven allocation of responsibility by calling disproportionately on women and women's centres? We can ask all these questions despite the clarity of an existing problem: domestic cooking and feeding routines frequently are less than

adequate on nutritional grounds, and domestic organization conducive to schooling is also frequently lacking. Do such programs meet criteria, discussed further below, of responsible, long-term, non-arbitrary government involvement?

THE NORTHERN TERRITORY intervention is made up of many different measures, and the revival of feeding regimes is only one of them. We know there has been different reception of various measures in Aboriginal communities. Some people express more approval for some, or at least satisfaction with certain outcomes, and less for others. Among the least approved have been the quarantining of money or income management, use of Basicscards, threats to Community Development Employment Projects, the scrapping of permit policy, and compulsory acquisition of land by five-year leases. Reports suggest approval of greater control of alcohol and pornography, and at least by implication, of aspects of income management relating to these aspects. Many of the measures do not seem consistent either with the original reasons for which the intervention was declared (the urgency of child abuse) or with each other, but they do seem consistent with a particular ideological framework that envisions a certain kind of Aboriginal future. Let me briefly consider a specific question: why was the intervention declared so dramatically, and was that useful?

For the intervention was a drama. Launched five months before the 2007 federal election, it was seen by some critics as an attempt to elicit electoral support. This motivation certainly cannot be ruled out: it might be part of the reason for the military-style entry and flourish, which frightened people in some Aboriginal communities for whom child removals are within living memory. Whatever effects this beginning was intended to have, though, it is clearly not only a temporary support-getting measure. Rather, it established a boundary: a moment beyond which an earlier situation was declared intolerable, and a move was demanded towards something else. Of course it matters what comes after, but one may ask: was such a boundary-marking exercise useful or desirable? The anthropologist Peter Sutton sees its effect on Aboriginal communities and people as useful and, indeed, necessary: nothing besides a declaration of a state of emergency would cause people to sit up and take notice; nothing else would have convinced those who drink, and those who exert strong,

negative influences on daily Aboriginal communal life, that the government was serious about its intentions to make change happen.

Although the beginnings were traumatic for some, I am prepared to accept there may be some use in drama. In a number of Aboriginal communities with which I am familiar it seems to me there had long been a situation of widespread apathy and dysfunction. This was of course never total, and was never true in the same measure of everyone. Its onset was long-term, but negative conditions have become widespread. The Northern Territory Emergency Response Review Board's report suggests, and I agree, that sexual abuse of children was probably not the most ordinary or pervasive of problems that characterised communities (though I do not discount it, and there is a literature on its appearance in other Fourth World situations as part of the traumatic syndrome of social marginalization). Much more obvious and pervasive problems, perhaps, are disoccupation, lack of positive engagement in daily life and with other people, addictions, and neglect, disorganisation and dysfunction in fundamental, everyday routines like food purchase and cooking.

I think Aboriginal people in many communities have long felt burdened by these stresses and have begun to express this more than in the past: some kind of tipping point seems to have been reached for many people. Since 2003 I have been haunted by the remarks of a grandmother whom I had known for years, who had always been inclined to be enormously proud of her grandchildren, praising their bush skills when they were small and active. On one of my visits it was noticeable that her formerly alcoholic, now immobilised and disabled brother, sat motionless, speechless and apparently unengaged for hours on end. As we sat in his presence she said specifically of her grandchildren: I can't stand to look at them, I don't want them in the house, they just sit around and smoke ganja and watch TV. This was not momentary frustration – it was a personal revolt against a situation she had come to see as intolerable, but which she could not alter. A form of life had become usual, and had claimed her grandchildren and others around her, and she found it repugnant. That form of life is characterised by introversion, addiction and extreme marginalisation from activities generally understood to be formative in the shaping of a new

generation: learning, being with others in nurturing environments, being prepared and able to gain one's livelihood with the respect and cooperation of others.

These conditions do not affect everyone equally, but there is a collective dimension in these communities and living situations that suggests there must also be a collective approach to problems. The declaration of an "intervention," a radical end to acceptance of dysfunction, resonates with the way in which this woman had also drawn some kind of line in the sand.

IS THE INTERVENTION discriminatory? Both the NTER Review and the *Social Justice Report 2007*, released in February 2008, find it so, and discuss the reasons in detail. Here you might part company with me, but I have never been convinced that we should react to the intervention in terms that take discriminatory treatment of Aborigines as the fundamental issue. I want instead to take dependency, vulnerability and marginality as fundamental problems in the situation of Aboriginal communities. These are wider conditions that certainly involve discrimination, but we should not allow this notion to so centrally drive the question of what to do in extending and modifying the intervention. There may be some measures that deserve radical modification on the basis of human rights arguments, but I think we need to carefully consider what these might be. More important from my point of view is the prospect that bringing intervention measures into conformity with human rights standards will not of itself address central issues and conditions specific to these communities, and may actually hinder dealing with them.

Some objectors to the intervention have said: Are there not people in the wider community who ought to be subject to income management, and is it not therefore discriminatory that the intervention imposes this on Aborigines and not others? No doubt there are many people who would benefit from income management. But the difference that needs to be kept in mind is that there are networks of relationship and obligation linking people within Aboriginal communities and living situations in a way not generally true of similarly large sets of people in the wider community. What one

Aboriginal person can collect in the way of government transfer payments, for example, can frequently be demanded and accessed by a variably large range of others. Comparing Aboriginal people and those in the wider community as potential subjects of income management is not apt, or not closely enough attuned to their specific situations. More importantly, such a comparison already presupposes individual or "family"-level management of resources, and similarly restricted responsibilities and obligations. If we recognise that Aboriginal people in many locales have wider connections and responsibilities than this, then we must also recognise that no direct comparison of their situations with those of people at large will capture that difference.

Racism has certainly played a role over a long period in shaping the conditions of life for Aborigines, but in relation to the question of whether an intervention is warranted it is not the fundamental issue. Some may see this as troubling denial. But it seems to me that resorting to the accusation of discrimination is part of a wider picture of ineffective reactions to the situation of Aboriginal communities. My argument is that we need to recognise three fundamental kinds of "discourse" that might be prevent us from getting further in effective collaboration with Aboriginal people and communities. I will call the three discourses "Aboriginal normativity," "dependency and vulnerability" and "rights normativity."

"Aboriginal normativity" refers to ways of talking that any long-term fieldworker in Aboriginal communities will recognise. These are declarations by Aboriginal people – often elicited by outsiders going into communities and seeking an explicit Aboriginal stand or opinion on issues – of the superior constancy and groundedness of their culture. It is relatively easy to elicit statements of this kind from (especially) more senior Aboriginal people, particularly when it is clear to them that they are in the presence of people who are relatively sympathetic to the idea that Aboriginal culture and ways of doing things should be given priority in the issues that they face. In such situations Aboriginal people point to their own culture, describe it as determinate and unchanging, and compare it favourably with Whitefella culture and practice: "Whitefella government changes all the time, our Law is always the same."

One cannot doubt that such statements are heartfelt. But when communities are confronted by particular issues and problems, one has to be wary of stopping with these normative perspectives. If one were to listen to them only, the diversity of opinion within locales would probably go unrecognised. Often, there may be generational, experientially based and other differences – and therefore a variety of opinion and evaluation of issues and problems – that need to be taken into account. But it is also often difficult to link these normative statements with decision-making processes, planning and coordinated action – because they tend not to engage with them very directly. As outsiders and (most of us) sympathisers we need to recognise existing social and cultural particularities and be respectful of them, but I do not think we can stop with normative statements. And precisely to the extent that we recognise these normative preferences and tendencies (and often, the extent to which outside intervention elicits them), we have to develop critical awareness about how they relate to what actually goes on. Normative statements might have it that people are on their land, living on their own terms, that Law and culture are unchanging, but how does this relate to what people are actually doing?

The second discourse, "vulnerability and dependency," relates to deep-seated attitudes I think governments and the wider community need to modify. Governments and bureaucracies seem to have longstanding problems, to say the least, in dealing with vulnerability and dependency. One is to regard these as inherent and reprehensible qualities, and tie them together, or project them onto, dimensions of social identity like "race" rather than recognising their inherently social and historical nature. Maybe we can partly counter this tendency by recognising different ways in which we are all vulnerable and dependent. Maybe something like the recent financial crisis makes us realise the ways in which our seeming independence is fragile and contingent.

Having said that, I also think we need to recognise the many ways in which Aboriginal communities are vulnerable and dependent. We may like to think they are autonomous, living on their own terms, but I do not think we can pretend this any longer: like other communities, they have been drawn into consumer culture and other, even more extreme, forms of dependency. Much that is done, however, tends to

ingrain and reinforce vulnerability and dependency, rather than assist in transforming them. For example, Noel Pearson has asserted that Community Development Employment Projects, or CDEP, provide people with income that means they can stay put and do not have to strive for more training or more challenging work. This has provoked a good deal of debate and a defence of CDEP, particularly by those who see it as perhaps *the* main income source for people in remote communities, with many socially and culturally appropriate dimensions. The original intention to abolish CDEP as part of the intervention clearly has to do with the aim of controlling money and influencing its use.

Whatever view one takes of the specific CDEP debate, it is obvious that the entire employment issue, particularly in remote communities, is one of dependence and vulnerability. Aboriginal people in remote communities are vulnerable because they now need money to live and, for the most part, can only rely on government transfer payments to obtain it. They are dependent on programs that structure activity as paid employment because there is no other widely available form of remunerated employment. The CDEP program is the best employment (surrogate) found to date. Some of the work on offer is clearly uninspiring and very routine, yet some CDEP programs have created forms of work (as rangers, for instance) that confer important skills, accomplish important conservation tasks, and are taken up with considerable enthusiasm.

Given that there is no quick, easy or comprehensive way out of vulnerability and dependency for Aboriginal communities, how do Aboriginal people deal with these conditions? Need they be debilitating in and of themselves? The anthropological literature tells us that, far from its being outside the Aboriginal cultural repertoire, Aboriginal practice has tended to recognise dependency as a common part of the human condition, and in a way that does not – or, at least, did not in the past – attract the degree of negativity with which we tend to view it. In a 1980 article, "A Broken Code: Pintupi Political Theory and Contemporary Social Life," the anthropologist Fred Myers established an important, culturally specific understanding about dependency. Analysing the basis of Western Desert relations of authority, he argued that Western

Desert Aborigines understood these, not as an assured capacity to tell others what to do, but as the requirement to "look after" others who present themselves as kinds of dependents. The stereotypical relationship of this kind is that of the ritually senior male who "looks after" the junior initiate. The senior's authority is established as one who can ask services, food and other things of the initiate – but on the basis that he nurture and look after him. Authority in these relationships – and others too – involves not a one-directional capacity to command obedience but long-term entanglement and recognition of mutual, but differentiated, dependency.

That forms of dependency are thoroughly entrenched in Aboriginal affective and behavioural repertoires does not mean that Aboriginal people experience themselves as being without any power or influence. One of the capacities of dependence, in this Aboriginal view, is to recognise crucial others, demand attention from them, and thus try to shape them as responsive interlocutors. This aspect of relations between Aboriginal and non-Indigenous Australians has long been noted and written about – for example, in the relations between communities and government, and between those regarded as "bosses" and other residents within communities, as Myers put it in his book _Pintupi Country, Pintupi Self: Sentiment, Place and Politics among Western Desert Aborigines_. It is within relationships informed by degrees of this kind of ethic that greater mutuality and cooperation may be possible. In this spirit, we need to avoid making Aboriginal people's capacities and forms of self-direction casualties of the intervention process, but rather commit to long-term engagements and more careful collaborations.

What allows people to be self-determining is not separation from, but forms of relationships with, others. It is important not to build a wall around the dependent, but to think more clearly about how dependency can be compatible with responsibility, and degrees of self-direction. Michael Dillon and Neil Westbury's 2007 book, _Beyond Humbug: Transforming Government Engagement with Indigenous Australia_, is useful in pointing to government inadequacies in the structuring of relationships. I think we must also point to how the non-consensual and arbitrary aspects of the intervention fail to foster a capacity for self-direction in combination with the

dependence on the part of Aboriginal people and communities that Aboriginal people themselves are often the first to recognise and emphasise.

The third discourse blocking more effective engagement with the situation of Aboriginal communities is "rights normativity." Many of us have been steeped in a political culture that emphasises rights, and we have a deeply ingrained view of the post–second world war suite of human rights as appropriate forms of protection. This makes us incapable of imagining kinds of arrangements in which rights do not occupy the same position or are not conceived in the way we conceive of them. I suggest we need to recognise the extent to which our own universalist understandings of rights can be problematic in their application to people whose social lives differ from the mainstream.

The idea that Aboriginal people should not be treated differently from others is grounded in the universality of equal rights, and goes right to the heart of liberalism in its emphases on universality. The idea that we all enjoy equal rights is very powerful and is, in this instance and others, taken as an obvious reason why something like the intervention should be rejected. But I think we need to take seriously another precept that has always been in some tension with human rights arguments – or, rather, that has a different kind of universality of its own. This is the notion that any good theorising and practice must take account of people in their particular social and historical contexts.

It is true that most of the people in these communities are Aboriginal, and that a large proportion of the remote-area communities that are particularly vulnerable are in fact ones with a largely Aboriginal population. But clearly not all remote and marginalised communities conform to this picture. What of the Pitcairn Islanders, whose lives were paraded before us a few years ago? Should they not also be the subject of an intervention? Many of us would argue so, but we would be inclined to argue that it is warranted on the basis of remoteness from certain norms, which has allowed certain perversions of behavior, rather than on a racial basis. I think we should see the intervention as affecting people whose situation, while susceptible to description in racial terms, is not adequately understood in such terms. This is a basis on which we

could or should agree that it might be justified. The problem with opposing the intervention as discriminatory is that it accepts "race" as the problem, rather than going the harder route of seeing race as a dimension which has played a role in the on-going structuring and reproduction of vulnerability, marginalisation and dependency.

In short, in this situation "race" has a kind of descriptive reality, and has been a real social dimension in constituting present outcomes. Those who have been marginalised and made vulnerable have, in general, been dealt with as racially inferior. While we may indeed still want to modify some dimensions of the intervention on such grounds – I'd suggest that we should move away from the centrality of objection to the intervention as "racially discriminatory." Race does not, and never has, offered a full account of the burdens of marginalisation and dependency that these communities have come to face, nor of the social and cultural specificity with which they do so. Other factors, in combination with race, lie behind the plausibility of intervention that the government seized upon. I also think, were the intervention to be sidelined on the basis of racial discrimination, another intervention would have to be thought of.

There are several conditions of these communities that stand out. They are dependent upon but socially remote from state structures, and thus vulnerable. They tend to be characterised by dense internal linkages and relatively less dense ties to other kinds of communities. The problem that was supposed to be addressed over the last several decades, but was not addressed as effectively as might have been, is how such characteristics can be combined with values of "self-determination" and with what development experts like to call capacity-building, and with practices and relationships that might foster those things.

I think the notion of rights as boundaries against intrusions, rather than as the means of preserving or fostering kinds of connections, needs to be queried. We almost invariably understand rights, freedoms and protections as pitting the individual against forms of collectivity. Some attention has been paid in Indigenous and other contexts to notions of "group rights," and in these communities are people who

struggle to preserve other forms of relationship, or at least struggle against ways in which their present conditions problematise those forms of relationship.

You may immediately think that what I say opens the way for rights to be violated. But I think it is important to consider what other forms of social relationships it may be important to preserve, and forms of protection and control that are not completely based on notions of the separate and distinct individual. We have seen that there is some alternative thinking and feeling about these matters on the part of Aboriginal people themselves, rather than an open and closed situation in which all of them necessarily assert a claim to equality of rights (though some do). It is illusory to think of an individualistic and oppositional notion of rights as less coercive than other kinds of possibilities that might be developed. We need to rethink the reproduction of our own notions of "rights" as the basis of autonomy, or allow for their consideration, and – as always – remain alert concerning the different opportunities for coercion that each situation may make possible. Hannah Arendt famously wrote of the "right to have rights" – the right of a plurality "to act together concerning things that are of equal concern to each." There is a need, she argued, for every person to be subject to or citizen of an effective practice of politics. We need to take this kind of approach seriously, and try to assist remote communities to organise more effectively around matters of concern, rather than doggedly assume the applicability of a single, allegedly universalist system of rights.

I think that for Indigenous people and communities, relationships with the state can and should be highly productive. The federal "state," in general, is the key institution to which all Aboriginal communities can have a common relationship of some sort, while they may also have differentiated relationships of other kinds (with business, regional government and so on). For the state, such relationships are a responsibility, more like the relation of senior to junior in Fred Myers's account of authority. But these relationships can only be fruitful under conditions in which the first question attended to is: how can greater social capacity be developed from within conditions of vulnerability and dependency? What are the characteristics we need to demand of state involvement and intrusion? Among these must be the following: that it be open

to discussion and negotiation, difficult and partial as this often is; that it have a demonstrated capacity-building intent and character; and that it is non-arbitrary, implying accountability to people and communities affected and also to the wider public, and incorporate developed ideas and practices of due process. The latter also implies, I think, long-term and stable implementation. What is required are fresh ideas about the state's involvement in ways that do not make capacity for independent action a casualty in the relationship.

On this basis, I think we can see why such programs as the school nutrition initiatives must only be temporary. Of course, the program is *intended* to be temporary. But one must take care that the intervention recognises connections between engagement and the shaping of human capacity, and not allow its effects to become part of the problem. At the same time as we recognise the importance of adequate nutrition, we must also recognise a need just as urgent, if not more so, that people in these communities see some reason to shoulder more effectively the social responsibilities, and recognise the implications, of feeding, cooking, and basic everyday activities.

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