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From Empire to Democracy

The following text is intentionally challenging. The insight that gave birth to it happened to me when I listened to Gillian Triggs, former President of the Australian Human Rights Commission, in a lecture she gave (November 2018) in Bega, South Coast of New South Wales, and then I read her recent book *Speaking Up*.

Gillian Triggs describes how the Australian government practices a form of authoritarian way of governing by decrees in many fields that touch human rights such as Aboriginal people, refugees, gender equity, vulnerable people, etc.. My insight was that this way of governing is a typical form inherited from the colonial system. I am not a lawyer, I am just a normal citizen who observes what happens in our country and tries to make sense of it. The following interpretation is only my own.

1) The imperial and colonial system

In the colonial system there are mainly two entities that are governed according to very contrasting principles: the mother country on one hand and the colonies on the other hand.

The mother country is meant to be ruled by law principles and law is meant to be the fruit of democratic debates and choices. Democracy at the time of the Empire was not as developed as today. It was mainly the privilege of landowners. Yet the principle remains as a process of some participation of the citizens in the elaboration of the juridical frame.

By contrast the colonies are ruled by decrees. The governor is in charge and takes decisions that suit his mission (defined by the mother country) and his intentions. Of course the government of the mother country keeps an eye on him. In early Australian history the British government did everything it could to put pressure on the governor and the settlers to behave in respect of the indigenous people because the mother country did not want its own image to be stained. Yet these indigenous people were considered as inferior or even non-existent or non-human and the logic itself of colonial invasion implied violence and oppression: taking the land and killing the indigenous people who would resist.

There is evidently a deep contradiction between the rule of law in the home country and the force of decree in the colonies. This difference is based on discrimination that establishes a clear distinction between “us” (white supremacists) and “them” (indigenous people or immigrants). Listening to GT, I came to the conclusion that most of the forms of discrimination today in Australia (especially concerning Aboriginal people, but also refugees or vulnerable people in general) have to do with an ingrained spirit of colonialism that could not be eliminated along the two centuries of white presence in Australia. It is true that the system has evolved towards a parliamentary system that seems to represent the best forms of democratic process. Yet the spirit has remained of colonial domination i.e. impregnated on the one hand by the notion of Empire (imposing power over the “other”) and on the other hand by the practice of decree (discrimination). It seems urgent to me that a deep critical review should be made of all Australian institutions in this perspective. The main question is: what should be radically changed in order to eradicate all traces of colonialism and how can Australia become a true democracy?

It must be added too that the contradiction of two antagonistic systems between the mother country ruled by law and the colonies managed by decree implies not only a degradation of human relationships in the colony but also a boomerang effect onto the mother country because the unjust treatment of colonial people by nationals of the mother country corrupts the spirit of the mother country. This is precisely what provoked very positively the anti-slave movement in England or similar social and anti-racism trends that reacted very powerfully against these forms of corruption, in the mother country as well as in the colonies, because the interdependence of two antagonistic behaviours and sets of values could not escape the attention of anybody. This is here a strong statement that can yet be easily justified. Britain has adopted democratic forms that are still today very much marked by the spirit of the Empire, i.e. a spirit of domination. It is certainly an important factor in the crisis which Britain goes now through. The spirit of the Empire generates state institutions that are all-powerful and refuse any form of control by a third party. This is also part of the present political crisis we experience in Australia.

I believe we have to distinguish between the imperial and the colonial ways of understanding the world because they both rely on pretty different statements.

- The imperial model is one of domination of the world by a commercial and military power that believes (or only pretends to believe) that it is culturally superior, although its superiority consists only in the use of better ships and weapons, and probably also in a general attitude of less moral restraint.
- The colonial model consists rather in discrimination and arbitrary egocentric or ethnocentric ways of unilaterally deciding by decrees of the destiny of others (the indigenous, the strangers, the minorities, the handicapped, the poor, the weak, etc.) in order to promote and protect the own interests of a ruling minority.

What I observe in my direct environment here in Australia (NSW): The role of the federal government is indeed very powerful and does not accept any resistance (Empire mentality). Access to state services is in general made difficult for the users: there is no personal name of contact, no direct phone number, no mention of a physical place (address), on all usual state decisions (taxation, social security, etc.). The extension of computerisation makes it more difficult for users to be heard. The relation State-citizen is only one way (top-down power). Regulations are drastic and extremely constraining. Forms to be filled (tax return, declaration, application) are numerous and complex, in general much more extensive than in many other countries. The imbroglio of the administrative system seems to increase with time instead of aiming at simplification. Discrimination and arbitrary decisions are characteristics of public life (decree). Even building applications are left to the arbitrary decision of councils when general concepts of town planning are not clearly defined although detailed building regulations are excessively strict. Many authoritarian procedures are illegal, without appeal (detention, refugees). The elementary right of expression is often restricted (like for people in charge of asylum seekers on Manus Island). It seems there is no easy procedural way to contest or resist any state decision, except heavy legal procedures at high personal risk.

The present system is evidently the fruit of a long evolution over many centuries which started much before the invasion of Australia. It has to be understood in the frame and mentality of the powerful British Empire with its many sea connections, as a form of extensive state centralised power on world scale that intended to exploit the resources of many foreign continents in the most effective way, with the ambition of overcoming the rivalries of other nations.

2) For a liberation from the Empire and Colonial models

I will try now to show how Australia could implement more democratic qualities. It will probably look like describing an utopia but the purpose is not here to define a program of reforms; it is rather to catch the main characteristics of the “right spirit” (!) that can lead to real transformation. It is truly about a change of mind, from the imperial mind to the democratic mind. The question is: what

is true democracy if it is meant to enable the expression of anybody who is part of the community and allow consensus? How to avoid also extremist tendencies to dominate the debate and derail the community process? I'm not an historian or a specialist in constitutional law. I just speak as a simple citizen, exposing my personal views. Not more. I wish here to enumerate a few points which are important for me and see how they can answer the needs I identify in the Australian situation as I observe it. It is evidently a very personal and subjective stand. I hope it can be helpful despite its limitations.

A) Cutting the umbilical cord and being independent

The first step to find a new identity as an independent nation is to cut the umbilical cord with England and with the Anglo-Saxon world. How is it indeed imaginable that the queen in 2019 still be represented on Australian stamps? Australia needs to become an independent republic and to develop its own international relationships with different nations (including Britain of course, etc.).

B) Rootedness in this continent as a living land

We need to change fundamentally the way we look at this land (Australia). It is not the material we exploit (farming, mining, forestry) but it is a living entity that nourishes us materially and spiritually. We have in this way everything to learn from Aboriginal traditions. We belong to the land more than it belongs to us. The land nourishes us and teaches us the laws of the universe and the laws of life.

C) Multiculturalism and the expression of diversity

The first step towards true multiculturalism consists in recognising Aboriginal cultures in their diversity and giving them the right for expression, i.e. for modelling our Australian society. Multiculturalism is not about integrating the many Aboriginal traditions and the many foreign migrant minorities into an Anglo-Saxon way of living but it is an attempt to forge a society based on diversity and complementarity. It is more than having a diversity of food traditions. It is principally rather about the right for Aboriginal people to express what is essential for them and more radically especially the right to influence the way we live in Australia. Aboriginal people are indeed our Elders, our teachers who have kept this land for more than 60'000 years. We have so much to learn from them in term of adaptation to the land and respect for the ancestors. Let's listen to them and help them (and ourselves) to implement a way of life that is also enriched by their wisdom. This right for expression is also about the recognition of different languages (i.e. other than English) becoming the normal form of expression for many people and the means of communication at official level (education, parliament, trade, law, etc.). Some main Aboriginal languages (if it is not too late) should be reintroduced as official languages. On milk cartons for instance the name of the product should appear in these (few) different official languages. Language is not only a means for communication; it is also an essential tool to apprehend the world, to understand it and to describe it. Language is the first step into observation, conceptualisation, philosophy, metaphysics and world vision. The care for diversity should be the first step out of racism. In Australia the prevalence of white Anglo-Saxon male society (especially in politics and sport) goes strikingly against the principles of true multiculturalism. Gender issues, which are especially acute in Australia, are also a reflection of this state of mind.

D) Being part of Asia – Pacific among many other nations

Australia is no more a floating British boat in Pacific waters. It is a continent that is rooted between Indonesia, Timor, the Indian Ocean, the many Pacific Islands and Antarctica. It has to play its role as one among many other nations in this southern context, not dominating the scene in the name of white supremacy but integrating among many as an actor that does not impose its will but yet

defends principles of equality and justice. This means also resisting other dominating influences such as Western, US, Russian and Chinese trends of expansion, control, exploitation.

E) A bill of right and basic leading principles

GT proposes a bill of rights for Australia as the foundation of basic human rights. This is certainly a first priority to formulate what the rules are that will guide our relationships in terms of equity, justice and social peace. This should even go further in defining that the rebuilding of Australian society on bases that do not rely on imperial or colonial models should be anchored on principles of sharing and care for all members of the community and of protection for the weak and the poor. The right pattern of development is not accumulation, growth, competition and domination but rather values of sharing and equity. Finland especially, and the Nordic countries in general, have shown how these principles can foster a very different educational, health or social system that cares for the personal well-being of each member. The well-being of each one depends on the well-being of the whole, and reciprocally. When goods or qualities such as knowledge, wisdom, know-how are shared, they multiply (instead of shrinking), as well as justice, peace, love are values that need to be shared freely in order to expand and bring happiness to all people. The sad thing is that we believe always that sharing deprives us; it is indeed exactly the contrary which is true. Hence the necessity for a deep change of mentality (for another way of seeing what is truly a priority) is unavoidable if we want to get out of the present crisis. This principle of sharing should become the leading motto of our parliament and political life. It means in other terms that any nation needs a few parameters to guide its evolution and these parameters should be the product of a deep debate about the major values that will lead us into the future. Consensus is a major dimension of this basic agreement. To reach consensus one needs compromises that are minor in order to reach an agreement that becomes major. What cannot be included into this consensus will simply escape local control and be controlled by external factors or actors, very probably against the interest of the national or regional community.

F) Democracy as a dynamic and living culture

The institution (the constitution) must define the machine and how it functions. But the major dimension of democracy consists in its spirit that is alive. The community gets it or does not; it makes all the difference. The first basic principle of democracy is that it relies on debate that allows everybody to express their opinion. It is based on listening and understanding, on diversity and complementarity, and not on domination, power and control. Institutions provide power to the representatives in charge; only the active presence of well motivated people (the members of the community) can channel these powers into their right measures of expression. No law, no counter-power can restrain excesses, although evidently institutional restrictions of power will help. This means also that the division of powers and their limitations (executive, legislative, judiciary) need to be recognised as a basic principle of stability and equity and not to be fought against by MPs as a hindrance to achieve what one intends to. Dialogue is the basic principle because only the interaction of antagonistic forces can bring equilibrium. Antagonism does not mean conflict; it only means combination and complementarity of different natures. Our own arm is moved by a few muscles that act in antagonistic ways, for the best effect of our personal balance. Social forces are not very different. These principles seem to be idealist concepts, but they are not. This is only the path to true wealth. Do we want to be truly wealthy (sharing a wide range of human relationships and spiritual qualities) or do we resign ourselves to be only materially rich (big quantities of stuff)?

G) The separation and independence of the three powers

In my eyes – but I come from another culture that sees these things differently – the three powers (executive, legislative and judiciary) in Australia are not clearly separated. There is, it seems to me, a deep mix in parliament between what is executive and what is legislative. The proof is that the

elections of the government and the parliament are both one single and same election. The same actors are involved as MPs and as ministers; and the division in two major parties reinforces this confusion. Rather than having the parliament discussing the projects submitted by the executive, we have half of the parliament attacking the other half that supports the government. It is rather like half of the parliament being a representation of the executive and half being opposed by principle. There is hence no democratic culture of debate. The attacks are personal and rarely discuss truly the political issues in terms of project of society. None of the parties has indeed a true and clear political vision of what needs to be promoted. The only object at stake seems to be to remain in power. This is not government; this is just abuse of delegated power. A clear division of powers would have the government as a very clearly distinct entity that would have a side position (side bench) in the parliament from where they propose their projects. They are indeed only the guests of an institution that has its own independence and freedom to act. The role of parliament on the national level is to judge whether each of the proposals constitutes a progress for the well-being of the global community. We are nowadays so far from this role. In an analogous way one can say that there is a predominance of parliament over the judiciary for the reason that the parliament vote the laws; but this is also a confusion of roles. The judiciary has to check whether the behaviours of the government and of the parliament are conform to the law and, even more radically, conform to the spirit of justice, equity and peace. It has also, in a proactive way, to propose amendments in order to establish a true and just system, even if it has no power to create laws. It is indeed in the right position to observe how the whole juridical system functions, as a whole or in details, and therefore it is its role to propose improvements in a spirit of more justice, for the protection of the rights and responsibilities of each part of the society.

H) Local life: accessibility, transparency and reciprocity

The major problem, in my eyes, of Australian politics is that it happens mainly on federal level. The game is far removed from everyday life. To be meaningful for normal citizens the democratic system has to be experienced in everyday life. The local dimension of this everyday life is evidently the major component of social together living. This is why the principle of solving each issue at its lowest possible (i.e. small regional) level is the best rule. Most issues find their solution locally and find also the best competence locally because it is where people experience what is and find solutions how to solve problems and promote equity, which evidently calls also for coordination on higher levels (region, nation). Local life is the field where relationships develop and relationships are the core of our daily experience. This statement means that local issues must be treated locally; only locally can one well understand the impact of problems and how solutions can solve them; only locally can one know who is involved and how each actor behaves. Therefore the three constitutional powers have to find their representation locally and the technical, financial means and knowledge must also be provided locally. It means taxes must also be collected on the local level (council level). The question remains of deciding what the right scale of a local community is, i.e. what is the ideal size for a local council with its related parliamentary and judicial entities. Each service should also be then, if possible, represented locally and be accessible for each one. Australian administrative power (taxes, Centerlink, Medicare, etc.) are today anonymous and seem to work only one way (top down): they impose their decisions and it is impossible to contact the people in charge because they hide behind anonymity and an impersonal computer system. As for the balance of constitutional powers, each decision taken by a service must be able to be discussed between the user and the civil servant in charge of the file. This means local agencies where real people can take decisions and be accessible. Centralisation is indeed a tool of the Empire. It is why it is powerfully practised today in Australia.

I) Representation of all and protection of minorities

Another major problem of the Australian elective system is the fact that essentially only two major parties are involved even if a few other ones play also a marginal role too. This is due to a form of

election that gives only expression to the majority. In a circumscription there is only one representative to be elected. The one who gets the 51% of the votes (after having profited of the transfer of “lost votes” to minorities) will be the chosen one and all other tendencies are deprived of any form of expression on official level. The winner takes the whole. Minorities never can therefore be represented. If each circumscription would be wider and be represented by let's say some ten representatives, each one of these ten representatives could then represent proportionally a portion of the total electorate. Minorities would then be represented and a form of consensus would have to be found between the different representatives because they would not only belong to two or three parties but would be much more diverse and be able to defend more numerically marginal positions. It would change radically the content of parliament debates. This debate would not be anymore the struggle of one half against the other half but it would have to compose with all the forces in game. It would also participate to reestablish the separation of constitutional powers because the parliament would become again what it is meant to be: a platform that debates the future possibilities for the nation. This is in my eyes the only way the complexity, diversity and complementarity of a given community can be represented and consequently in a position to express most of the many perceptions by civil society. Is it not finally what we wish?

J) A new anthropology as a search for meaning

I believe we need today to (re)discover a new anthropology, i.e. a new search for the meaning of life and the rediscovery of the main values that should guide us. What is the meaning of life and what are the essential conditions to be provided for the majority to be happy? The desire to question these issues is sufficient. We do not need to agree about the answers. The need consists in asking the right questions and accepting that we have to make human and philosophical or spiritual choices in order to progress and evolve. These main values can be then parts of the debate. We will never find the end solution because there is probably none and life remains a mystery. But at least we will have tried our best. Is it not what the Finish people do when they decide to make the educational system accessible for all in order to train people to become who they are meant to be instead of forcing them into the roles of cogs of production, consumption and competition one against the other? The future is in our hands. We (the people) are the only participants and we have the society we build everyday. Let's start to get rid of the imperial and colonial models and be free to become an evolved and democratic society based on reciprocal care and sharing. This is not an utopia. It is just life.

The question in a nutshell is: do we want a lot of stuff (quantity in the interest of big corporations) or a good quality of life (happy relationships for all people)? The choice is ours. To choose the high level a consumption against happiness is probably more frightening than realistic! The inclusion of major factors (quality, love, meaning) offers a wider vision of reality; this is probably more realistic but the problem is how we may be able to see and especially to start the move towards change?

How does one progress from the state of imperial and colonial mentality to a true democracy? This is the question. The important is to start recognising the problem and searching for solutions. This will be probably a long evolution, but truly fascinating because it will make us so much richer in our daily practice of deeper relationships and recognition of the so many qualities which are active and latent in our Australian society.

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