

“Australia – New Country, Old History”
2005 Fulbright-Hays Seminar Abroad

**On Justice and Human Nature in Aboriginal
Australia**

Dr. Scott M. Campbell

Assistant Professor, Philosophy Department

Nazareth College of Rochester

4245 East Avenue

Rochester, NY 14618

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A) Introduction to the Project

The following curricular project is designed for a philosophy course in ethical theory. It outlines three lessons, each of which connects ethical theory with an issue related to the field of Aboriginal studies. In each lesson, a particular issue serves as a lens through which students can explore ethical concepts. The specific course for which these lessons are designed takes as its guiding principle the idea that ethical life is a fulfillment of one's nature as a human being. The lessons outlined here provide students with an opportunity to study philosophical conceptions of human nature and ethical conduct, relate those ideas to each other, and develop their own ideas about what it means to live a good life. Each of these 3 lessons, however, contains its own goals and objectives and so can stand on its own as a discrete pedagogical exercise. As a result, this project has a considerable degree of flexibility. It will probably be most useful to a teacher preparing a syllabus in philosophical ethics, but this project or particular lessons within it could also be used for introductory courses investigating the nature of the human being, a political theory course relating ethics and politics, or possibly even a course in cultural anthropology that incorporated philosophical ideas about human nature and moral action.

The primary goal of this course in ethical theory is to introduce students to basic concepts in philosophical ethics. From the history of philosophy, it includes readings from Plato, Aristotle, Rousseau, Hobbes, Kant, and Mill; it also includes readings from more contemporary theorists, such as Charles Taylor, a Canadian philosopher interested in human identity, morality, and authenticity; Hans-Georg Gadamer, a German philosopher and the founder of contemporary hermeneutics; John Dewey, an American philosopher who advocated pragmatic theories of truth; and Raimond Gaita, an Australian philosopher who writes about ethics, human rights, and Aboriginal culture. Please find a copy of the syllabus in Section C below. Central to this course is the Aristotelian idea that the study of ethics has as its goal not simply an understanding of the nature of the good, but rather a better understanding of what it means to become a good person. Understanding what it would mean to be a good person, and thus what it would mean to live an ethical life, requires, on Aristotle's account, an investigation of the nature of the human being. This course in ethical theory is, therefore, an exploration of the foundation of ethical action in the nature of the human being, and this demands a thorough exploration of human nature itself and, as such, an analysis of what makes the human being to be human.

For years, I had struggled with different ways to investigate the theme of human nature. I have taught the course many times, finding that students can become quite adept at absorbing philosophical ideas but then not understand how they might go about using those theories to develop a richer and more meaningful understanding of human life. The theories were too abstract for them. To be sure, I think there is considerable value in learning abstract theory. Moreover, my goal was not and is not to make those theories more practical or to explain to students how they should go about applying those theories to their own lives. The stated goal of a liberal education is to learn for the sake of knowledge itself and not for the sake of some practical purpose. To my mind, encouraging students to live in a certain way amounts to indoctrinating within them the singular importance of a certain way of life, and this I wanted to avoid. What I did want to do was provide a vivid picture of the ideas we were discussing in the course, a picture that we might return to again and again throughout the semester. I wanted to find some way to get students to think through ethical ideas in a more

concrete way. In other words, my goal in the course was to help them understand certain ideas better. Whether and how they chose to integrate those ideas into their own lives involved decisions that I believed they had to make on their own. Hopefully, the class would provide helpful resources for them as they made those decisions. If so, then I wanted those resources to give them a clear understanding of what was really at stake in those decisions.

In the summer of 2005, through the generous support of the Fulbright Commission, I was given the opportunity to participate in a Fulbright-Hays seminar, spending a month in Australia learning about the culture and identity of the Aboriginal people. During that seminar, it occurred to me that studying the Aborigines might provide students with a unique opportunity to study human nature. There are two elements of Aboriginal life that make the study of that life particularly helpful for students in an ethical theory course focusing on human nature. Both of those elements are related to their struggle for an identity. In this ethics course, I try to show my students that becoming a moral person involves developing a moral identity, constructing a sense of who one is that is consistent both with what one says and with what one does. In the beginning of the semester, we study Socrates as paradigmatic of this kind of balance within oneself. Socrates' own life is consistent with what he says about the best way to live. I use the Socratic life as a way of showing students that living a moral life is intimately connected with constructing an identity for oneself. Many Aboriginal people do not have the opportunity to do that. The resources they need to cultivate a sense of themselves are simply not available to them. Thus, studying the Aborigines is an excellent way for students to explore the relation between living a moral life and cultivating an identity for oneself.

The second element is closely related to the first, and it involves an understanding of what it means to call someone a human being. The Europeans who first encountered Aborigines on the continent of Australia did not consider them to be human beings. In the intervening century, a sea change has taken place in the way Australians view the native inhabitants of their continent, and the Aborigines are now considered human. Studying that change, I believed, could be a powerful experience for students. I want them to see how calling someone human is to acknowledge the richness and complexity of their rational and emotional life.

There is something I should clarify about what I said above about my approach to this project. I want for my students, in studying these lessons, to have a clearer picture of human nature. In saying that, however, I do not want to suggest that there is a single way of conceiving of human nature. I believe that the lessons described in this curricular project provide students, not with a particular conception of human nature, but rather with various ways of looking at and thinking about human nature. My goal here was to open up areas of inquiry into the theme of human nature and to do so with an eye toward understanding better what it would mean for them to say that they want to live a better, more ethical life. By opening up areas of inquiry into these two interrelated themes, this project makes it possible for students to think through these ideas for themselves and thus draw their own conclusions about how to conceive of this relation between human nature and living a moral life.

The Fulbright-Hays grant was an outstanding opportunity to learn about Australia and Aboriginal culture. From the month I spent living there, I can say that I learned a great deal about how the Aborigines live and how they have attempted to construct a cultural identity in the face of various challenges that modern society has placed before them. I should emphasize, though, that I was only there for a month, and one can learn only so much in that short amount of time. I cannot claim Australia or Aboriginal culture as an academic expertise. For the same reason, though, a teacher who is thinking about using this project should not be intimidated by her own lack of knowledge or expertise in this area. The curricular project that follows does not require a thoroughgoing understanding of Australia or Aboriginal culture. It

does require an understanding of philosophy and philosophical problems. But the texts about Australia and the Aborigines that I have included here are highly readable and can be used successfully by any college teacher with an interest in this area. The explicit aim of this project is not to understand Australia or Aboriginal culture better, although I do believe that after studying these lessons, students will indeed acquire a better understanding of both. Rather, the aim is to establish Aboriginal Australia as a recurring theme throughout the course, one that a teacher can use to illuminate certain ideas in philosophical ethics. Students use ideas about Australia and Aboriginal people to learn about ethical concepts, and as a result, they internalize certain ideas about the life of the native Australians. Indeed, the richness and complexity of Aboriginal life, I believe, come into sharper focus in these three lessons.

B) Brief Summary of the Lessons:

There are three lessons for this curricular project. Those lessons are listed below, accompanied by a brief description of each one. More detailed descriptions of these lessons can be found in Section D below.

1) Understanding the 'Primitive': The State of Nature and the Nature of the Human Being

The leading question to be explored in this lesson is, "What is the condition of human beings in the state of nature?" Students read texts from both Hobbes and Rousseau in order to understand how political philosophers have conceived the natural condition of humans, prior to the development of society. Inevitably, students will ask about primitive societies and whether or not these philosophical conceptions of human beings in the state of nature present the condition of primitive human culture accurately. From that question, a more important question emerges, namely, how does modern culture influence and, for Rousseau, distort, human nature. After reading and discussing Hobbes and Rousseau, students will then look at chapters from the book, *The World of the First Australians*. This text gives students an opportunity to compare and contrast philosophical ideas with anthropological accounts of Aboriginal Australians that focus on the situation of Aboriginal Australians in modern culture. If living an ethical life involves a fulfillment of one's nature as a human being, then studying the natural condition of human beings and the effects of society on that condition are essential to understanding ethical life. Lastly, and most importantly, the question that emerges from this lesson is, "When investigating the nature of the human being, what exactly is one doing?". While exploring the question of human nature, students have the opportunity to probe this deeper question related to philosophical method, the assumptions that are at play in human understanding, and the complexities and difficulties involved in trying to ask and answer such a question.

2) Ideas of Justice: Plato, Mabo and Native Title

Eddie Mabo was a Torres Strait Islander whose landmark case in the High Court of Australia made it possible for Aboriginal Australians to reclaim their original lands. This lesson is an investigation of how the case of Mabo influences our understanding of justice. It is probably the most important of the three lessons. Students will study various conceptions of justice found in Plato's *Republic* to establish the context for a discussion about this issue. Then they will read about Eddie Mabo himself and the case he brought before the High Court. There are excellent books about the case of Mabo that explain his land rights case clearly and in terms accessible to undergraduates unfamiliar with legal terminology. Lastly, and most importantly, students read two articles from the Australian philosopher Raimond Gaita. He explains how the case of Mabo challenges our traditional conceptions of justice. Importantly,

it reveals certain philosophical problems with conceiving of justice simply as fairness. The case of Mabo shows how treating the Aboriginal Australians justly involves a recognition of their humanity and, thus, of the richness and complexity of their intellectual and emotional life.

3) Human Identity and Moral Identity: The Yolnu People and Their Context

The final lesson focuses on the theme of identity and the importance of constructing a moral identity for oneself. It looks at the relationship between human identity and moral choices. It derives directly from one of the lectures that I attended during the Fulbright-Hays seminar. An Australian graduate student from the University of California, Berkeley, Yin Paradies, presented a lecture on the problem of Aboriginal identity. He argued that there is a persistent bias in contemporary culture that Aboriginal people are primitive and still living in tribal communities in the Australian outback. Given the significant number of Aboriginal peoples who have matriculated into mainstream Australian culture, becoming athletes, academics, politicians, and business people, this primitive bias, he claims, amounts to a gross misrepresentation of Aboriginal people and demands a rethinking of their identity. A very interesting discussion followed about the nature of bias and human identity. This lesson calls upon students to investigate the sources of human identity as well as the role of biases in human life. A text from Aristotle addresses the fundamentally social nature of the human being, an article by Gadamer challenges students to rethink their notions of bias, and readings from Taylor and Dewey focus on the need for stable sources of meaning through which human beings can construct an identity for themselves. The leading question concerns the role of choice in human life. In order to choose an identity, there must be some bases upon which to make those choices. For Aboriginal people to develop an identity for themselves in the face of modernity, they need a way to preserve their culture and the traditional meanings embedded within that culture. An excellent text on the subject of Aboriginal identity, Richard Trudgen's *Why Warriors Lie Down and Die*, looks at the situation of the Yolnu people in Arnhem Land and gives students an opportunity to think through ideas of bias, identity, and moral choice.

C) Course Syllabus

Syllabus – PHL 211 Ethics

Dr. Scott M. Campbell

Nazareth College

Philosophy Department

Required Texts

Aristotle, *Nicomachean Ethics* (Hackett)

Aristotle, *Politics*, Book I: Ch's 1 & 2 (course packet)

Ronald M. and Catherine H. Berndt, "The Aborigines in Time and Space," and "An Overview: The Past and the Present," (Course Packet)

John Dewey, "Education as Growth" and "The Lost Individual" (course packet)

Hans-Georg Gadamer, "The Universality of the Hermeneutical Problem" (course packet)

Raimond Gaita, *A Common Humanity*, "Justice Beyond Fairness: Mabo & Social Justice" & "Racism: The Denial of a Common Humanity" (course packet)

Thomas Hobbes, *Leviathan*, Pt. 1, Ch's 13 - 15, pp. 531 – 544 (Course Packet)

Immanuel Kant, *Groundwork of the Metaphysic of Morals* (Harper)

Mill, *Utilitarianism* (Hackett)

Plato, *Five Dialogues* (Hackett)

Plato, *Republic*, Book IV (Course Packet)

Rachels, "The Challenge of Cultural Relativism" (course packet)

Henry Reynolds, *Why Weren't We Told?*, Chapter XIII: "Mabo and Land Rights" (Course Packet)

Rousseau, *Discourse on the Origin of Inequality* (Course Packet)

Charles Taylor, *The Ethics of Authenticity*

Richard Trudgen, *Why Warriors Lie Down and Die*, Chapters 11, 12 & 13. (course packet)

Fall/Spring Semester Outline

- Day 1 Introduction
- Day 2 Rachels, "The Challenge of Cultural Relativism"
- Day 3 Semester Break – No Classes
- Day 4 Plato, Meno
- Day 5 Plato, Meno
- Day 6 Aristotle's Ethics, Bk I: Ch's 1, 2, 3, 4, 5, 6, 7, 8, 9,10
- Day 7 Aristotle's Ethics, Bk II: Ch's 1, 2, 3, 4, 5, 6, 7, 8, 9
- Day 8 Aristotle's Ethics, Bk III: Ch's 1, 2, 3, 4, 5
- Day 9 Aristotle's Ethics, Bk VI: Ch's 1, 2, 3, 4, 5, 6, 7, 8, 9, 12, 13
- Day 10 Aristotle's Ethics, Bk VII: Ch's 5, 6, 7, 8, 9, 10
- Day 11 Aristotle's Ethics, Bk. VIII: Ch's 1, 2, 3, 4, 5, 6 & Bk. IX: Ch's 4, 9, 10, 12.
- Day 12 Rousseau, Discourse on the Origin of Inequality
- Day 13 Hobbes, *Leviathan*, Pt. 1, Ch's 13 - 15, pp. 531 – 544 and Ronald M. and Catherine H. Berndt, *The World of the First Australians*, Ch. I: The Aborigines in Time and Space, pp. 1-24 and Ch. XV: An Overview: The Past and the Present, pp. 515-532.
- Day 14 Plato, *Republic*, Books I & IV and Henry Reynolds, *Why Weren't We Told?*, Chapter XIII: Mabo and Land Rights
- Day 15 Raimond Gaita, *A Common Humanity*, "Justice Beyond Fairness: Mabo & Social Justice"
- Day 16 Raimond Gaita, *A Common Humanity*, "Racism: The Denial of a Common Humanity"
- Day 17 Kant's Grounding, pp. 55 - 73
- Day 18 Kant's Grounding, pp. 74 - 94
- Day 19 Kant's Grounding, pp. 95 - 104
- Day 20 Kant's Grounding, pp. 104 - 113
- Day 21 Aristotle, *Politics*, Book I & Hans-Georg Gadamer, "The Universality of the Hermeneutical Problem"
- Day 22 Richard Trudgen, *Why Warriors Lie Down and Die*, Chapters 11, 12, 13

- Day 23 Charles Taylor, *The Ethics of Authenticity*
- Day 24 Charles Taylor, *The Ethics of Authenticity*
- Day 25 Thanksgiving or Spring Break – No Classes
- Day 26 Thanksgiving or Spring Break – No Classes
- Day 27 John Dewey, “Education as Growth” and “The Lost Individual”
- Day 28 Mill’s Utilitarianism, Introduction & Ch. I
- Day 29 Mill’s Utilitarianism, Ch. II
- Day 30 Mill’s Utilitarianism, Ch. III-IV

D) The Three Lessons

1) Understanding the ‘Primitive’: The State of Nature and the Nature of the Human Being

Readings:

Jean-Jacques Rousseau, *Discourse on the Origin of Inequality*, pp. 722-755

Hobbes, *Leviathan*, Pt. 1, Ch’s 13 - 15, pp. 531 – 544

Ronald M. and Catherine H. Berndt, *The World of the First Australians*, Ch. I: The Aborigines in Time and Space, pp. 1-24 and Ch. XV: An Overview: The Past and the Present, pp. 515-532.

In stark contrast to the Aristotelian view of society as a natural development of human nature, both Hobbes and Rousseau claim that society is an artificial construct. Each refers to society as founded upon a social contract, an agreement to establish a collective body of individuals who come together under a common authority and through that act of unity become citizens. On Hobbes’s terms, the goal of such a contract is to curb the instinctive selfishness of ‘man in the state of nature’. On Rousseau’s terms, the social contract is formed so as to encourage the natural virtues of human beings. The method of this introductory lesson is to contrast the theoretical speculations of Hobbes and Rousseau about human beings in the state of nature against the description of early Aboriginal Australian culture provided by the anthropologists Ronald and Catherine Berndt.

In their analyses of human nature, Hobbes and Rousseau are trying to ascertain whether or not human beings in the state of nature are virtuous. Are human beings virtuous by nature or is virtue conditioned into human nature by way of habit? Hobbes states, famously, that the condition of man in the state of nature is ‘nasty, brutish, and short.’ For him, society is a response to human beings’ natural selfishness. In the state of nature, one finds a dearth of natural resources, and human beings exist within a condition of competition or war for those limited resources. For Rousseau, human beings in the state of nature exhibit a natural virtue. Like other animals, which mourn the loss of a member of their own species, human beings take pity on one another, and this counterbalances their more selfish inclinations.

Whenever I taught Hobbes and Rousseau in the past, students inevitably asked whether or not these speculations were grounded in anthropological accounts of human societies or if such accounts could provide a confirmation or a refutation of them. Reading the Berndt’s book, I realized that students could learn a great deal about the humanity of ‘primitive’ cultures by studying Aboriginal Australian culture. In the first chapter, the Berndts challenge the common interpretation of the meaning of the word ‘primitive.’ While the Aboriginal Australians may be primitive in their use of ancient technologies, such as stone tools, their culture exhibits its own depth and complexity. The Aboriginal peoples are able to live off the

land without depleting its natural resources. Considering their use of the land, Aboriginal culture can be thought of as being highly advanced. Studying this chapter with their students, a teacher could explore with them different meanings of the term 'primitive' as a way of disabusing students of the idea that because a culture is less advanced technologically, then it must also be somehow less civilized or, for that matter, less human.

A longer chapter toward the end of book, "An Overview: The Past and the Present", provides a recapitulation of the Berndts' arguments about the richness of Aboriginal culture, and it looks explicitly at the notion of civilization. Their discussion of what it means for a culture to be civilized challenges students to rethink their understanding of that term. For the early Europeans who settled Australia, to be civilized meant to be European (Berndts 519). Students can evaluate that understanding of civilization against what they learn about Aboriginal Australians in the rest of the chapter. What emerges from such a study, in addition to an introduction to Aboriginal culture, is the understanding that civilization can take a variety of different forms. Contrary to what many students may think, a culture that appears primitive, and in some respects is primitive (i.e. their use of stone tools) can also be a civilized culture. Studying this chapter, students acquire the criteria they need to make such a determination. The oral poetry, mythology, artistic expressiveness, and complex social structure of the Aboriginal communities are clear signs of their civilization.

This chapter also looks at the challenges facing Aboriginal culture. The introduction of Europeans and, with that, modern living, has changed Aboriginal culture irreversibly. There is no way that they can return to their traditional ways of life. The Berndts argue that the key to an Aboriginal identity in the future is an understanding of who they are, and that requires an acute awareness of the social conditions in which they find themselves. Culturally, politically, and historically, the Aboriginal people need to understand who they are, so that they can take pride in that identity and use that renewed understanding to plan, practically, for the future. Precisely this theme is taken up in the second and third lessons of this project.

Reflecting back on the speculations of Hobbes and Rousseau, students can see that an important transformation has taken place. The question motivating this inquiry, "is it the nature of the human being to be self-serving and egotistical (Hobbes) or to exhibit a kind of natural virtue (Rousseau)" has yielded to a much more profound and infinitely more complex question about how one even goes about evaluating the nature of the human being. The chapters from the Berndts' book that the students read provide clear explanations of various aspects of Aboriginal culture. Their humanity is exhibited in their language, their art, their social groupings, and their mythology. Thus, the goal of this lesson is to teach students that any discussion about human nature demands an exploration of the cultural life of human beings. Questions about Aboriginal human nature involve an investigation into the context - political, social, and historical - of those people. The point, then, that this lesson makes is more philosophical than anthropological. It is a point about understanding and what it means to understand another person, especially a person we might conceive to be primitive. Understanding another human being must take into account the richness and complexity of their culture.

2) *Ideas of Justice: Plato, Mabo and Native Title*

Readings:

Plato, *Republic*, Books I and IV.

Henry Reynolds, *Why Weren't We Told?*, Chapter XIII: Mabo and Land Rights, pp. 185-204.

Raimond Gaita, *A Common Humanity*, "Justice Beyond Fairness: Mabo & Social Justice" (pp. 73-85) and "Racism: The Denial of a Common Humanity" (pp. 57-72).

As stated above, this lesson is the heart of the course. In this lesson, students will consider what it means to say that they are treating another person justly. It is an opportunity to explore the depth of that claim. The readings from Plato mentioned above provide students with a basic understanding of justice from the history of philosophy. Justice is the primary political virtue, guiding the social existence of human beings. After learning about different ideas of justice from Plato, students will read about the case of Mabo from the text by Henry Reynolds. Lastly, and most importantly, they will study the two articles by Raimond Gaita identified above as a way of exploring a deeper meaning of justice through the Mabo case.

After looking at different conceptions of justice in Book I of the *Republic*, Plato later claims, in Book IV, that justice is, essentially, for everyone within a community to do that which, according to their talents, they are most inclined to do. Book IV defines justice along with the other three virtues that are conducive to a healthy political community: wisdom, courage, and moderation. My intent in this section is to emphasize the extent to which justice involves an understanding of who one is as a human being. Justice, according to Plato, is grounded in education and the cultivation of one's wisdom. When the wise and rational portion of the soul guides the spirited and appetitive portions of the soul, so that in their actions a human being maintains a kind of balance and harmony with the beauty of reason, then that person is just. If someone is just, then they are also wise, courageous, and moderate, for justice is precisely this balance in the soul whereby we exercise our wisdom so that we can be courageous and moderate in what we do. For the sake of this lesson, it is important to emphasize that treating someone justly is to act towards them in a way that acknowledges their full humanity. It involves the recognition and the acceptance of who they are. Plato writes, "And in truth justice is, it seems, something of this sort. However, it isn't concerned with someone's doing his own externally, but with what is inside him, with what is truly himself and his own...He regulates well what is really his own and rules himself. He puts himself in order, is his own friend, and harmonizes the three parts of himself like three limiting notes in a musical scale – high, middle, and low" (Plato, 443d). In the rest of this lesson, and, indeed, in the course as a whole, I use this to show that to prevent someone from achieving this balance is to do them an injustice. Such is the case with the Aboriginal people, who for so long were not allowed to own their land or to return to their sacred sites. For the Aboriginals, living off of the land is essential to who they are. For this reason, giving them back their land is, in essence, an act of justice. The moral depth of that act can be explored by reading about the case of Mabo and Gaita's interpretation of that case.

The readings from Henry Reynolds provide excellent background to the case of Mabo. He explains how he was friends with Eddie Mabo and how he was the one who initiated Mabo's case to the High Court. Eddie Mabo had lived in the Torres Strait Islands for many years before moving to mainland Australia. He spoke often about his life growing up and about the land he owned. Indeed, everyone in his community knew the various geographical landmarks which delineated Eddie Mabo's land. Clearly, he was unfamiliar with the doctrine of *terra nullius*, which stipulated that because the Aboriginal Australians were nomadic people, it was impossible for them to own land. The governing authorities in the early European settlements in Australia declared that the land was *terra nullius* or empty land, belonging to no one. In the well-known and easily accessible book, *Why Weren't We Told*, Reynolds's chapter on "Mabo and Land Rights" provides a very clear introduction to this topic.

After learning about the case of Mabo, students then read two articles by the Australian philosopher Raimond Gaita: the first is "Justice Beyond Fairness: Mabo & Social Justice" and the second is "Racism: The Denial of a Common Humanity." There are any number of ways to teach these texts. In what follows, I will highlight particular ideas from these articles, all of

which a teacher can explore with their students as a way of coming into a richer and more profound understanding of justice.

The first idea concerns the doctrine of *terra nullius*. Gaita points out that in one of the judgments handed down by the High Court, the justice acknowledged the close and essential relationship that the indigenous people have to the land. Many people, he points out, also acknowledge this relationship and, at the same time, justify settlement of indigenous land in support of the doctrine of *terra nullius*. There is, Gaita claims, a problem with trying to hold both of these beliefs. Land claims that accept the doctrine of *terra nullius* and force indigenous people from their land are operating with an impoverished and, he says, limited understanding of justice and the law, one which conceives of the law only in terms of legal practice. Such an understanding of justice can and, in many instances, has been used to rationalize the abuse of authority.

The law of native title that the High Court established acknowledges the ownership of land by indigenous people, but their ownership of the land is not granted by virtue of the authority of the government. To say that the indigenous people have native title is to say that this indigenous person or this particular group of indigenous people owned land prior to the establishment of a government in Australia. Their ownership of the land preceded the authority of any governing body that might grant them ownership. Native title, therefore, is an acknowledgement of land ownership and not a granting of ownership. Therefore, the government does not establish the terms of land ownership in native title cases. Rather, the terms of ownership are established by the customs and traditions of the indigenous people themselves (Gaita, p. 76). To acknowledge the depth of the indigenous peoples' relationship to the land is then to recognize the extent to which their ownership of the land comes from the customs, ceremonies, traditions, and stories that connect them to the land itself.

Importantly, Gaita points out that enforcing land claims on the doctrine of *terra nullius* reflects a kind of 'racial blindness,' to use his expression (Gaita, p. 78). His discussion of racism in the article on Mabo and in his second article, which addresses the problem in greater detail, is an excellent opportunity to discuss the problem of racism and its causes from a philosophical standpoint. He explains how racism is more than simply a psychological problem. As a psychological problem, racism comes from a series of empirical generalizations. We might say that someone became a racist from a certain number of experiences with a particular racial group. But to say that racism is a psychological problem suggests that a racist might abandon their beliefs simply by, "building up understanding by means of generalizations supported by confirming instances" (Gaita, p. 67). Although meeting people from another culture and learning about them may go a long way toward changing the mind of a racist about the people of that culture, no amount of experiences can relate the depth of humanity which racial blindness fails to see. Gaita's point is that some kinds of racism, including the kind suffered by the indigenous people of Australia, simply cannot be explained by empirical means and, therefore, cannot be explained by social scientists, who rely on empirical data.

The racism suffered by the Aboriginals is of a different sort. It involves the denial of their humanity. In a series of interesting examples, Gaita shows how the racist refuses to acknowledge the rich and complex inner life of their victims. To a racist, the Aboriginal person cannot suffer in the same way that human beings suffer: we suffer, while they 'suffer', and this rationalizing extends to other emotions. "We love, but they 'love'; we grieve, but they 'grieve' and, of course, we may be dispossessed, but they are 'dispossessed'" (Gaita, p. 78). If someone is denied full human status, then it is simply impossible for them to be harmed in the same way that those we might consider to be human beings are harmed. On this account, Gaita explores a more profound understanding of justice than simply fairness. It is only possible to treat someone unfairly if that person is already considered to be a human

being. If they are not thought to be human, then it makes no sense for them to object that they are being treated unfairly. Justice in the Mabo case, therefore, is not a matter of fairness. To say that the Aborigines are now being treated fairly amounts to a misunderstanding of the idea of justice that the Mabo case represents (Gaita, p. 81). The idea of justice in Mabo is one that made it possible for the Aborigines to be treated both fairly and unfairly because it acknowledged their full human status.

An essential part of this curricular project is an investigation of what it means to acknowledge the full human status of a person or a group of people. According to Gaita, it means recognizing the richness of their inner life, "the depth of [their] moral and spiritual being" (Gaita, p. 78). This is why it is so important to see that the ownership that the Aborigines have of their land is not determined by the state but rather by the customs and traditions of the Aboriginal people themselves. In the case of Mabo, the Aborigines were treated justly because the government acknowledged the Aboriginal people's conception of themselves. Gaita quotes Peter Winch, who says that, "treating a person justly involves treating with seriousness his own conception of himself, his own commitments and cares, his own understanding of his situation and of what the situation demands of him" (Gaita, quoting Winch, p. 59).

On this basis, Gaita challenges a number of the claims made by Australians after the Mabo decision was handed down. Some of the critics of the Mabo decision said that the land claims of Torres Strait Islanders should not apply in the same way as the land claims made by indigenous peoples on mainland Australia. But if what is at stake in the Mabo decision is the full human status of the Aborigines, then that argument denies that same status to mainland Aborigines (Gaita, p., 81). For that matter, Gaita argues that the Mabo case is important regardless of the land claims that were made or may be made by indigenous peoples. Indeed, even if there were few land claims actually made by the Aborigines (or, I would argue, none at all), the decision would still be an important one because it recognized the dignity of the humanity in the Aboriginal people. (This notion of the dignity of the human person will be important later in the semester when we discuss Kant and what he says about treating other people always as an end and never as a means to an end. It is the rational nature of a human being that we treat as an end in itself.) To acknowledge that dignity and respect the Aborigines as human beings is to recognize that they have absolute value.

Such a recognition changes the way in which we understand their suffering and the injustice they were forced to endure. Gaita makes the point that if someone is murdered and the community fails to respond, then not only does that person suffer the harm and evil of murder, they also suffer the injustice of their community's indifference. The question of justice and the deeper understanding of injustice as failing to account for the full humanity of another person opens up the issue of social justice. For Gaita, the community has a responsibility to cultivate institutions and laws that disclose the full humanity of its citizens (Gaita, p. 72). The Mabo case was an act of justice because it did precisely that.

In the next lesson, the social existence of the Aboriginal people is explored in greater depth, in terms of the relationship that has to human identity and moral action.

It is worth noting here that in the 2006-2007 academic year, a colleague of mine, Dr. John Edelman, and I are planning to hold a series of lectures on Professor Gaita's book under the auspices of the philosophy department at Nazareth College. Philosophy faculty from both within the department and outside the department will give lectures on different sections of the book. This series will conclude with a conference about the book in the spring of 2006 to which Professor Gaita will be invited.

3) *Human Identity and Moral Identity: The Yolnu People and Their Context*

Readings:

Aristotle, *Politics*, Book I

Hans-Georg Gadamer, "The Universality of the Hermeneutical Problem"

Charles Taylor, *The Ethics of Authenticity*

John Dewey, "Education as Growth" and "The Lost Individual"

Richard Trudgen, *Why Warriors Lie Down and Die*, Chapters 11, 12 & 13.

From Aristotle to Mill, ethical theorists have claimed that happiness is related to living a moral life. Aristotle defines happiness as an activity of the soul in accord with virtue. Mill understands happiness as the development and cultivation in oneself of pleasure, especially the higher pleasures of reading and understanding. In both cases, it seems, happiness is equated with human flourishing and is the goal of a moral life. In this lesson, students will take that understanding of happiness, which they will already have studied, and use it to explore the relationship between human identity and the ability to make moral choices in one's own life. In Richard Trudgen's book, *Why Warriors Lie Down and Die*, the author describes the plight of the Yolnu people. In the chapters cited above, he focuses on the physical health of the Yolnu people, but he traces the source of their physical problems, primarily related to stress and psychological trauma, back to a fundamental need to take control of their environment. Living in modern Australia is, for the Aboriginals, to live in a strange land, one which lacks the kind of social structures which they need to create an identity for themselves. Trudgen argues for the need to cultivate such structures so that the Yolnu people can take control of their own lives through a modification of their environment. In order to make choices which facilitate that modification and, thus, their own happiness, the Yolnu people have a need for what Charles Taylor calls 'sources of the self,' stable structures within their community, which are grounded in their own traditions and their own language. In this lesson, students will learn about the importance of such structures and how people use them to construct an identity for themselves, a moral identity which facilitates human flourishing.

One very interesting lecture that I heard as a participant in the Fulbright program's "Australia: New Country, Old History" seminar, was led by a graduate student from the University of California named Yin Paradies. Mr. Paradies identified himself as an Aboriginal Australian prior to the start of his talk, which focused on the question of human identity and, more specifically, Aboriginal identity in the modern world. He argued that the common perception of Aboriginal people, that they are tribal and savage, still living in small communities in the outback and practicing totemic religions, amounts to an inaccurate prejudice about the cultural identity of contemporary Aboriginals, many of whom have adopted the practices and values of modern Australian culture. The significant number of Aboriginal people who have joined the business world in Australia, taking administrative and even executive positions, as well as the various Aboriginal athletes, politicians, and academics prove the inaccuracy of this prejudice. Mr. Paradies concluded that it was necessary to disabuse people of this bias because it prevents a genuine understanding of Aboriginals and even serves to hold them back from matriculating into modern culture. If people think that the Aboriginals are primitive, then they will be less likely to succeed.

One of Mr. Paradies's main points, which I agree with, is that the Aboriginal people are not primitive. Indeed, the Berndt's make this same point in their book, *The World of the First*

Australians. There are many Aboriginal people living today, and they do not subsist in some ancient past. They are our contemporaries. During the talk, however, I challenged Mr. Paradies's claim that the bias he mentioned was by definition a destructive one. In the first part of this lesson, students will read an essay from Gadamer, which looks at the notion of prejudice. Gadamer claims that the negative understanding of prejudice, which Mr. Paradies was using, developed from the Enlightenment claim that it was possible to develop a theory of knowledge that was free from all assumptions. Prior to the Enlightenment, a prejudice referred to a judgment that one made in advance. Gadamer shows how these pre-judgments are necessary for understanding. He claims that prejudices make possible our openness to other people and the world around us. While many contemporary Aboriginal people do not live in tribal communities in the outback, those tribal communities do belong to the cultural history of all Aboriginal people. As such, the understanding that we may have of those tribal communities communicates to us something meaningful about the history of the Aborigines. Understanding that history will help us to understand the Aboriginal people as they are today. Gadamer admits that prejudices can be obstructive and prevent understanding. But studying Gadamer's view of prejudice is an excellent opportunity to explore with students the difference between those prejudices that enable understanding and those which obstruct it.

One of the points to emphasize in Gadamer's article is the idea that all understanding is culturally conditioned. That is the case because it belongs to the nature of the human being to live in a world with other people. Aristotle defines the human being as, in Greek, a *zoon logon echon*, which is normally translated as 'rational animal.' Accordingly, the human being is an animal (*zoon*) endowed with the gift of reason (*logon*). The German philosopher Martin Heidegger points out, however, that for Plato and Aristotle, *zoon* did not mean animal, it meant 'to live' and *logon* did not mean reason or rationality, it meant speaking. As such, the human being is a living being in speaking relationships with other human beings in the world. The selections from Aristotle's *Politics* listed above highlight the essentially social and dialogical character of human beings. Aristotle points out that it belongs essentially to human beings that they live in a community with others and that the goal of living in a community is to achieve happiness by living a complete and fulfilling life.

Living a complete and fulfilling life is precisely what the Yolnu people of Arnhem Lan are not able to do. Trudgen describes the problem with the Yolnu Aborigines as 'culture shock.' Even though they have access to modern conveniences, they are still not happy. Indeed, it is, in part, *because* they have access to modern conveniences that they are not happy. The selections from Trudgen's book listed above explain in very clear terms how the Yolnu people do not feel at home in modern culture. They spend much of their time in what Trudgen refers to as 'non-Yolnu-friendly environments.' Even when they are living at home in familiar surroundings, they experience culture shock because of the significant amount of time they spend in "dominant culture controlled hospitals, schools, courts of law or work" (Trudgen, p. 179). The cumulative effect of this culture shock manifests as a kind of trauma in the Yolnu Aborigines, a trauma that is passed from generation to generation in the stories that are handed down to children and young adults. In vivid anecdotes, Trudgen describes the psychological scarring suffered by the Yolnu. Yolnu parents tell stories to their children, and in many cases those stories reflect the victimization of the Yolnu people. Those stories of victimization, told to future generations, reinforce their status as victims (Trudgen, p. 194).

In his talk, Yin Paradies did not discuss the problems that Aboriginals face as they attempt to merge into the dominant Australian culture. The culture shock that Trudgen describes results from the clash between Aboriginal culture and Australian culture. In the readings that follow in this lesson, students will follow two parallel trajectories: philosophical ideas about human identity on the one hand and the challenges faced by the Yolnu people in trying to develop an identity on the other. Reading Taylor, they will learn about the importance of having stable structures within the community, which people need in order to construct an identity for

themselves. In the final chapter by Trudgen, he makes an argument that is very similar to Taylor's. He claims that the Yolnu people will only be able to resist culture shock and cultivate an identity for themselves within the larger Australian society if they can somehow develop stable structures of meaning within their own communities. Trudgen argues, forcefully, that in trying to assimilate to the dominant culture, the Yolnu people have lost their own traditions. He is not suggesting that they separate themselves from the dominant culture. But if they are going to adopt some of the practices of modern culture, especially medical and educational practices, then they need to do so on their own terms and from within the context of their culture. In this way, the Yolnu people will be able to take control of their environment, for the loss of that control is the very source, in Trudgen's view, of their disaffection and ultimately, of their trauma (Trudgen, p. 218).

Studying the plight of the Aboriginal people, students can come into a better understanding of two important philosophical points, both of which concern the relation between human identity and moral conduct. In his essay, "Education as Growth," John Dewey explains the difference between 'savage tribes' and 'civilized' cultures, to employ his expressions. 'Savage tribes,' he says, adapt to their environment. 'Civilized' cultures, on the other hand, take control of their environment, subjecting it to their own purposes. Interestingly, Trudgen's claim that the Yolnu Aborigines need to take control of their environment would, on Dewey's account, announce their emergence from being a 'savage tribe' to being a 'civilized' community. In a sense, I think that this is true, insofar as the solutions that Trudgen offers will require that the Yolnu Aborigines give up certain practices. As they modernize, taking control of their environment, many of their traditional rituals will most certainly be sacrificed. Something of their original culture will be lost. But much of their original culture has already been lost. If Trudgen is right, then the Yolnu people will find themselves in a position to choose which cultural practices they want to sustain and which they will need to sacrifice for the sake of assimilating to the dominant culture. In making those choices, however, they will generate within their community stable structures of meaning, which they can use to grow. If students read the "Education as Growth" essay together with Dewey's essay on the "Lost Individual" they can see how the sense of being lost within a community comes from a failure on the part of that community to have within it anything stable to believe in. Growth requires these stable sources of meaning, what Dewey calls "secure objects of allegiance" (Dewey, p. 500). If the Yolnu people learn how to incorporate information from the dominant culture by putting that information in their own terms and by understanding it based on their own culturally accepted ways of thinking, then they can create within their communities these stable sources of meaning. Doing so is consistent with Dewey's idea of education, which takes into account the natural instincts of those who are trying to learn. Trudgen insists that the Yolnu people can only learn and, with that, take control of their environment, if what they are learning develops out from what they already know. New information, he says, "must build on culturally accepted knowledge and truths" (Trudgen, p. 207). It is important, therefore, to establish the conditions for learning first. If education takes account of the native instincts of the learner, synthesizing their ways of understanding with what they are learning, then the result, for both Dewey and Trudgen, will be the cultivation of certain positive habits for learning and the development of mental and moral attitudes that will facilitate human happiness.

The final section of this lesson builds on what students have already learned about the conditions that need to be met for individuals to develop an identity for themselves. What is really at stake in the plight of the Yolnu people and for the Aboriginal people generally is the phenomenon of authenticity, which is a philosophical problem that has been explored by numerous contemporary philosophers. Taylor casts authenticity in an explicitly moral context, and he conceives of morality in the same way that it has been referred to throughout this course, as a fulfillment of one's nature as a human being. Taylor interprets that fulfillment in

terms of making moral choices in order to develop an identity for oneself. To achieve authenticity is to make decisions about one's own life and who one is, finding one's own voice, and developing a healthy sense of self. In his book *The Ethics of Authenticity*, a short and very readable text which I have taught to undergraduates for many years, he develops the idea that the construction of human identity and, thus, the achieving of authenticity, relies on 'sources of the self' that one finds within their community. While the human being may very well be a *zoon logon echon*, as Aristotle claims, a particular person, when asked about who they are, would never respond by saying that they were a *zoon logon echon* or a rational animal. No, human beings answer questions about their own identity by appealing to sources outside of themselves: the city where they grew up, their cultural background, the schools they attended, their history, their place of work, their religion, and perhaps even the social clubs with which they are involved. In order for human beings to develop an identity for themselves, there need to be stable sources of meaning such as schools, churches, cultural events and rituals, and other institutions related to their work life and their family life, which they can appeal to and use to give definition to their lives. In his book about the Yolnu people, Trudgen makes it very clear that it is precisely these 'sources of the self,' to use Taylor's expression, which the Yolnu Aboriginals cannot find in their own communities. When he says that they need to take control of their environment, I take him to mean that they need to take an active role in developing these kinds of institutions, which should be grounded in their own traditional cultural practices.

Studying the plight of the Yolnu people, students can explore a wide variety of philosophical themes, all of which show them the importance of having stable structures of meaning in their communities. Since the human being is, by nature, a social being in dialogical relations with others, having these kinds of structures becomes particularly important. It is impossible to be human without these structures. I believe that Yin Paradies was correct to say that Aboriginal people have developed new identities, which draw on the practices of the dominant modern culture they have found themselves forced to become a part of. But the stories told by Richard Trudgen about the Yolnu people show clearly that as Aboriginal people have tried to make their way through the institutions of modern culture, their physical and emotional health has deteriorated. From a philosophical perspective, the Yolnu people do not have the resources available to them to achieve authenticity. Reading about how the Yolnu people can gain control of their environment and then, on a parallel track, reading about the meaning of authenticity, students can develop a better sense of the source of human identity and the health, both physical and emotional, that can be realized when people can construct an authentic identity for themselves.

E) Assessments

Students in this course will need to write three papers, each of which corresponds to the lessons outlined above. The first paper will involve an exploration of what Aristotle, Rousseau, and Hobbes say about the nature of the human being. Aristotle claims that the human being is not virtuous by nature, but that it is a fulfillment of one's nature as a human being to become virtuous. Hobbes claims that human beings are, by nature, self-serving and corrupt. Rousseau argues that humans exhibit the natural virtue of pity, and this balances out their self-interest. Students can choose which thinker or thinkers they want to focus on in this essay to draw conclusions about whether the human being is naturally virtuous or naturally corrupt. They will then use what they have learned from the Berndts's book on Aboriginal life to assess what it means to talk about the nature of the human being. So, this assessment will follow the pattern of the lesson itself and allow students to investigate, through their writing, the question about the nature of the human being as well as the question about what one is doing when they are asking – and trying to answer - questions about the nature of the

human being. To see how these two themes are related will give them an opportunity to understand what it means to do philosophy.

For their second paper, students will have to write about the problem of justice. An important aspect of this paper will be that they learn about philosophical problems. In philosophy, a problem develops from the different ways to view the same issue. They will investigate different conceptions of justice from Book I of the *Republic* and then write about the case of Mabo as a way of developing a more profound understanding of justice and how justice in this deeper sense is related to recognizing the humanity of human beings. They will need to develop ideas in Book IV of the *Republic* and in the Gaita articles to make their arguments.

The third paper will develop themes from the first two papers, but students will have a number of different possible topics from which to choose. They must write about Aristotle and Gadamer, and they can then choose to focus either on Dewey or Taylor. In either case, they must discuss the essentially social nature of the human being and the importance of social structures within the community that people can use to develop an identity. Focusing on Dewey, students can investigate his idea of the lost individual and the need for stable structures of meaning; if they focus on Taylor, they need to explore his ideas about the importance of sources of the self. With whatever topic they choose, students will need to look at the plight of the Yolnu people and then use either Dewey or Taylor to analyze theoretical approaches to the construction of human identity.

F) How this Project Fits into the Course

For the sake of teachers who are thinking about adopting these lessons for their courses, I thought it would be helpful to include here, in brief outline, a discussion of each of the texts that are studied in the course that I teach and how some of the ideas from those texts fit with either with the course as a whole or with the individual lessons outlined above or, in some cases, with both. In the following, I do not attempt to explain how I teach each text. Rather, I highlight certain aspects of each text, especially as these relate to the objectives of the lessons outlined above. This should help teachers interested in using these lessons to pick certain other texts to use in the course, texts that might provide a context for those lessons they choose to use.

The first text, James Rachels's article, "The Challenge of Cultural Relativism," I use simply to show students that it is possible to discuss moral issues and, in doing so, make moral judgments, both about our own conduct and about the conduct of other people, including the conduct of people from other cultures. Rachels shows that, without being judgmental and while retaining an open mind, it is possible to say that the actions of other people are morally wrong. He concludes that there are values which all cultures hold in common.

I use Plato's dialogue the *Meno* to discuss the whole notion of forms and the importance of understanding the form of virtue. In the context of this curricular project, I think that it is important to discuss with students the life of Socrates as an example of an authentic life. As discussed above, the notion of authenticity is central to this project. Socrates lives an authentic life insofar as what he says about living a moral life is consistent with the way he lives his own life. By teaching this dialogue early in the semester, I can return to it later on when we discuss the Yolnu people and cast that discussion in terms of needing to have an opportunity to develop an authentic way of life. That opportunity is what the Yolnu people lack. Looking at the life of Socrates, it is possible to develop the essential conceptual connections between becoming authentic and being moral.

Most of the first half of the semester is devoted to Aristotle's *Nicomachean Ethics*. Aristotle understands the good of the human being to be happiness. It is, he says, a fulfillment of our nature as rational human beings. Virtue or excellence is essential to happiness because

happiness is to fulfill one's function as a human being, and that function is to use reason in the best, most excellent way possible. The idea that living an excellent life means realizing or achieving one's nature as a human being is central to this course as well as to this curricular project. All of the lessons are attempts to show that living morally requires a greater understanding of that which makes the human being to be human.

After studying Aristotle, students delve into the first two lessons outlined above. There is no need to repeat the details of those lessons here. It is important to note, though, that the first lesson stems directly from Aristotle's claims about human nature in the *Ethics*. The second lesson then builds on the problems that were posed at the end of the first lesson about what it means to ask questions about human nature.

The section on Kant is extremely important both for the course and for the lessons in this curricular project. In the *Grounding of the Metaphysics of Morals*, Kant is searching for the supreme principle of morality. In his conclusions, he says that every human being should be treated never merely as a means to some further goal but rather always as an end in itself. The rational nature of the human being has an absolute value, which commands dignity and respect. Teaching Kant in this course, one can rethink the ideas that were explored in the second lesson to see that treating the Aboriginal people justly means showing them the dignity and the respect that they deserve as human beings. That lesson conceives of justice as recognizing the humanity within human beings, acknowledging the richness of a person's emotional and rational life. Students can see here, with Kant, that the humanity of the Aboriginal people has absolute value.

The third and final lesson follows an extended period studying Kant. Again, it is not necessary to repeat the details of that lesson here. One can see, though, how in many ways the whole class has been leading up to this final lesson. If the human being has a kind of absolute value, then it is important for communities to ensure the possibility that its citizens have the chance to develop that nature. This is a point that Gaita makes in the essays students read in the second lesson; it is what he calls social justice. In the third and final lesson, students can see explicitly what that might look like.

At the end of the semester, students read Mill and his text on utilitarian ethics. While not essential to the lessons, Mill's ethical theories show students a very different way of conceiving of morality than either Aristotle or Kant and so is an important figure in the course.

G) Bibliography

Note: All of the texts used in this course, including the texts from the three lessons in this curricular project, can be obtained quite easily. The philosophical texts can be ordered through any school bookstore. Except for the Taylor book, which is about \$20.00, they are quite inexpensive. The texts that need to be ordered to design the course packet are well known and can be obtained through interlibrary loan or ordered for your school library, even those from and about Australia: *The World of the First Australians* is currently in its 5th edition and *Why Warriors Lie Down and Die* is also in its 5th printing. *A Common Humanity: Thinking About Love & Truth & Justice* is published by a well known company, Routledge, and is not difficult to find. *Why Weren't We Told* is published by Penguin and is also not difficult to find.

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Although I returned from Australia almost three months ago from the time of completing this project, I still find myself thinking about the impact that this experience has had on me. Something of that impact is evident, I think, in this curricular project. But Australia now holds an importance for me that I do not think could be reflected in words. The incredible experience of being in Australia and meeting the people there is just that, an incredible experience, which words, thankfully, cannot express. If they could, then I would never have needed to go. For their support and for selecting me for this seminar, I would like to thank the U.S. Department of Education, which administers the Fulbright-Hays grants. And for making this experience possible, I am extremely grateful to Mark Darby, Executive Director of the Australian-American Fulbright Commission, and to Joanna Monaghan and Heather Rietdyk, also members of the Fulbright Commission, all of whom greatly enhanced my understanding and appreciation of Australian culture. Their hospitality, their warmth, and their willingness to go out of their way to make the experiences of our group exciting and intellectually rewarding impressed me greatly. I am also grateful to Nazareth College and Dr. Diane Enerson of the Center for Teaching Excellence, who provided much needed support so that I could complete this project.

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