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Occasional Paper No. 83

INTRODUCTION TO SOCIAL JUSTICE AND SOCIAL ANALYSIS

(From a Social Justice Workshop for Diocese of Wagga Wagga, March, 1995)

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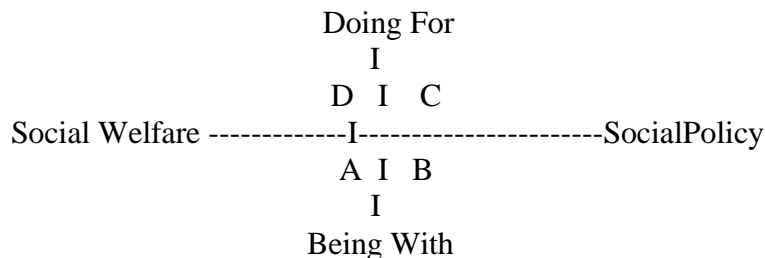
HANDS ON MINISTRY and ACTION FOR SOCIAL CHANGE

Much of Catholic Social Action in Australia in the 1940's was informed by the 'See - Judge - Act' model. In the 1970's the model of Holland and Henriot informed another generation. This spoke of 'Experience - Social analysis - Theological reflection - Planned action'. Both approaches relied on an interaction between their elements such they were cyclical rather than linear in nature. This model relied on integrity rather than a fragmentation of involvement in the elements of social action.

Whether we as individuals are strongly focused on Hands on Ministry or in Advocacy and Action for Change Ministry, we also have to see the reality from the viewpoint of the poor. This is bottom up rather than top down analysis! We can't speak for the poor if we are not in touch with their reality and with what oppresses them.

Those involved in social justice usually are aware of notions of competing claims in social organization in for example citizenship and participation, access and equity, burdens and benefits, personal dignity and human rights. In response they may be involved at different levels ranging from direct service or hands-on ministry (which can include casework, counseling, community housing, providing food and shelter) through to community education and policy formation (including public awareness through talks, media, etc as well as research and political lobbying).

In social work theory, sometimes a continuum from "social welfare" to "social policy" is described. In the 1970's there was some discussion in Jesuit circles of a continuum from "being with" to "doing for". I suggest that these two continuums can be presented as a grid, viz:



Those who are in the "Social Welfare - Being With" grid (A) tend to speak in anecdotes using words like brokenness, fragility and vulnerability. They are likely to listen to 3AW or 2UE, live in rented accommodation wishing they had a garden, read Jean Vanier or Albert Nolan, travel on Firefly and watch sport on TV. They wear jeans with a cigarette packet in their pocket, and are likely to hand write a personal letter to a volunteer friend about their spiritual life.

Those in the "Social Policy - Being With" grid (B) tend to be politically correct using words such as solidarity, struggle, and the promotion of justice. They listen to 2JJJ, live in a small house which they own and grow their own vegetables. They read Leonardo Boff, the New Internationalist and the Uniya Newsletter. They travel on a 21-day Advance Purchase staying away on a

Saturday. They watch Foreign Correspondent or Get Smart on television. They wear an open-neck shirt with a tie in their pocket, and are likely to write a Briefing Paper for the Green-Left weekly on their laptop.

Those in the "Social Policy - Doing For" grid (C) tend to speak about changing structures in the real world using the language of Econometrics and an appropriate analysis of the facts. They listen to 2BL or 3LO. They live part-time in the city and travel half the time. They read the Economist or Paul Kelly's "End of Certainty", and travel on Ansett using their frequent flyer points to upgrade to Business Class. They watch Lateline or SBS News on TV. They wear dark grey suits with a mobile phone in one pocket and an electronic filofax in the other. They are likely to put on dictaphone an article for "The Age" which they fax to five politicians at the same time as they send the copy to the features editor.

Those in the "Social Welfare - Doing For" grid (D) use the language of programs to change people's lives, to help raise them up, to change the system, to make a difference. They listen to their own CD's, live in a suburban house with an overgrown garden, and have read Fred Hollows' Autobiography. They travel by a variety of means including East West Airlines, changing to a 100 kilometre drive. They watch the 7.30 Report and Frontline. They wear sports jackets with a pager attached to the belt of their jeans. They are likely to write a funding submission for a new community-housing program under the yet to be announced funds which they have been told about before the Minister.

Among those in the Social action ministries, there are some elites in these grids. It could assist communication if we know where we are, and where the other is, at a particular time on the grid.

One sign of psychological stress is an inability to adapt. In the grid described, a sign of psychological and spiritual health would be an ability to move easily from one section to another.

The elites and excesses aside, there are such obvious values in hands-on ministry and action for social change being linked. Not all individuals can move around the grid effectively. Some people are exceptionally gifted at particular points of the grid. It requires a certain freedom to appreciate the gifts of others and to link well with them. When one has that freedom to appreciate others' gifts then "opportunities will coalesce". Finally because life often is so serious, it is good not to take ourselves too seriously!

WELFARE AND STRUCTURAL CHANGE

David de Carvalho outlines "Three Models for Social Welfare and Community Services". He suggests there are three different ways of describing what we do when we attempt to lessen the hardship of those who are economically or socially disadvantaged. These models can be broadly characterized as the charity model, the justice model, and the market model.

a) Charity Model: According to the charity model, society is divided into two: "the community", and "the poor" who are considered to be separate and marginalised from the mainstream "community". In the charity model, poverty is caused by no one in particular, except by the poor themselves in certain cases.

Although the charity model stems from genuine compassion, this approach to social welfare is condescending. It is typified by statements like helping the needy, which assumes that those who receive charity should be grateful for whatever excess trickles down from above.

The basic aim of the charity model is to preserve social harmony, and activities to serve this end rely to a great extent on donations, both in the form of voluntary donations, grants received and through the tax system. The charity model is basically concerned with providing social welfare, which places the giver and the receiver of welfare in unequal positions at all stages of the welfare process.

b) Justice Model: This model has a more democratic outlook, which presupposes that every person has social rights, as part of their intrinsic human dignity. This model considers the causes of social inequality to be part of society's existing political and social institutions. According to the justice model, everyone should have an equal opportunity to contribute to society.

The language used by this model of social welfare is typified by statements such as working with the marginalised, rather than for them.

The basic aim of the justice model is to free people from injustice, and it seeks to do this through solidarity and activism. Solidarity means standing with marginalised people and sharing in their struggles. Activism means working together with marginalised people to empower them politically. This type of empowerment is important in order to gain recognition of their social and economic rights, and in order to develop a sense of community, which can lead to a better quality of life.

c) Market Model: This model sees society as being divided into two parts: on the one hand, there are 'service-providers', while on the other hand there are 'service-users' or 'clients'. In this model, people in need are treated as 'consumers' of welfare services. As 'consumers', they 'shop around' the various welfare agencies, all of whom must compete for dwindling government funds. The market model of welfare treats the relationship between marginalised people and welfare providers as a commercial transaction similar to that between a producer and an individual consumer. An attitude such as this leaves no room for real human and social solidarity.

Elsewhere people have discussed the distinctions between "hands on ministry" and "structural change approaches". I suggest there is not a clear nor helpful dichotomy between "hands on ministry" and "action for social change". I suspect there has been a lot of wasted energy in the past when self-righteous judgements were made about the prospective advantages and disadvantages of "hands on" versus "structural change" approaches.

"Hands on" people were criticized for being too 'band-aid' in their approach, fulfilling their own needs while the poor remain poor, being wishy-washy, anecdotal, non-interventionist, selfish, etc. And those involved in policy work were accused of being too distant from grassroots experience, for not having a base in the field, for being arrogant and preoccupied with their public profile, for not being sufficiently pastoral etc. Some have been hurt by these judgements, and some have been pushed to the edge of opportunities for support and the sense of working within a community on mission. Hands on Ministry people are presented with the reality of the poor in a way that few others are. We can be good at walking with the poor and we do experience and have first hand knowledge of all that oppresses them. The trap may be for us to become so enmeshed with the poor that we think that's all we have to do - just "be with" them. We rationalize (and often do so with a certain self-indulgence) that nothing else is required of us!

However our experience with the poor, educates, changes, and converts us. Too often we can take all that the poor share, teach and enrich us with - and keep it to ourselves. That would be a very selfish stance - not a gospel stance. People especially leaders in our society need to hear what we listen to, and understand what we learn. The poor have given us a view and a knowledge of their reality that must be shared with those who can influence laws and structures that oppress people.

Those in advocacy and social policy work can't represent the poor adequately if we haven't "heard" their reality - either from them or from those in the 'hands on ministry' who know their story well. Good laws and policies alone will not produce a better quality of life. They may make it possible - but the "one to one" or community based relational approach will evoke the confidence and inner resources of individuals to grasp the opportunity opened up by good laws and policies.

We have a range of experience, which enables us to feel compassion; we also have a body of knowledge which can give a competence to our advocacy. Social policy has an authenticity when it is informed by experience especially that of accompaniment with those who struggle most in -our society. This above all else gives credibility. Solidarity is also about changing structures that will make people's lives more bountiful, free and just. The linking of accompaniment or hands on ministry with action for social change requires that we are familiar with the experience of the marginalised and also with the mechanisms by which those

who have the capacity to bring about change operate.

In the Gospel stories Jesus seems to stand in the middle of the dilemma with the poor. He knows the reality of the poor. He also knows the reality of those with power to make the laws or administer the practices which can oppress or liberate the poor.

This is not an either-or situation - rather it is both. Too often we have wasted our energy being dismissive and cynical of each other's roles. We have to work together to compliment each other's gifts. We have to become good listeners. We have to listen to the poor, those in Hands on Ministry, and those in Advocacy. We have to listen to each other. If we combine our experience and gifts, then we can do great things.

A central spot at Kings Cross where I live, is the Macleay Street Fountain. A friend who sleeps on the verandah of another friend's house, comes to our Church from time to time. He once commented "The world will be a better place when the people around the Fountain learn to get into Church, and when the people in the Church learn to get into the Fountain". Perhaps he's right. The 'how to' is the challenge.

SOCIAL ACTION

For us proclaiming justice and struggling to help create the conditions in which it might be realized is not seen to be an option, but rather, a duty. It is our duty to combine charity with action, to understand the causes of inequality and injustice and, on the basis of such understanding, to rise to the challenge to change them. Concern and involvement with the poor and the oppressed is based on respect for basic human dignity, compassion and solidarity.

The objective of social action is to enable people to participate in the development of their community, their nation and the world as a whole. Such participation implies a critical awareness of local, national and international situations based on an understanding of social, economic and political processes.

Action for justice is inspired by a vision of a just and more equal society where the fruits of the earth are shared equally by all and where human dignity is not only recognized but actively promoted and defended. This should be seen as a long term process. It may take years, decades, and even groups of decades. Development work is concerned with issues of human rights, dignity, self reliance and social justice in both developed and developing countries. It is concerned with the causes of underdevelopment and with promoting an understanding of how different communities go about undertaking development, and achieving a new international economic and social order.

Justice involvements are concerned with issues across all levels - local, national and international. Development education encourages people to take effective and sustained

action on behalf of justice. Linking events and processes at the local level with those at the international level is a central characteristic of social action.

One difficulty in dealing with development issues is the tendency to oversimplify complex ideas and situations. Development education should encourage people to explore the issues and to examine various and often conflicting solutions being offered. This type of education makes us aware of bias in media and helps identify its roots in our ethnic and cultural backgrounds. A major focus of the media is on the reporting of problems often in the absence of reporting more gradual and less sensational long-term improvement in people's lives.

Action for justice is not only about problems. It seeks to draw attention to hopeful signs in the world today and to areas (e.g. lifestyles, histories, relationships, cultural life and human activity) which reflect our common humanity worldwide and which encourage empathy with the people of other countries.

Social action seeks to go beyond the social welfare approach to injustice and inequality and to combine compassion with a thirst for justice. Social justice concerns become central in civil, political, economic, social and religious life. The social agenda is not below the economic or political agendas. Action for justice seeks to assert that a concern for equality, sustainability and justice must run side by side with a concern for progress. The problems of the poor are the concern of society at large.

Social action tackles issues and perspectives which are both controversial and political. Issues require examination from different perspectives and often need interpretations which challenge traditionally held belief and analyses.

Building bridges requires us to listen to the experiences and perspectives of the poor. It also requires that we provide marginalised people with a platform upon which to present their views and analyses. People should, as far as possible, be the instruments of their own development. The ability to identify options and to be able to choose between them is central to the development process.

Our aim is to work with people in the world as it is, in order to try to form a world as it could be - a world of peace, of justice, of love. Another expression for helping people is of empowering the Gospel to enter into practical decisions of all aspects of human life. It is important to plan to make all that we do effective in the days and years to come so that we can continue to help people live the Gospel values in everyday life.

This commitment develops a style of life and labour which is marked by the ability to adapt to circumstances and to the real needs of people, by a freedom of spirit to create new structures, and by a willingness to go wherever the need is most great. This is a highly adaptable, creative and mobile missionary ideal.

Jesus identified with those people who most needed rescue - the poor, the outsider, the diseased, and the sinner with nowhere to turn. Our motivation is founded on the recurring call to love. We are painfully aware that the struggle between good and evil will cease only in the fullness of God's Kingdom. We know the pilgrimage character of human existence.

We walk that pilgrimage as people of profound hope in the future. We are idealists - we have to be. As we attempt to live and to explain the richness of God's love, we have to find ways to articulate that love which both sustains its authenticity and which can convince an inquiring but distrustful generation of its value.

Those who claim to be God's spokespersons often speak at such a distance from the human experience of struggling to live in a threatened world, that they find their credibility profoundly questioned. We live in a world where opportunity is not equally distributed, where burdens and benefits are borne unequally, and where accidents of history make some 'haves' and others 'the have nots', where "but for God go I" means some are 'the helpers' and others the 'helped'. Those who seek to serve must serve in a way that draws on the wellsprings of faith. Ours is a service of helping the human spirit find freedom.

As I recall St Vincent De Paul once said, "You must not give to the poor without the poor being able to see love in your eyes". So we come to the poor with some humility. In the Christian enterprise no one of good will is the outsider or the stranger. The kinds of problems that face our world cannot be resolved by intensifying the isolation of each other. In the Catholic tradition we speak of "the preferential option for the poor". This is not concerned with simply how we dedicate our time and expertise to the provision of service to those in need. Rather it is about loving those we are with.

Social justice animators seek opportunities for people to become actively involved in initiatives which challenge injustice and inequality. They encourage people to see the world from the vantage of those who are oppressed and of those who have least. They support people in their efforts to walk alongside and to accompany those who struggle. They try to act in solidarity. Theirs is a role of the ethically professional, and of ongoing engagement.

Such animators try to make analyses of complex situations where there are competing claims. This may involve community awareness projects through the publication of resource materials and responding to individual requests for speakers and workshops.

In this area demands are immense. It is necessary to identify clear priorities and do them well. Social justice animators should be ready to adapt to changing circumstances. One essential lesson is to build a base of support.

It is important that we are analytical about the situation and that we operate out of a plan. Plans may modify but it is important that we give thought to - what we are doing. Accountability is also important. We should, be able to evaluate what we do - this helps us know when to change. It also means others rather than ourselves can control what we do. The instruments for evaluation will have to be chosen carefully to suit what we are trying to do.

Usually we go where we are invited and we don't do what others can do. Wherever we live and work, it is about service - the focus is on the other not ourselves. It is also about personal friendships which form deep and joyful bonds.

One 3-step pedagogy for action is a) what is it that the poor want and need, b) which of these claims are ethically justified, c) which of these are political achievable. Once those questions are determined then we can put our foot firmly on the accelerator to get the machine moving

in the direction of social change.

Whilst some interventions focus more on action research and long-term structural change, others are more concerned with grass roots involvement and direct service delivery.

Interventions can cover a range of areas including:

- a** Casework (counseling and advocacy)
- b** Community education (seminars and courses)
- c** Publications and media (books, articles, print and AV media)
- d** Policy formation (legal and political lobbying)
- e** Resource development (library etc)
- f** Networking (shared projects and personnel).

STAGES OF COMMITMENT

There are many stages of development in caring for others and in a concern to bring about a just world. Initially we may feel compassion and seek contact with those who are suffering. We may want to take action to help them. So we reach out in kindness - a gesture that, at worst, may make people in need, victims of our good will. We may even take up their plight as our special cause. Others are likely to affirm us in this behaviour by the interest they take in what we say and do. However their attention, like ours, remains narrowly focussed, and the needy remain needy.

The next stage is connected with our feelings of indignation about the plight of the needy. This can be a time of emotional crying out for others. We begin to allow the pain of the person or the injustice of the situation to touch us. These encounters lead us to question our lifestyle. We get angry that these things are allowed to happen. We are angry that others are so malicious or insensitive. We are angry that those who suffer most are often unable to handle the pain or injustice. We are angry that we do not do more. We are angry at governments or the Church for allowing this to occur. We may become angry at God - why is God passive amidst this suffering?

These feelings are often channeled into sheer hard work. Our commitment and dedication is impressive but we may not allow space to care for ourselves and replenish our resources. We may get tired and make harsh judgements about others including those for whom we care. This can lead to doubt about ourselves because we seem no longer to be caring for those with whom we have set out to share our life.

The stage beyond indignation is when we discover the gift of the other. We are impressed by the strength of the person suffering. We marvel at the resilience of the human spirit. We are humbled at how suffering people put us in touch with values that liberate. They become God's chosen instruments for transforming our world. They show us the way forward to save ourselves from the madness of the world. We realise that they are helping us, rather than we helping them. They become our heroes. What they say becomes something almost magical. At this stage we are simply romanticizing the poor.

It is a thin line between a) being busy or being productive, b) being harrowed or committed, c) being a guru or charismatic, d) being gnostic or spiritual, e) being burnt out or being where

God wants you to be, e) having devotees or helping people discover their vocation, etc. If we try to serve without love, then we may become burnt out. We can lose our appetite for those we are helping, and develop a cynicism about the needs of the poor. When this occurs it is time for us to take a break. This is a common experience for helpers and it is important we recognise it and take action before we hurt the poor or ourselves.

Busy people work hard. In doing so we can lose touch with our bodies and health. We can lose touch with what is creative in our life. We don't take time to entertain our mind through poetry and literature. Our lives channel into a tunnel of work. We may get a buzz out of doing a big deal but the buzz gives a short-lived gratification. We can also lose touch with our hearts. A person in need doesn't seek out a busy person. It is hard to find love if we are continually on the run. Over time the capacity for deep friendship diminishes. There are fewer and fewer "light" moments. Gradually our emotions close down. There is little sense of God's love or of doing God's work. It simply becomes plain hard work.

Over time we may find ourselves very miserable and may even begin to compensate with drink or inappropriate sexual behaviour etc. This is often a flight from depression but the compulsive disorders only lead us further into depression. This cycle can only be turned around by finding the space to appreciate once again our giftedness and by allowing God's creative power to work in our lives. It means admitting that we feel miserable - owning our misgivings, accepting that we are on the margins of our own existence. It requires taking time to meditate, and to get in touch again with the mystery of life. Gradually a sense of ministry and mission reemerges but this can take time and may need the companionship of a good guide.

In time however, we can come to experience solidarity. We realise that needy people are as human and as flawed as anyone. We see them as all are to be seen - with gifts and failures. We feel solidarity with the human family. At this stage we are invited into a long struggle. We begin to love all just as they are, and as well as we can. We love people with all the dignity they have, and with all the dignity we have. At times this leads to a deep bonding. No longer do we need to accuse or condemn: rather we learn to encourage and understand both the oppressor and the oppressed. We discover we are all both crucified and crucifier. There may be room for shame here but never guilt.

This long struggle continues and often involves a struggle with reality - the reality of ourselves and of the world. We are confronted by our rigidity and indecisiveness. A way forward may be to surrender to the ambiguity. Loyalty to this struggle draws into an alliance with the poor so that we no longer align ourselves with the oppressor but begin to withdraw from instruments of power. Yet power itself can become an idol - even in our efforts to withdraw from it. Our key focus should not be on instruments of power but on our love of the poor.

At different times we find ourselves caught in a struggle for ultimate answers "Who am I? What am I here for? Where am I going? Who is with me?" The content of each person's struggle is different but the process is similar. The suffering person simply has more raw material. In this search for answers we try to return to what gives us life - the experience of love. The God who calls us from the point we are, becomes an anchor. We encounter a God who has plans for us - plans of hope, not of harm. We look to a God who has dreams for us -

dreams for a future.

Finally, as in any relationship we may eventually come in open hearted and open handed dependence. In the words of another, "When power meets power there you find people wrestling for control. When power meets vulnerability, there you have alienation. When vulnerability meets vulnerability, there you find intimacy". Our patience, our listening to each person happens because we think each person is important. We respect their dignity. This patience, this listening, tells us and other people about the way we are with God. The people we serve will be important in our eyes. We show we think they are important because we are patient and we are listening with them. Our life sheds light on the lives of those we serve - mainly it's about how important we and they are as companions of each other and as companions of God.

SOCIAL COMMUNICATION

We are people dealing with important issues from a great variety of inspirations with important things to say to the wider community. It is likely that we will communicate differently. It seems important that some reflection be given about how to communicate these experiences.

Anecdotes: The "right story" evokes and invites people. It is like the Parables which open up opportunities to people without moralizing directly. Stories help people picture, imagine and feel.

Analysis: Anecdotes should always be complemented by competent factual analysis. It is necessary to have the factual story in place otherwise we simply emotionalize. Moreover people will always pick us off at the edges, so it is necessary for the argument and facts to be well researched. Language: There are treasures in symbols of religious words and stories, (e.g. the Good Samaritan) which should not be neglected or forgotten.

Themes: It is important to have good news in the midst of struggle, stories which convey the triumph of the human spirit in the midst of suffering and injustice. Hope is an essential theme to much of our work and children are important to convey the importance of hope in the future.

Accountability: Stories that draw on the experience of people should not be there to exploit persons or to use them as fodder for evocative homilies. Stories should come out of relationships with people and ideally be used, with permission and in such a way that we are able to report back to the people concerned. They come out of their experience and they are always for their good - not ours.

Give people space: It is necessary to not push people into corners. Whilst our message might be prophetic and even provocative to the powerful we should also respect the positions that politicians and others are in. It is perhaps better to work with what is politically achievable in a way that respects conscience rather than sit on the high moral ground simply patting ourselves on the back.

Politics: It is better to argue principle rather than argue for one political party or the other. This allows us to be respected for our independence or "the voice of conscience". No political party should buy our integrity.

The how-to's: Any story and analysis should also include possibilities for action. The literature on behaviour and attitude change indicates that people need to see what they can do in specific, measurable, achievable, realistic and time framed ways. People may also need to be given feedback on their effectiveness.

Market: Many of our articles speak to those who are already converted. If we are to be instruments for social change our message must be accessible in the popular market place. This means targeting the media that decision-makers listen to but it also means the media that "middle Australia" listens to. Therefore an article in Women's Weekly may be more effective than an article in Eureka Street, or a spot on Alan Jones more effective than a spot on PM. However effectiveness is not equated with popularity. Nevertheless political leaders are influenced by popular opinion.

Mixed intentions: Much of our writing will be about hospitality (finding a home), reconciliation, hope on the one hand and being prophetic, challenging, naming injustices, criticizing those responsible on the other. It is necessary to be clear about our intention - why are we trying to say one thing rather than another.

The receiver: 'Quidquid recipitur secundum per modum recipientis recipitur'. (Whatever is received is received according to the capacities of the receiver.) It is important to get into the shoes of the reader, to understand their prejudices, to create space for them to change. In this way feedback from the various "readership" is important - including those not sympathetic to what we hold dear.

SOCIAL ANALYSIS

Social inequalities can be structured or patterned. While all citizens have the right to enjoy equity, access, participation and equality in the provision of government services, there are patterns of social disadvantage and inequality. Burdens and benefits are not shared equally. (Work sheets on Richard and Hadice to be handed out).

Questions: What allows these people to be where they are? What keeps them there? Social analysis is concerned with asking questions about our society. These include:

1. Who and where are the disadvantaged? Members of certain groups and some specific areas tend to reappear in the answers to these questions i.e. unemployed people, low-income earners, Aboriginal people, certain migrant groups, sole parents, homeless young people, women, refugees etc.
2. Who decides? Who makes the decisions that effect the standard of living of these groups? e.g. powerful businesses, governments.
3. Who benefits? What interests in society benefit from these decisions? i.e. who are the profit makers?
4. Who loses or who pays? What groups usually pay the price for these decisions?
5. Values or attitudes that need to be challenged? What values and attitudes are present that are having an influence? Values (explicit and implicit) e.g. we should always be free in the market place to act as we want, as this is a democratic society, even if this means taking advantage of others who have not had the same economic and social opportunities. Attitudes e.g. it is not Christian to challenge traditions, or to upset people, or to be in conflict with the status quo.
6. What action can be taken? What possible action can be taken to address the benefit/burden relationship? How can victims or losers participate in the decision making process? It is important to ask the right questions and then to make the right connections.

Mary Hall suggests there are three main commandments as follows: a) Know your values. Values and beliefs effect the way we view the world. It is important to be conscious of our own values and the manner in which they were formed e.g. through our experiences, our standard of living etc. b) Know your history. The historical perspective provides an opportunity to view how a problem was caused, how values developed, and the characteristics in the community in which the issue evolved. c) Know your structures. The interrelationship of economic, social, political and cultural structures create and maintain barriers which advantage powerful groups while simultaneously disadvantaging others. Social analysis provides information to develop strategies to bring about a more equitable

society.

WHAT KIND OF SOCIETY?

Distribute the work sheets. Consider the following case studies about Australia.

1. Jose - in 1994 is a Chilean refugee, 28 years old, unskilled worker in ~ factory for car parts, married with one child, rents a house in Canley Vale, NSW, Catholic background.

Questions for 2014 - Does he work? How does he go to work? Are his children at school? What are his recreations? What is the make-up of his family? Where does he live?

2. John - in 1994 is 14 years old, in Year 9 at a GPS school in Sydney, good at maths and English, son of a wheat farmer, church-going family.

Questions for 2014 - What is he doing? Is he married? Does he have children? What are his recreations? What suburb does he live in?)

3. Christine - in 1994 is a final year of Arts at Melbourne University, would like to teach. Catholic background but finds church unsatisfactory because of its attitudes to women.

Questions for 2014 - What is she doing? Where is she living? What are her cultural interests? What does she think about religion? Where is she working? Is she married?)

4. Unipingu - in 1994 is 22 years old, married with a child, Aboriginal woman, living outside Darwin in an Aboriginal settlement, brought up Catholic.

Questions for 2014 - Where is she living? Is she married? Does she have children? Is she working?

5. Nathan - in 1994 is a brilliant young priest, likely to be the next Auxiliary Bishop of Melbourne, 42 years old, articulate, charming and popular in the church. Also seems well liked by "Rome", seems destined for 'greater things'.

Questions for 2014 - What does he read? What does the diocese of the future look like? the parish structure? the status of government? social outreach?

6. Tuyet - in 1994 is 25 years old, left Vietnam as a refugee, did well at school and at university, is currently working with JRS, comes from a devout Catholic family and wants to give some of her life to help people. She feels a particular commitment to refugees but not necessarily Vietnamese.

Questions for 2014 - What relationships will she have with her family and the Church? Where will she live? What will she do?)

7. Bill - in 1994 is 17 years old, has been consistently truant from school and IQ test has been graded as sub-normal. He comes from a broken home. He has been in Turana, Melbourne for repeated theft, and car stealing. He gets on well with the Chaplain at Turana.

Questions for 2014 - Where will he be in 20 years time? Who will be his support? What will social services look like in the future? What will prisons look like in the future? What will police and courts look like?)

SUMMARY QUESTIONS

What are the forces at work across Australian society? How do they operate in the area of social status, school, legal areas, church, race, gender, class, etc?

CATHOLIC SOCIAL TEACHING

The church has always has a role in social and political affairs. This was as true in the time of Constantine and the Holy Roman Empire as it was in the Papal States. The church is no stranger to politics. Moreover it has been deeply involved in responding to social ills through hospitals, schools, welfare organisations and other efforts to aid the poor.

Action for Justice has its inspiration in the Scriptures and in rich historical analysis of Catholic Social Teaching in the areas of justice and development. There is a range of Catholic social teaching reflecting on how the church's social mission is rooted in the core of Christian faith and identity. In 1971 the synod of Bishops said action on behalf of justice and participation in the transformation of the world appear to us as a constitutive dimension of the preaching of the gospel or in other words, of the church's mission for the redemption of the human race and it's liberation from every oppressive situation.

The same synod noted Listening to the cry of those who suffer violence and are oppressed by unjust systems and structures, and hearing the appeal of a world that by its perversity contradicts the plan of its creator, we have shared our awareness of the Church's vocation to be present in the heart of the world by proclaiming the good news to the poor, freedom to the oppressed, and joy to the afflicted.

In 1973, the Bishops of Ireland outlined: The earth and its good things belong to all the people of the earth and no nation has the right to build its own prosperity upon the misery of others. It is our Christian duty as individuals to share our wealth and to help our needy brothers. It is equally our Christian duty to demand that the political authorities representing us act always with justice and responsibility towards less fortunate countries and be prepared to use all means necessary for this end.

In 1975 the encyclical *Evangelic Nuntiandi* said: The Church considers it to be undoubtedly important to build up structures which are more human, more just, more respectful of the rights of the person, less oppressive and less enslaving.

Catholic Social Teaching has consistently argued for normative standards in attitudes to human rights. These typically focuses on the dignity, destiny and sacredness of each and every human person.

{Hand outs on "Modern Catholic Social Teaching". This handout outlines 1. Rerum Novarum, 2. Quadragesimo Anno, 3. Mater et Magister, 4. Pacem in Terris, 5. Gaudium et Spes, 6. Populorum Progressio, 7. Octogesima Adveniens, 8. Justice in the World, 9. Evangelii Nuntiandi, 10. Laborem Exercens, 11. Sollicitudo Rei Socialis, 12. Centissimus Annus}

These documents highlight a number of themes e.g.:

- a) The dignity and irreplaceable value of the human person, made in the image of God. This is the basis of a critique of both liberal capitalism and Marxist systems;
- b) The principle of the common good. The goods of the earth are meant for all. This concerns the rationale for the limited right to property, and its "social mortgage";
- c) The priority of the poor. This is concerned with the notion of the preferential option for the poor:
- d) The right and responsibility to participate in the transformation of the world. Every person and all peoples have the right to participate in the shaping of their own future. This has applications to work and to politics;
- e) The priority of the worker over the product and over capital. This underlies the principle of worker participation;
- f) The principle of subsidiary - "It is an injustice and disturbance of right order to assign to a greater and higher association what lesser and subordinate organisations can do";
- g) The right and duty of public bodies (local, state and international) to intervene in social and economic areas of life. This applies above all to those without access to power and resources
- h) The importance of a new international order, built upon justice and world-wide solidarity;:
- i) The critique of the arms race, above all from the perspective of the poor of the earth, and the challenge to world peace. This is a radical position;
- j) The principle of the integrity of creation - the obligation upon human beings to take each creature into account, and its interconnection within the ecological order. This holds that we are subject to certain biological and moral laws in our use of resources.

JUSTICE AND RIGHTS

In any society there will always be competing claims between people who make up that society. People's freedom is limited by the need to serve the common good. There should be a minimum standard of living available for all. Notions like getting a fair share, recognition and empowerment, cultural integrity and heritage protection, and economic development are important in discussions about social justice.

1. Marx "for each according to his or her ability, to each according to his or her need".

2. Rawls "each person is to have an equal right to the most extensive basic liberty compatible with a similar liberty for others. Social and economic inequalities are to be arranged so that they are both a) reasonably expected to be to everyone's advantage and b) attached to positions open to all".

Justice is concerned with right relationships. This applies to:

- a) the intra psychic level (within oneself)
- b) the interpersonal level (with others)
- c) the societal level (institutions and social structures)
- d) the cosmic level (in creation and with God).

At the interpersonal and societal levels, there are two main types of justice:

a) C o m m u t a t i v e - which is concerned with the claims that exist, between individuals or groups. These are essentially private and non-political and include fidelity to agreements, contracts, or promises which are freely formed, equal and mutual arrangements.

b) Distributive - which is about the relative rights and moral duties that obtain between persons in public (especially state and civil) society. These are the claims which all persons have to participate fully and access equally the common good, and to share fairly the benefits and burdens. Social

justice is the patterns of mutual action which bring about distributive justice.

In the area of human rights people speak of civil and political rights. These refer to freedom of speech, worship, assembly, and press. Essentially they are concerned with the liberty of the human individual. They also speak in terms of economic and social rights. These refer to food, clothing, shelter, and education. These are concerned with the basic needs of the vast majority of the population. Certain societies such as those which boast a liberal and democratic heritage will emphasize civil and political rights in their rhetoric. Other countries such as those which advocate a socialist philosophy will emphasize economic and social rights in their propaganda.

The Declaration of Human Rights refers to a range of rights to which all human beings are entitled. There have been a number of international covenants dealing with civil, political, economic, social rights. International Covenant on Civil and Political Rights, 1966 [ICCPR] and the International Covenant on Economic, Social and Cultural Rights, 1966 [ICESCR] both recognise that human rights "derive from the inherent dignity of the human person" .

Human rights are said to be universal and inviolable. Human rights belong to every individual in every society in equal measure. They are not transferable, forfeitable, waivable nor are they lost because they are inalienable and imprescriptible. The institutions of political and social power must be ordered to the protection and enhancement of human dignity. These institutions are always the servants of human beings. A political society may be considered well-ordered, beneficial and in keeping with human dignity only if it is grounded in truth, justice, full freedom, and inspired and perfected ~n mutual love.

SOCIAL JUSTICE: WAR & REFUGEE PEOPLE

Technology and modern warfare

The last century has seen a rapid advance in technology. In my hand I hold a pocket calculator. This is able to store all the information that was technologically available to those who worked on the Manhattan Project which designed the first nuclear bomb in 1945. Here I have a PowerBook 100 laptop computer. This is able to store the amount of information which nuclear scientists used when devising nuclear bombs in the late 1960s.

During the Reagan administration, and before the intervention of Gorbachev, there was a delicate balance in the nuclear threat. At least six nations had nuclear weapons. These were mainly divided between the United States and the USSR. There were about 50,000 nuclear weapons - more than enough to destroy the planet several times over. This policy of Mutually Assured Destruction (MAD) was actively promoted as an appropriate deterrence by the Reagan administration.

In addition to the threat from nuclear warfare, there was the problem of what to do with nuclear waste which has such a long half life and the effect of so much of the nation's dollars and best research brains going into a defence industry.

With the diminishment of the cold war hysteria there have been attempts to move towards disarmament. However there is still a problem of nuclear proliferation particularly among smaller and perhaps more unstable nations (e.g. North Korea and Iraq). China and others are still testing weapons. Nevertheless the main problem of nuclear weapons still reside in the USA and the former Soviet Republics. Even today a nuclear weapon is comparatively easy to make and the technology is available in the minds of many scientists around the world.

Just War Theory

Catholic social teaching has always opposed violent warfare. Violent warfare should be presumed to be morally unacceptable. The deliberate killing of innocents is murder. That is why phrases such as "co-lateral damage" are so morally offensive and belong to the worst

form of propaganda.

With the starting point that violent warfare is sinful, a tradition grew up known as the "just war theory". This outlines a set of moral categories for reasoning about the possible justification of violence in the pursuit of justice. The just war theory has two sections:

(a) Jus ad bellum - described the grounds for when the obligation of nonviolence could be over-ridden and hostilities initiated.

(b) Jus in bello - outlines the particular means that could be used if ever a war was legitimately initiated.

No one should resort to force unless seven criteria are in place. "Ad bellum" norms include the following:

(i) Legitimate authority i.e. the authority to resort to force subject to the criteria of political legitimacy.

(ii) Just cause i.e.. it must be a defence against a clear injustice where the prime intention is to secure justice.

(iii) Last resort i.e.. all peaceful alternatives to the use of force to achieve justice have been exhausted.

(iv) A declaration of war i.e.. the other side is clearly and repeatedly warned which is also a way of ensuing war.

(v) Reasonable hope of success i.e.. if the values of justice (on which the overriding of the duty of non-violence depends) are unlikely to be achieved, then the prima facie obligation to non-violence remains in effect.

(vi) Proportionality i.e.. the values of life, freedom and justice which are to be achieved, must be greater than the death, suffering and social upheaval that the war will produce.

(vii) Right intention i.e.. the war must be conducted with the intent of achieving justice and ultimate peace; not out of hatred, desire for revenge or any question of dominance over others.

The "in bello" criteria concern the morality of the use of particular means during a war (i.e.. certain strategies or particular types of weapons etc). These are two-fold:

(i) Discrimination i.e.. non-combatants must be immune from direct attack.

(ii) Proportionality i.e.. the value sought by the use of particular military means must outweigh the harm caused by these means.

Under these criteria "Can the use of nuclear weapons ever be a reasonable means to the attainment of justice"? On 6 August 1945 from 8.16 am 80,000 died within several minutes, some 70,000 were severely injured. That bomb on Hiroshima was minuscule in comparison to modern nuclear devices.

(Review the criteria for Jus ad bellum and Jus in bello for the US-led assault on Iraq in 1991).

Refugees

The contemporary phenomenon of people forced to move from their homes affects over 40 million people in the world. Most of these are caused by war. Some 20 million are called refugees because of their fear of persecution. Most refugees do not flee by choice, they are forced to leave their home. They leave for many reasons and have little control over their future. Refugees lose their homes, family and way of life. Refugees often live in large camps, dependant on international aid and support.

People are displaced for five basic reasons: a) civil and international conflicts, b) the collapse of nation states, c) repression of citizens by a state and human rights abuses, d) famine, poverty and economic failure, and e) environmental dislocations and natural disasters. There are refugees living in every continent of the world. 90% of the refugees in the world live in the world's poorest countries.

Where are the world's refugees?

About half the refugees in the world are in Africa, a continent with only 10% of the world's population. Last year in Africa, nearly a million Rwandans fled to neighbouring countries. Sudanese from Southern Sudan have gone to Uganda and Ethiopia. Many thousands of others throughout Africa move across borders to seek refuge.

The Middle East is home to many refugees from wars and human rights abuses. Kurds, Iraqis, Palestinians, Iranians and Afghans are just a few groups of people who were forced from their homes by war and violence.

Many live in camps and settlements in Asia. Many Vietnamese remain in camps in South East Asia and Hong Kong and have been there for some years. In South Asia, Tamils have fled the civil war in Sri Lanka and many are in India. Thousands have escaped the ethnic wars in Burma to Bangladesh and Thailand.

In Central America and in parts of South America, refugees and displaced people wait to return to their homes. Guatemalans still live in camps in Mexico in fear of returning to their country. In recent years Haitians risked their lives in dangerous boats to reach the USA.

In Europe, there are thousands displaced from the wars in the former Yugoslavia and in the former Soviet Union. The grab for land in Bosnia, particularly by the Serbs has devastated many Muslims. Thousands are displaced or awaiting assessment of cases in Western Europe, North America and Australia.

(see graph and map)

The Convention

The 1951 United Nations Convention defines a refugee as "any person who, owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion is outside the country of his or her nationality and is unable or, owing to such fear, unwilling to avail his or herself of the protection of that country.

There is little to offer those who do not meet the definition of a refugee. This includes those fleeing famine or economic disaster and those who are displaced but still within the borders

of their country. People in these circumstances will not often get protection from persecution.

What happens to refugees?

Voluntary repatriation is the preferred solution for refugees. The nature of the situations which cause refugees to flee sometimes means they return to great hardship. People need emergency help to rebuild their lives. Long term aid may be required to re-establish some of the infrastructure destroyed in civil violence. Landmines represent one of the most serious problems facing returning refugees, particularly in Afghanistan, Cambodia and Mozambique. There is currently a campaign to ban Landmines.

Refugees can be at risk of various forms of abuse and often live in fear of being sent back to the dangerous situation from which they have fled. The longer someone spends in a refugee camp or in a detention centre, the harder is the process of rebuilding a new life becomes.

Resettlement involves the relocation of refugees to a third country other than their home country or the country of asylum. This is often in countries such as the United States, Canada and Australia. It is the least used option - less than 5% are resettled. In some cases resettlement is chosen to reunite refugees with family members in the third country who can support them. Resettlement may also be an option where the refugees are at risk of abuse or involuntary return in the country of asylum, or where important needs such as medical treatment cannot be met there.

Resettlement to Australia

Australia makes a regular yearly commitment to provide places for resettlement of refugees and others in humanitarian need. In 1994-95, Australia plans to accept 4,000 refugees. This is lower than 15 years ago, when the same program resettled 20,000 people in the refugee quota. The numbers resettled were over 21,000 per annum between 1980 and 1982. meanwhile the number of refugees worldwide has increased from about seven million in 1980 to nearly 20 million.

However in addition to the refugee program Australia plans to accept 2,500 within a Special Humanitarian Program (SHP), and 6,500 in the Special Z4 Assistance Category (SAC). The SHP generally caters for externally displaced - persons while the SAC is used for groups with close links to Australia via family or community who are in vulnerable circumstances but may not meet the strict criteria for Convention Refugee Status. These programs are for persons outside Australia who apply for one category or another, and are assessed and processed off shore.

On shore refugees

There are numbers of people who apply for asylum in Australia. Most come by tourist or student visas and then apply. People who arrive lawfully and then make a refugee application usually live in the community whilst their case is assessed. They may get permission to work but are not eligible for any welfare payments. Some assistance to the most needy is provided through Government funds administered by the Red Cross.

Most applicants live in Sydney, the most expensive accommodation centre in Australia. They can be isolated and due to experiences of persecution, unwilling to trust persons in authority. Asylum seekers can spend some months and even years waiting for a decision on their case. Although the newer applications are dealt with within a few months, there are still cases from 1989 yet to be decided. This period of uncertainty in the future can leave people depressed. They find it difficult to organise their life and that of their family. Some partners may be separated for years whilst cases are decided. This can cause great emotional and psychological strain.

People in detention

A smaller number of asylum seekers arrived in Australia without visas. The numbers of refugee arrivals on Australian shores is small, partly because Australia does not share land borders with any other country. Australia is rarely a country of first asylum. Over the last twelve years, less than 2,000 "boat people" have arrived on our shores. Only in the last 6 months of 1994 did the numbers arriving by boat reach even a trickle.

Many risked treacherous seas on overcrowded, barely sea-worthy boats. Persons arriving in Australia without a valid visa are held in detention until their claims for asylum are assessed. Prolonged periods of detention should be avoided. The psychological effects of detention can affect people for some time even after their release. People who are detained for long periods become depressed and institutionalised.

Unfortunately, delays in the process of application, appeal and review has resulted in the protracted detention of "boat people" from Cambodia and the People's Republic of China - some for over four years. This brings into question our attention to international human rights obligations. The majority of the Cambodian asylum seekers were eventually granted refugee status, or migrated to Australia under SAC arrangements. While more recent arrivals are assessed quickly, the sad saga of the Cambodians still lingers in the consciousness of refugee advocates and the people detained.

Processing of claims

Claims to refugee status are assessed initially by officers of the Department of Immigration and Ethnic Affairs. Those refused at the primary level may apply for an independent review by the Refugee Review Tribunal. The Tribunal has the power to reassess the merits of a case. Currently about 10% of cases are successful at the primary or Review levels. Under Australian administrative law, Courts can check that these decisions are made lawfully. The Minister can only grant humanitarian visas when an applicant has been through the review process. The power is discretionary and any decision not to allow someone to stay is not reviewable in the Courts. The guidelines are narrow and few cases succeed on humanitarian claims.

A set of principles

Usually the state only deprives an individual of his or her liberty if the wellbeing of the community has been seriously threatened in some way. To lock up a person for more than 4

years for the "crime" of failing to have a visa when he or she arrived upon Australian shores is an abuse of human freedom. It is even more extraordinary that Parliament legislated to prevent the courts ordering any Cambodian detainee's release.

The Universal Declaration of Human Rights and other Human Rights Conventions set down minimum guidelines for the treatment of people. Refugee advocates emphasize that all persons have the right to freedom from persecution, and that no refugee or asylum seeker or person in fear from persecution shall be returned to the frontiers of the country where their life or freedom would be threatened. They also stress that everyone has the right to seek and to enjoy asylum in other countries without penalty, such as mandatory detention, for illegally entering the country of asylum.

SOCIAL JUSTICE & INDIGENOUS PEOPLE

Rights and justice for indigenous Australians

Social justice is about making sure that the rights that people are entitled to in a society are, in fact, enjoyed by them. Basic rights - such as the right to education, the right to housing, the right to medical services etc - should be exercised and enjoyed equally by all citizens. In theory indigenous Australians have an equal right to these services with all other Australians. In reality Aboriginal and Torres Strait Islander peoples do not enjoy these services equally.

While progress has been made, the Aboriginal and Torres Strait Islander peoples, across the range of social and economic indicators, still record substantially worse outcomes, face greater problems and enjoy fewer opportunities than the rest of the Australian population.

Health

Aboriginal and Torres Strait Islander life expectancy is about 16 years shorter than the Australian average.

Infant and prenatal mortality is twice the rate for the national population as a whole.

Mortality is two and a half times the national rate.

Death from circulatory and respiratory disease occurs among Aboriginal and Torres Strait Islander people at two and a half times the national rate.

Aboriginal and Torres Strait Islander people are admitted to hospital up to three times more frequently than non-indigenous Australians.

Ten percent of the Aboriginal and Torres Strait Islander population, suffer from diabetes, and the incidence of chronic disability and eye disease is also much higher than the national rate.

Education, employment, housing and incomes

Indigenous Australians leave school earlier, are less likely to be enrolled in post-secondary education and to have qualifications (at all levels) than other Australians.

Indigenous Australians are almost three times more likely to be unemployed than non indigenous Australians. Disproportionate rate of long-term unemployed indigenous people. In rural remote regions, it can get as high as 90%, due to the lack of job opportunities.

The overall standard of housing for Aboriginal peoples remains well below standards which would be tolerated in the wider community. A national survey conducted by ATSIC has estimated that in rural areas around 40,000 Aboriginal and Torres Strait Islander people live in such overcrowded conditions that additional housing is required.

The average income of indigenous peoples is less than 60 per cent of the national average.

Levels of Custody

During 1988, 20% of those detained in policy custody were Aboriginal and Torres Strait Islander people.

In 1991, the rate of Aboriginal and Torres Strait Islander imprisonment was 18 times that of non-Aboriginals.

(Handouts: Quotes from Mandaway Yunipingu. Eve Fesl, Newspaper, Anne Pattel-Gray, Irene Watson, Frank Brennan. Joh Bjelke-Peterson, Hugh Morgan, Geoffrey Blainey).

Other Rights

Social justice for indigenous Australians requires a close consideration of other rights which have been denied to Aboriginal and Torres Strait Islander peoples. These include self-determination, recognition of their special status as indigenous peoples, recognition of customary laws and protection of religious practices, protection of cultural and intellectual property, and the exercise and enjoyment of a range of other personal, collective, cultural, religious, economic and political rights.

Addressing these issues requires improved access of Aboriginal peoples and Torres Strait Islanders to mainstream programs; Services which are adequate and culturally appropriate; Appropriate information about rights to and availability of services; Effective resourcing of services; and Aboriginal peoples and Torres Strait Islanders and communities having the opportunity to negotiate, manage and provide their own services.

History from 1788

It is estimated that in 1788, the European settlement, there was about 700,000 Aboriginal people. For the next 200 years Governments tried to regulate relationships between these settlers and later arrivals and the indigenous people. Regulations forced Aboriginal people into missions and stations where families were separated. By 1930 the population is

estimated to have decreased to only 150,000

The 60's and 70's: Referendum, Embassy, DAA, ADC

The Australian Federal Constitution explicitly discriminated against Aboriginal people until 1967 when 90% of Australian voters decided, by referendum, to give recognition to aboriginal people as citizens of Australia. The referendum of 1967 removed references that disadvantaged Aboriginal and Torres Strait Islander peoples, by preventing the Commonwealth from making special laws for them, and including them in Census counts. In 1972 a group of Aborigines erected an Aboriginal Embassy on the lawns of Parliament house in Canberra.

The Whitlam ALP Governments introduced major policy and administrative changes including funding indigenous organisations and moving toward recognition of indigenous land rights. In 1973 the Commonwealth established a Department of Aboriginal Affairs to administer special programs to Aboriginal and Torres Strait Islander people. The Aboriginal Development Commission was established in the Fraser years with special responsibility for assisting indigenous economic development.

Land rights in 70's and 80's

South Australia passed the first Land Rights Act in the 1970s. In subsequent years the other states except Tasmania introduced some form of land rights legislation. The first Commonwealth Land Rights Law was passed by the Fraser Government in 1975. The Hawke Government which promised the introduction of national land rights legislation, in 1985 decided not to proceed in the face of opposition from some States and industry groups especially in Western Australia. In 1985 the Commonwealth handed back title for Uluru (Ayres Rock) and Katajuta (the Olgas) National Park to the traditional owners who leased it to the National Parks under a joint management arrangement.

ATSIC, Black Deaths in Custody, CAR

In 1990 the Department of Aboriginal Affairs and the Aboriginal Development Commission were replaced by the Aboriginal and Torres Strait Islander Commissioner (ATSIC). This national body of Aboriginal and Torres Strait Islander commissioners and sixty elected regional councils now coordinate and deliver services to Aboriginal and Torres Strait Islander people.

In 1991 the Royal Commission Report on Black Deaths in Custody was released. Its investigations covered not just the deaths of 100 Aboriginal people, but also the history of the treatment of indigenous people in Australia. Also in 1991 the Council for Aboriginal Reconciliation was appointed. Its aim was to seek common ground and to recognise common nationhood.

Mabo & Native Title Act

In June 1992, the High Court handed down judgment in Mabo. This overturned the doctrine of "terra nullius" and recognised the existence of native title in certain lands in Australia.

This held that where land had been alienated by the Crown, for freehold and most mining and pastoral leases, native title was extinguished. But where Aboriginal people can prove continuous association for 200 years on unalienated Crown Land then they have retained ownership. The Mabo judgment benefits only a small number of Aboriginal people. . Following months of argument and dissension, the Native Title Act came into being on 22 December 1993.

(Handout Uniya-ACR Briefing Paper, "Mabo: what does it mean?")

Constitutional Reform

Australians are also now being asked to consider what changes should be made to the Federal Constitution in time for its centenary in 2001. Some argue that these changes should include specific recognition of the history, culture and rights of indigenous Australians in the Constitution. At present, there is nothing in the Australian Constitution that recognises the special place of, Aboriginal and Torres Strait Islander peoples as the indigenous peoples of Australia. There are a number of ways in which the Constitution could be amended to give recognition to Aboriginal and Torres Strait Islander peoples, including recognising the prior ownership of the land and special status of indigenous peoples in a new preamble to the Constitution. Other issues which could be part of this discussion include guaranteeing protection of specific rights of indigenous peoples, recognition of rights to self determination and forms of self governance, and establishing rights to specific representation in Federal parliament.

(Refer to ACSJC Issues paper "Recognition: the Way Forward)." tHand out reading list)

Recognition

Many Aboriginal people were tremendously heartened by the Prime Minister's speech in Redfern on Human Rights Day, 10 December 1992. In this speech he said: "...Surely we can find just solutions to the problems which beset the first Australians the people to whom the most injustice has been done. ...the starting point might be to recognise that the problem starts with us non-Aboriginal Australians. It begins, I think, with that act of recognition. Recognition that it was we who did the dispossessing. We took the traditional lands and smashed the traditional way of life. We brought the diseases. The alcohol .. We committed the murders. We took the children from their mothers. We practiced discrimination and exclusion. It was our ignorance and our prejudice. And our failure to imagine these things done to us."

Government services should be available to all Australians who are entitled to them. Barriers relating to race, religion, language or culture must be overcome. "as part of the reconciliation process, the Commonwealth will seek an ongoing national commitment from governments at all levels to cooperate with the Aboriginal and Torres Strait Islander Commission as appropriate to address progressively Aboriginal disadvantage and aspirations in relation to land, housing, law and justice, cultural heritage, education, employment, health, infrastructure, economic development and any other matters in the decade leading to the centenary of Federation, 2001."

Legal mechanisms

There is currently discussion about establishing a national tribunal accessible to indigenous peoples which could review government decision and policies in respect of indigenous interests and entitlements. These interests could cover land title; specified hunting, fishing and trapping rights; participation in decision-making on land/sea environmental management and use; financial compensation and other entitlements. It is argued that traditional fishing rights and subsistence fishing has priority over commercial or recreational use of resources. Indigenous people should be involved in the management of marine environments and share in the profits of commercial exploitation of marine resources. Sacred sites and cultural property, designs, languages, music, forms of traditional knowledge should be protected. The Australian Law Reform Commission reported nearly 10 years ago on finding a place for customary law in the Australian legal system, but its recommendations have not been implemented.

Community education, flags

Aboriginal and Torres Strait Islander studies and resources are being developed for all levels of education. Efforts to promote greater understanding of local indigenous communities, their histories, cultures and spirituality should be encouraged.

For indigenous peoples, the Aboriginal and the Torres Strait Islander flags symbolize unity and solidarity. The flags are increasingly accepted in the wider community to symbolize and recognise the distinct status of Aboriginal and Torres Strait Islander peoples.