

## Cultural Relativism and Indigenous Family Violence

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Since the 1970s, Indigenous groups in many locations across Australia have negotiated the integration of traditionally-based practices including customary law with the Australian legal system. Approaches have varied as has the longevity and success of the specific programs.<sup>1</sup> Debates about the benefits (or otherwise) of traditional/customary practices and the appropriateness of innovative justice programs intensified following the publication of Peter Sutton's (2009) *Politics of Suffering*. In brief, Sutton argued against a separatist (or culturally relativist) approach to Aboriginal issues and strongly condemned those who supported the continuation of any cultural practices, particularly in relation to customary law, which he believed were contributing negatively to the disproportionate disadvantage of Aboriginal people.

It is in this context that this chapter explores the value of intercultural understandings (see Merlan, 2005) in both analysing and addressing family violence. The main research question is how (and to what extent) can intercultural understandings of customary cultural practices inform transformational strategies in Indigenous Australian communities that experience high rates of family violence. By taking an intercultural approach to the forces of continuity and change, this chapter aims to identify and describe the sites of potential transformation and analyse the social and cultural dynamics affecting family violence in two case study communities. First, the peacemaking project in an Aboriginal community in the Gulf of Carpentaria (Mornington Island) and second, Torres Strait adoption practices. Both examples demonstrate the complexity of cultural forces operating in Indigenous family violence and the potential for strategic transformations at sites of social and cultural change where Indigenous law and the law of the state are incongruent.

### Sutton and cultural relativism

In the mid-20th century some anthropologists claimed that traditional Aboriginal religion and kinship could not mix with the new community authority, governance and

<sup>1</sup> Notable examples include "circle sentencing" in the Nowra courts in south-eastern NSW which is ongoing (Ciftci & Howard-Wagner, 2013), and various remote community based projects such as Kurdiji, the recent law and justice initiative at Lajamanu in the NT (Crawford & Thwaites, 2013).

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