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Illiberal and Unmodern

Conservative columnists on Indigenous self-determination in Australia and Canada

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Conservative newspaper columnists have played a critical role in helping to create public ideas conducive to the most recent assault upon the unremarkable liberal principle of Indigenous self-determination. This was begun by Australia's conservative Liberal government in the mid 1990s—and is continued by the Labor government today. This paper discusses the creation of those ideas as part of a regressive discourse of neo-assimilation circulating in the media and public sphere more widely. It examines comparable, recent opinion columns from the Australian and Canadian press to illustrate the transnational continuity of this discourse. Specifically, I describe three key, interlocked rhetorical tactics that are used by conservative columnists in both countries to defame Indigenous self-determination as a failed, anti-modern and anti-democratic ideal.

The 2009 Cannes Caméra d'Or-winning Indigenous production *Samson and Delilah* (Thornton, 2009) could not have been released to cinemas at a worse time in terms of what the current Australian government policy message on Indigenous affairs was trying to achieve. Relentless, dark narratives of dysfunctional fourth world lives such as are lived by its two central characters are never welcome at the best of times by a government that traditionally reserves its sole right to declaim, at its convenience, the dire *plight of our Aborigines*, and question the motives of others who do so at inopportune moments. Particularly international organisations like the United Nations Human Rights Council (UNHRC). Yet it is the film's final scene that is exceptionally poorly timed from the point of view of the ministerial public relations people whose task it has been to carefully repackage discredited mid-twentieth century ideas about forcibly assimilating Indigenous people as the cutting edge of twenty-first

century wisdom about the failure of cultural self-determination. As the two young companions, battered refugees from the nightmarish violence and despair of the remote Northern Territory black settlement and white town, watch the day dawn on contrastingly tranquil tribal land, the very first possibility of a happiness to come is sensed in their faint smiles. It is not that we uncritically accept the idea that happiness, or for that matter plain survival, is to be secured in the solitude of the bush. Rather, Delilah's decision to relocate herself and the semi-conscious Samson to the remote family outstation flew directly in the face of the, by now, public din from politicians, media commentators and conservative think-tanks that individual, if not collective, Aboriginal futures were to be had only by adopting conventional lifestyles in towns and cities. If Delilah's decision was not purposefully defiant, it was nonetheless a self-determined one, reiterating that not only are freedom and independence pre-conditions of the pursuit of happiness but, for Indigenous pursuits of it, so is *Country*. Whatever else they might be, these are thoroughly modern ideas and values.

Some Concepts

In this paper I am interested in identifying some of the key rhetorical tactics underpinning conservative discourse on the right of self-determination of Indigenous peoples currently circulating in the media and public sphere more widely. By now the reader will have seen that the term 'conservative' here is in no sense indexed against particular political parties. Following earlier work (Lucy and Mickler, 2006; 2009), it necessarily transcends the misleading political-discursive binary of 'Left' and 'Right' self-servingly maintained by the official antagonists of the 'culture wars.' In this paper there are self-described and publicly-identified 'conservatives,' such as newspaper columnist Christopher Pearson. However it is equally observed that self-described lefts, social democrats and progressives, such as Labor Federal Minister for Indigenous Affairs Jenny Macklin, are conservative when they advance the agenda of conservatism. These public figures can be understood as conservative when they ignore, oppose or deny, whether generally or in particular policy moments, the interests of the incomplete project of democracy, or as Derrida (1994) put it, the unfinishable project of *democracy to come*.^[1] In the present study, this means thwarting or denying the extension of the perfectly mundane democratic right to self-determination to Indigenous peoples. The subject and case material of this study is the published work of conservative opinion writers in the major newspaper press in both Australia and Canada. Newspaper opinion columnists (who nowadays are necessarily also *online* opinion columnists) are indispensable subjects for analysis because they perform a core public intellectual function within political advocacy, which is to 'supply discursive resources to political groups and classes for use in social, economic and cultural policy formation' (Lucy and Mickler, 2006: 5). Opinion writers then, along with talkback radio presenters, are understood to be pivotal to the construction of public opinion, and therefore the political climate, in the Australian context. I chose to

include Canadian press conservatives because the public sphere in Canada can provide valuable points of contrast and comparison with the Australian case. They are both former British settler-colonies with similar demographic makeup, cultural histories and political systems, and with, most importantly, significant Indigenous minorities struggling for equality and self-determination.[2] The particular columns I have selected do not exhaust the body of conservative press comment on Indigenous policy and political affairs in either country in the period studied, rather they serve as instances of the predominant conservative discourse running through the work of leading columnists in big metropolitan and national papers 'of record,' some of whom are syndicated to several different papers. As such these columnists can expect to be widely read among, and influential upon, the governmental or knowledge classes of the two nations.

In earlier work I have argued that 'sovereignty' is the *right to be ordinary*, which at the same time embodies the right to be different socially and culturally (Mickler, 1998; Lucy and Mickler, 2006). This is contrary to the conventional framing of the problem of the legal and political status of Indigenous people within liberal societies as one requiring recognition of their 'special place,' and its derivative 'their special relationship to the land.' It means understanding that their status as formerly free and self-governing peoples whose sovereign character is denied, can only be extraordinary, special, exceptional until it is recognised. That recognition 'is not only a perfectly liberal thing to want to do; it is a democratic obligation, an unavoidable commitment.' It is an unremarkable idea and 'radical' 'to the extent only that the very idea of democracy itself stands in radical opposition to the interests of domination, exploitation and oppression' (Lucy and Mickler, 2006: 100). As ideas, sovereignty and self-determination are grounded in quite mundane liberal principles—principles, however, abandoned as a *matter of principle* by conservatives in the West, in regard to Indigenous rights. These principles oblige us to find:

ways in which to entreat with Indigenous peoples so that practical effect is given to their inherent and ordinary right, their human right, to sovereign, self-determining citizenship. Such a task is all the more democratic for being difficult and having to remain open-ended. (Lucy and Mickler, 2006: 100)

In what sense is this an unavoidable *democratic* task, rather than, as conservatives would have us think, an extremist or 'leftist' project? The previous study demonstrated that conservative media columnists employed the term 'democracy' largely as a descriptor for an electoral system of political representation that was ethically superior to despotism but not for an historic idea for a continual process of creating equality on behalf of the less powerful. Moreover, for conservatives, democracy is an historical advent which has been handed down to us in more or less complete form by the social revolutions of the eighteenth and nineteenth centuries, although it is yet to fully cover the globe. In other words, it is assumed that after the establishment of elected government there are few further

relationships of equality to be established even though the history of democracy, in the words of Laclau and Mouffe (1985), is actually one of internal struggles for the extension of the 'logic of equivalence' to evermore diverse areas of the social. For example, *universal* suffrage did not actually exist in the West until women and colonised peoples, at different times, won the right to vote; the decriminalisation of homosexuality is only decades old at best; modern labour rights were established long after parliaments were, and so on. None of these gains issued automatically from parliaments. Rather, at every turn they required sacrifice and struggle around the principle of equality, against the counter-democratic reaction of the forces of conservatism. The same is true of the right of Indigenous peoples to self-determination.

A Three-Part Rhetorical Strategy

I will evince three interlocked rhetorical tactics that are commonly deployed by Australian and Canadian conservative newspaper opinion writers for the purpose of constructing Indigenous self-determination as a failed anti-democratic ideal:

Radicalising mundane liberal principles.

By this I mean the transformation, in the hands of conservative opinionists, of perfectly ordinary liberal principles such as self-determination, self-government and sovereignty into extreme, radical and by implication undemocratic ideas and policies.

Revising government Aboriginal policy history.

According to conservative revisionist history, broad government Indigenous policy post-1960s to the present has (somehow) been hegemonised by progressives and leftists armed with these 'extremist' ideas. This is a roughly forty-year period in which, in spectacular defiance of actual policy history, conservatives contend that Indigenous people came to be imprisoned in dysfunctional, segregated communities.

Isomorphing radicalised principles with compromised policy.

It follows, for conservatives, that the stark inequality and social dysfunction in many Aboriginal communities in contemporary times is self-evidently the failure of policies based upon allegedly radical ideas, rather than the failure of deeply compromised policy implemented *in the name* of ordinary liberal principles.

Before examining these tactics in detail I want to return to the inopportunity of *Samson and Delilah*. The Northern Territory (NT) government's (2009a) new Indigenous policy rationale is at first glance essentially a pragmatic one—that it is simply unfeasible for governments to attempt to fund the provision of essential services

such as power, water, housing, health care, schooling and policing to the hundreds of homeland centres or outstations, and so it will not support any new such settlements. Instead, it will concentrate funding for these at only twenty larger Indigenous communities—to be targeted as ‘growth towns.’

Most outstations and homelands are on private Aboriginal land so, like other Australians who live on private land in remote places, residents will be responsible for repairs and maintenance of housing and infrastructure. The government will continue to provide assistance to help residents with these responsibilities. The government will not build new houses on outstations and homelands but will support residents to take responsibility for their properties. (NT Government, 2009b)

In practical terms, the NT framework announced the new limits on government concession to Indigenous difference—the new ‘reasonable’ Indigenous provision is to end at the twenty large communities. These are to be understood as comparable to rural and remote towns, and the smaller, more distant outstations essentially private affairs, akin to holiday cottages. The description of homelands as ‘private Aboriginal land’ and thus outside government funding responsibilities is extraordinary given that neither Native Title areas nor lands granted under the NT *Land Rights Act* is individual freehold property. The Federal Minister for Indigenous Affairs (Macklin, 2009) has proclaimed the government’s full support for the shift:

The framework also begins the process of clarifying the nature and levels of support for residents who choose to live in small remote settlements known as outstations or homelands. All Australians have the right to choose to live in extremely isolated regions but this inevitably involves a trade-off in access to both market and government provided services. Choosing to live in very remote areas must not be allowed to compromise the health, wellbeing and education of children. By developing 20 remote NT towns as central hubs, the NT Government is working to ensure outstation residents have access to a range of services and children have access to a good education.

The federal minister wants us to hear certain *principles* about rights and equality. The reference to the right of ‘all Australians’ to live remotely cannot be anything other than a purposeful move by Labor away from the governmental discourse of the special political status of Indigenous people, with its implication of distinct rights, that had prevailed in the policy and public domains since at least 1967 (actually, special status, involving denial of even basic civil rights, had hitherto prevailed in one form or another since British settlement). It flies directly in the face of the UN Declaration on the Rights of Indigenous Peoples that the Labor Government had finally endorsed in April 2009. The contemporary special political status of Aboriginality consists firstly in a specific Constitutional clause following the 1967 Referendum that gave the Commonwealth the powers to enact policies and laws for the benefit of Aboriginal people. Thereafter, this

special political status is reflected in numerous national and state laws, policies and associated government and Indigenous-run agencies in areas of health and welfare, land and culture, economic development and social governance. By the mid-1970s, in response to the rise of a powerful Indigenous rights movement, federal government policy rhetoric implied a shift toward *self-determination*, as opposed to assimilation, as both a policy organising principle and a sector-strategic objective, but which in actuality was constrained to a policy of *self-management*. In extolling 2009's new remote communities funding policy, Canberra and the NT were not expressly opposing the continued existence of outstations. However Indigenous organisations have been in little doubt that the twenty five-year federal policy of support for the homelands movement has effectively ended. The demise has begun, as is customary for major shifts in national Aboriginal policy, with the NT, to which the Howard government devolved Canberra's almost three decades-long homelands funding responsibility in 2007 (Altman, 2009). The grounds for this shift were prepared by two key government actions since 2000. The first was the shutting down—on spurious charges of ineffectiveness and unaccountability (Behrendt, 2005)—of the elected national Indigenous-run governance body, the Aboriginal and Torres Strait Islander Commission (ATSIC) in 2004. This effectively ended fifteen years of Aboriginal management of the planning and disbursement of federal Aboriginal programs funding and equally significantly, abolished semi-autonomous Aboriginal political and social governance, however imperfect, at the national level.

The second, for which the first was a pre-condition, was the highly controversial 'intervention' into NT Aboriginal communities initiated by the previous Howard conservative government in mid-2007 and continued under the Rudd and Gillard Labor governments, and which has involved the suspension of the *Racial Discrimination Act* (RDA). The federal government sought to 'subvert the rule of law by prescribing that the actions in the Northern Territory were 'special measures' for the purposes of the Act' (Behrendt, 2007). This move facilitated direct federal government control of Aboriginal land and welfare payments (and thus unfettered, direct control of Indigenous communities and individuals by Canberra). The Howard Government was ostensibly motivated by the desire to take swift action on what was seen to be endemic child sexual abuse in remote communities, on top of a litany of other dire social problems such as poverty, alcoholism, petrol sniffing, self-harm and suicide, vandalism and crime, domestic and communal violence. Few doubted the gravity of these problems. However the appointment of an army major-general to head the Intervention, with the military to provide 'logistical support,' while on the surface seemingly a purely practical use of federal resources, smacked heavily of both tactical intimidation of Intervention targets and 'dog whistle' political populism. 'Send in the army' is an old and perfectly familiar bar-stool solution to 'the Aboriginal problem.' The Intervention is at the same time a deeply ideologically-driven move (Behrendt, 2009) that reflects the success of the conservative political resurgence and its illiberal contempt for civil rights inside both

the Liberal and Labor party governments (Lucy and Mickler, 2006; 2009).

There are important differences between Canadian and Australian Aboriginal policy and legal status. Canada still has a federal *Indian Act*, whereas Australia has had a variety of State acts that were somewhat superseded by federal legislative powers in Aboriginal affairs from 1967. Indigenous people gained the right to vote in federal elections in Canada in 1960 and in Australia in 1964. While its draconian restrictions on civil liberties were repealed in the 1960s, the Canadian *Indian Act* has retained provisions that are seen to be protective of Aboriginal communities' interests and is still the principal federal funding auspice. As I wrote elsewhere (Mickler, 2007: 34):

Furthermore, differences in legal status among Indians [the contemporaneous term] were greater than among [Australian] Aboriginal people. There had been no equivalent category for 'status Indian' federally in Australia because there had been no federal legislation equivalent to the Indian Act. Rather, Australian Aborigines had been singularly subject to special legislation at each State level, which, although they had distinct jurisdictions, were similarly coercive and oppressive. By 1972, in Western Australia, the vestigial provisions of the successive derivatives of the State's Aborigines Act 1905, which made all 'full-blood' Aborigines automatically wards of the state (many 'half-castes' were also subject to this act) had been abolished.[3] From 1972 with the establishment of the federal Department of Aboriginal Affairs, people in all states and territories who came under the basic definition of Aboriginality—'a person who is a member of the Aboriginal race of Australia'[4]—were to be the beneficiaries of the new Commonwealth powers to legislate in Aboriginal interests, regardless, in principle at least, of their mixed parentage or otherwise, whether or not they lived on reserves, regardless of which state they lived in. A federal 'status Aboriginal' of sorts began to emerge, in effect if not officially, thereafter, but its inclusivity was much broader than the Canadian status, applying, in principle, to virtually all people of Aboriginal descent.

The Canadian federal government moved to rescind the *Indian Act* in 1969 as the key plank in its major 'White Paper' overhaul of Aboriginal policy. The plan was to abolish Indian legal status and the Department of Indian Affairs, transfer federal government responsibility for provision of services to Aboriginal people to the provinces, and to convert reservations into privately-owned Indian [i.e. First Nations] lands (Tennant, 1990: 149). The White Paper was so widely and strenuously opposed by Aboriginal groups, that it was abandoned by then Prime Minister Pierre Trudeau a year later, and the *Indian Act* was retained. Trudeau eventually, by 1982, formalised a policy of Aboriginal self-government.[5] With the election of the Conservative Party government of Prime Minister Stephen Harper in 2006, political conditions more favourable to conservative public advocacy against First Nations self-government policies and the principle of self-determination emerged.

The Radicalisation of Ordinary Liberalism

One of the key object lessons of the domination of 'culture wars' by the political, journalistic and academic Right from the early 2000s was its recasting of the causes of contemporary Aboriginal deprivation to what it called the failed 'progressive' or 'leftist' policy agenda of self-determination rather than the continuing effects of historical oppression and contemporary economic and social deprivation. Columnist for the *Australian* Christopher Pearson (2009a), commenting favourably on the recently published memoirs of the daughter of a former NT native welfare administrator, discovers much to redeem the honour of the assimilation project:

Its arrival is timely in the wake of the NT Government's announced intention to wind back funding for outstation settlements and concentrate public resources in 20 "growth towns", which will greatly enhance Aboriginal Australians' capacity to get an education or vocational training and participate in the real economy.

The Henderson Government's abandonment of the old H.C. Coombs-inspired, separatist homelands policy is just about the first time since the early '70s that common sense has triumphed over ultra-leftist ideology in setting the territory's indigenous policy.

Characterising policy associated with the ideas of H.C. Coombs as 'ultra-leftist ideology' demonstrates the extent to which conservative press columnists will go in reconstructing perfectly mundane liberal concepts as extreme and potentially totalitarian. The late H.C. Coombs, an advocate of Aboriginal autonomy, was an economist and prominent public servant, performing the role, among many others, of governor of the Reserve Bank in the 1960s. He was an adherent of Keynesian economic theory from the 1930s, the dominant trend among the non-communist governments for decades after the Great Depression. Similarly, to describe the homelands policy as 'separatist' misrepresents its perfectly reasonable purpose to provide a modernised system for enabling families to live in their home areas. Since when, in the conservative demonology, were families living at home *separatists*? Since when, for conservatives, was *home* a subversive idea, let alone *families*? Since when was forced collectivism in large communities and towns consistent with *conservative* values? Surely the principle of freely choosing where one lives is a liberal, and a conservative principle. All of these mundane terms—self-determination, self-government, progressive, autonomy and so forth—have to be transformed into extraordinary ideas in order that they are rendered extreme and unacceptable. Moreover, there is nothing essentially 'ultra-left' about either a policy to support people living in traditional areas or cultural autonomy for Indigenous peoples. Assimilation of so-called 'backward peoples' into the modern industrial proletariat is a familiar authoritarian project of twentieth-century Stalinism. Setting aside Pearson's distortion of both the seasonal character of the occupancy of most homelands centres

and their interdependency with larger communities (Altman, 2009; Socom and DodsonLane, 2009), there is nothing radical about the principle of governments supporting people to live in or settle in remote areas—this was an important and perfectly routine aspect of the British colonisation of whole continents and oceanic regions. It continues today in the form of myriad rural and remote community subsidisations and tax concessions. Moreover, occupation of remote regions has been seen as imperative by large countries such as Canada and Australia seeking to justify their sovereignty over vast, sparsely populated territory.[6]

Columnist Jonathon Kay (2009), of Canada's *National Post* takes the radicalising of unremarkable liberal principle even further by locating its wellspring in the political hinterlands. Arguing for the reintroduction of assimilation policy in Canada, he alleges, similarly to Pearson above, that the current policy of self-government is based upon a destructive romantic fantasy about Indigenous society:

From bioethics to evolution, progressive advocates long have urged that government policies be formulated on hard, secular science – not hidebound cultural traditions or religious fairy tales. Yet where aboriginals are concerned, this principle is ignored. Suddenly, myths about a Yahweh-like “Creator” take precedence over clear evidence that North American natives migrated across the Bering Strait. “Traditional medicine,” with all its quackery, is praised as if it were the equal of Western medicine. At Canadian academic conferences, militant leftists will gladly stand at solemn attention to honour a native shaman waving his feathers and intoning his prayers – a spectacle that would be unthinkable if the holy man happened to be holding a Bible and talking about Jesus. From the civil rights movement onwards, progressive forces in our society have weaned us off the toxic notion that a person's race dictates the content of his or her character. But this enlightened attitude is wilfully discarded in the case of natives, who are imagined to be inveterately enlightened environmentalists, pacifists and (as discussed below) socialists. This racist conceit is in turn used to justify segregation – since any other policy would expose natives to the pollution of white values.

Again, as for the Australian case, the ordinary liberal policy of self-governance has operated in effect in Canada since the failure of the 1969 ‘white paper’ on Indigenous affairs, under Liberal and Conservative governments in both the provinces and at the federal level. Yet inexplicably, a coalition of politically marginal activists—socialists, pacifists, environmentalists and even militant leftists—have been extraordinarily successful in personifying that very liberal turn, to such an extent that their alleged double-standards with regard to the tolerance of cultural difference are adopted as national practice. What's more, for Kay the whole legitimacy of the policy of self-government, as opposed to that of assimilation, turns out to rest not upon liberal democratic principles, but upon the alleged racial fantasies of what can only be a tiny minority of ‘progressives’ under the sway of some form of neo-eugenics.

In his zeal, Kay gives away his strategy. The mere acknowledgement of the wider social toleration of Christian priests, whose mysticism and obscurantism is arguably of an order no less unmodern than Indigenous shamanism, only confirms the legitimacy of the liberal tolerance shown towards the latter. Negotiating tolerance of cultural and social differences within liberal society, which in Canada and Australia can range across such issues as the rights of minority religious communities to prescribe theologically-based education, taboos on certain medical procedures and the enforcement of traditional laws, is routine and sometimes controversial. Such negotiation is a central feature of what makes liberal society liberal. For Kay however, such tolerance is essentially scandalous when it relates to First Nations. The contention around the state's negotiation of their difference is represented as evidence of an illegitimate purpose rather than of a necessary democratic task and challenge. The key point here is that despite their frequent prescription of liberal democratic modernity as an historical, world-bettering advent, in the rhetoric of conservative pundits such as Kay, this modernity is predicated on the homogeneity of culture, the obliteration of difference—the assimilation of the putative unmodern. What is not permitted is an understanding of modernity as the ground for a heterogeneity of cultures, the principled negotiation of difference—the accommodation of the putative unmodern within it. Moreover, that such an idea could become public policy is *only* possible under modernity, since it alone among the historical epochs contains the secular rationality that is capable of institutionalising anti-racism, anti-sexism, anti-bigotry, and general anti-prejudice as a matter of both pragmatics and principle.

The New History of Aboriginal Policy: A Strategic Fantasy

In a subsequent column, Pearson (2009b) finds much in a book by anthropologist Peter Sutton (2009) that accords with this contention that firstly, leftwing ideology has dominated Indigenous affairs since the late 1960s, and secondly, it is a failed ideology with terrible consequences:

In Aboriginal affairs, the dominant ideology has been that of the liberal Left, with which Sutton himself long identified. "A progressive politics dulled our instincts about the sanctity of indigenous people's right to be free from violence, abuse, neglect, ignorance and corruption. Links between the morality of humaneness, the moral politics of being Left of centre and a progressive, rights-oriented view of indigenous policy seemed simpler and more intimate then. The destructive naivety of that consensus has itself come to be destroyed more than anything else by the issue that was so often central in pre-1960s Australia, that took a back seat for so long afterwards, and that has now come back to haunt us: Putting the children first."

Again, the discursive logic here is only effective if the reader accepts the conservative device of labelling broad governmental policy

regimes—which had bipartisan political support among conservatives, liberals and social democrats since at least the 1967 referendum—as leftwing. For this to have occurred, the national party of conservatism that ruled for twenty-four of the past forty-two years—the Liberal Party—has perversely acted outside of historical character. It may well be that Pearson holds this to be the case. He is not alone in occasionally chastising the Liberal Party for its liberalism, but generally when that liberalism is either contextually understood to be ‘left liberalism’ or explicitly tagged as such, that is, as an *ideology*. Conservative commentators in the Australian media have long had to finely calibrate their phrasing to avoid giving away their conservatism, or more precisely, their illiberal purposes, because unlike in the Canadian public sphere in more recent years perhaps, the signifier ‘liberal’ remains less ambiguously a positive one, and certainly, when unqualified, is not available to denote extreme or ‘unrealistic’ policy. To articulate anti-liberalism in the Australian public sphere then, where liberalism is understood to occupy the ideal ground between authoritarian ideologies, is to risk interpretation as a political or philosophical extremist. However, as for political rhetoric generally, signifiers are selected for strategic advantage in specific contexts. If the objective calls for ‘Aboriginal culture’ to be understood to be a coercive collectivism that eschews individual freedom and thus is to be abandoned, then it is contrasted negatively with western liberal society. On the other hand, if the immediate political task calls for locating the cause of Aboriginal community dysfunction in an absence of coercive forces upon individual behaviour, then liberal ideas and policies can be held responsible.

The historical revision of the twentieth-century carried out in conservative opinion columns then, fantastically imagines a ‘liberal progressive’ turn in the 1960s when hitherto free people were forced by governments into living in remote ‘ghettos.’ It is a revision supported by not a single scholarly historical study, not by Stephanie Jarratt, nor Peter Sutton, however critical they are of post-60s policy. For it was only with the rescinding, in the early 1960s, of the previous assimilationist policy based upon the various state Native Welfare Acts, that Indigenous people were legally free to leave church missions and government settlements. Before this, in Western Australia for instance, only a minority of people with a citizenship certificate that exempted them from the restrictive provisions of the native welfare laws was at liberty to move, live and work where they wished (Haebich, 2000: 220; Terszak, 2008: 102). The majority was forcibly incarcerated in what amounted to a vast system of largely decrepit internment camps stretching across the length and breadth of the country. Post 1960s, many people indeed left these settlements and resettled in cities and country towns. In many other cases, people freely chose to remain in the settlements, which were in the main, converted into Aboriginal-council run communities^[7]—albeit almost entirely reliant upon government funding. The historical fact then is that formal freedom of individual choice for Aboriginal people only came with citizenship and civil rights in the early 1960s, which was a perfectly liberal turn of policy. That formal freedom did not

automatically result in actual freedom is of course a separate but essential question. The oppression and impoverishment of now 'free' Aboriginal people has continued in various forms, but that is not the way the question is framed by conservative columnists.

If the principal purpose of conservative columnists is to create public opinion that is conducive to a continuing roll-back of Indigenous rights and entitlements, then the historical record of the last century must be distorted to support the contention that it was the very granting of these rights and entitlements that has resulted in greater misery and disadvantage. A revised historical narrative must carefully avoid acknowledgment of the harsh suppression of the basic human rights of Indigenous people for decades up until the late 1960s, in order that an epochal wrong turn be construed as having occurred at that point, conducted by progressive left-liberals. What must be avoided also is any consideration that government funding support for Indigenous programs from the 1960s, while increasing dramatically over the wretched expenditures of the assimilation era, was inadequate to sustain basic service and infrastructure needs of individuals and communities.[8] The claims of vast amount of taxpayers' money 'thrown' at a failed leftist experiment in separatist self-determination is revealed to be historical fiction in the face of the sordid reality of the social disaster presided over by successive state and federal governments unwilling to allocate sufficient funds, resources and powers to give many Indigenous communities the chance to operate sustainably. Given that, for example, the *NT Aboriginal Land Rights Act* was passed in 1976, the NT Government's (2009a) *Working Future* policy promise to develop twenty large communities as 'real towns, [with] real jobs, [and] real opportunities' is an unwitting admission of the hypocritical parsimony that has characterised government Indigenous policy during decades of alleged left-liberal largesse. With the refusal of the constructive state to actually construct much at all taken out of the equation, the conservative strategic narrative makes rights and entitlements won since the 1960s—citizenship, Native Title, heritage protection, affirmative action policies—*per se* the causal factors in contemporary Indigenous deprivation.

Columnist for the *Australian* Janet Albrechtsen is another prominent historical revisionist in this regard. Objecting to the federal government's signing of the UN Declaration of the Rights of Indigenous Peoples, she writes:

Much has happened since 1985. Failed government policies have taught us that relegating Aboriginal people to the fringes of society and away from the real economy – in the name of collectivism and autonomy – has not served them well. Such concepts may still excite the passions of out-dated activists and far-removed white university academics but is it really the intention of the government to fuel another debate about indigenous separatism? Have we not learnt that real outcomes depend on bringing indigenous people into the real economy where they can live and work, aspiring to the

same goals such as home ownership as other Australians rather than fanning the flames of grievance politics? (Albrechtsen, 2009)

The contention here that the relegation of Indigenous people to the fringes of society is something that occurred since 1985 is simply unsustainable, and hence necessarily also is the claim that 'collectivism' and 'autonomy' are the ideas behind it. There are persuasive critiques of the failures of government Indigenous policy over the past few decades.[9] However, this one discounts itself *prima facie* by making such spurious historical claims, because legal and social separatism and exclusion were the hallmarks of government policy for most of the past century up to the 1970s, even when that policy was broadly and somewhat deludingly defined as 'assimilation' into white society. Yet, while Albrechtsen's history does not accord with *real* history (to use her rhetoric), it does ring true within the rightwing historiographic project. This project is to rewrite the past few decades as the unravelling of an historical wrong-turn away from the idealised conservative social policy of the past; a fictional past that was characterised by the dominance of pragmatism over ideology.

Pearson, again, has been particularly attentive in his columns to exposing what he alleges are misconceptions about traditional Aboriginal culture that are underpinning what he and Albrechtsen contemptuously define as the 'rights agenda' of the Indigenous political movement. He quotes an opinion piece by a researcher on violence in Indigenous societies, Stephanie Jarrett (2009), in support of his shared contention with other conservatives that government policy must work to move Indigenous people away from their traditional culture:

She has no time for the special pleading that explains away these grim statistics as mostly internalised violence in response to the horrors of European settlement and has no hesitation in drawing policy conclusions that until recently would have led to accusations of cultural imperialism. "Insistent blaming of white colonisation as a primary generator of high Aboriginal violence suppresses the uncomfortable fact that, within Aboriginal culture, violence continues to have strong, traditional legitimacy. Hence, reducing Aboriginal violence to around mainstream levels will entail further shifts away from traditional beliefs, norms, power structures and behaviours." Jarrett says: "The key difference between the West and traditional Aboriginal culture is that, only very recently, Western culture developed effective philosophies and associated political and legal systems that could reduce violence. In contemporary liberal democracies, violence is forbidden. For private citizens there is no legitimised violence apart from self-defense. Within traditional Aboriginal culture, there was considerable legitimate scope for people to use violence." (Pearson, 2009c)

Setting aside what, from an Aboriginal perspective, must have been the overwhelming physical violence directed at them by European settlers, and which, including legal and political repression, continued well into the emergence of the Australian liberal democracy, what

Pearson is implying is that Indigenous people are culturally unfit—read insufficiently modern—for self-determination. Yet, since when has any distinct people had to pass a collective cultural fitness test to earn the right to self-determination? This from a writer who regularly turns his column into a megaphone for one of the world's most powerful anti-modern organisations, the Catholic Church. The right of Indigenous peoples to self-determination—to lead lives of their choosing—is a fundamental matter of justice. It is acknowledged unconditionally in the United Nations Declaration on the Rights of Indigenous Peoples (2007). Why then should the romantic illusions of white progressive liberals alleged above invalidate what is fundamental and inherent? What manner of illiberal purpose is at hand in recasting the rights of peoples as the symbolic power of social elites?

Gerard Henderson, columnist for the *Sydney Morning Herald* and director of the corporate financed think-tank The Sydney Institute, also reproduces the conservative dichotomy between 'real' benefits and rights. He took issue with Indigenous rights campaigner and 2009 Australian of the Year Mick Dodson's call for Australia Day to be moved to a different date than 26 January on the grounds that many people consider it 'invasion day':

The fact is that European settlement took place in 1788 and what was originally a British possession soon became an immigrant society. Nearly all the 21 million people who live in Australia are descendants, in whole or part, of the early settlers or of those who migrated to Australia after 1788 or are migrants themselves. Only a miniscule number have been untouched by the immigrant experience. Australia Day is an appropriate day to celebrate this reality. Dodson's Australia Day award has not been welcomed by some indigenous Australians who have been more focused on obtaining real benefits for our most deprived minority rather than on the rights agenda advocated by the Dodson brothers. (Henderson, 2009)

Similar to Albrechtsen and Pearson, Henderson is concerned to construct a stark choice between rights and benefits, as if both are not profoundly intertwined and as if rights were not a 'real benefit.'^[10] Indigenous scholar Larissa Behrendt (2009), moreover, points out the critical relationship between rights and policy formation:

It has become fashionable in the pro-intervention, pro-welfare reform quarters to use slogans such as "you can't eat rights" to justify this kind of trampling on human rights in order to achieve a particular outcome. A kind of "the ends justify the means" reasoning, a modern "this is for your own good" morality tale. But this insipid resort to slogans trivialises (intentionally) the importance of human rights frameworks as a basis for good policy making. And surely a good policy maker could come up with policies that are both designed to protect women and children and don't infringe on basic human rights like due process. Surely our policy-making capacity isn't so impoverished that we have to cling to a false

dichotomy and assert that it is an either/or when it comes to protection against violence and protection of human rights.

Further, all of these conservatives, in their contraposition of practical benefits and rights betray a certain philosophical ground claimed by conservatism no less than by liberalism—following Kant (1785) that morally good decisions can only be freely made by individuals who are free to make them. Rights—civil rights, human rights—have been historically indispensable to making individuals free. But conservatives in the main do not accept that Indigenous peoples require any more rights (for example rights to land, to self-determination, to treaties, to self-government), than basic citizen rights to be free. They do not accept any significant distinction between the liberal democracy's obligations or social contract between essentially colonising peoples—which includes all immigrants—and those formerly free and self-governing peoples. Henderson above, works to position Indigenous people as simply another ethnic minority, albeit the 'most deprived' among a diverse diasporic population. With regard to Indigenous people, enjoyment of the liberating results of democracy is not to be counted by conservatives among the 'real benefits' of modern society as these benefits are principally for immigrants from foreign tyranny and oppression. It is worth noting that it is simply not the case that these conservatives otherwise reject the principle of the right of peoples to self-determination. Nor is it the case that they would constrain the legitimate exercising of that right to established nation states. 'Self-determination' in other words, is not in all cases to be branded as belonging to the leftist, progressive 'rights agenda.' Henderson (2006) and Albrechtsen (2008) at least, have indicated their support for the conservative Howard Government's central role in the UN's armed political intervention (UNAMET) into the then Indonesian province of East Timor in 1999, which was substantially publicly justified by the principle of a people's right to self-determination (although Henderson was not without serious reservations about the outcome).

Isomorphing Radicalised Principle with Compromised Policy

As Canada's premier conservative paper, the *National Post* is expected to showcase rightwing opinion on Indigenous policy much as the *Australian* does. I want to look at recent pieces by three of its columnists, Jonathan Kay, Peter Foster and Lorne Gunter, specifically their representation of the idea of self-governance. As with the Australian opinionists discussed above, the Canadians adopt the now familiar rhetorical tactic of implying that certain philosophical and legal principles of Indigenous status are almost indistinguishable from existing policy, distribution systems and structures of governance:

Anybody who seeks the "root causes" of aboriginal plight – and of the role of notions such as "cultural appropriateness" – should read *Disrobing the Aboriginal Industry. The Deception Behind Indigenous Cultural Preservation*, by Frances Widdowson and Albert Howard.

The “industry” in question consists of a large and ever-growing group of lawyers, bureaucrats, consultants and academics whose careers depend on the “Great Game” of land claims and self-government, which are sold as the cure for aboriginal poverty and dependency. But land claims, the authors point out, represent the *ignis fatuus* of a lottery win, while self-governance is synonymous with a system that entrenches status and kinship ties, and sacrifices victims of abuse.

The book slaughters a herd of sacred cows, including the validity of “traditional knowledge” and native “justice,” and the notion that aboriginals have some special “spiritual” ecological sensitivity. (Foster, 2009)

We can notice how the *principle* of land rights is not to be redeemed from alleged political illusions and the *principle* of self-governance is left to be measured by allegedly unprincipled authority exercised in its name. It is noteworthy in respect of this last point, that neither of the categories of authority listed by Foster in his ostensible citing of Widdowson and Howard (2008)—‘entrenche[d] status and kinship ties’—are outside what one would expect to find in Indigenous authority structures where bands, clans and families have been historically the governmental units and where, among these, significant authority is vested in certain individuals. Nor are these categorically different to the forms of power and interest through which Canada and Australia self-govern. In other words, self-governance as a principle does not preclude the exercise of tribal authority any more than it precludes that of parliamentary authority. It follows that ‘sacrificing victims of abuse,’ wherever it occurs, is a violation of human rights not a reflection on the principle of self-governance. For example, thousands of Indigenous people suffered abuse at the hands of self-governing Canada and Australia. Additionally, Foster uncritically reproduces the concept of an ‘Aboriginal industry’: ‘a large and ever-growing group of lawyers, bureaucrats, consultants and academics whose careers depend on the “Great Game” of land claims and self-government.’ Notwithstanding the generalized imputation that all within this group of actually quite diverse professionals are engaged in self-serving, superfluous and faithless work, the assumption here is that the ordinary servicing of the legal, social and economic needs of Indigenous people should be subject to extraordinary constraints and conditions. For, irrespective of the provenance of complaints about the modern *industry* of governance generally, the functions of the professional knowledge class are indispensable to it. That is, complaints about the alleged parasitism of the legal profession, the superfluity of academics and state bureaucracies, and the outsourcing of civil service functions to private consultancies that are commonplace in all other group governance scenarios, become essential and irreducible traits of Indigenous self-governance here.

By contrast, in a sharply critical analysis of the Widdowson and Howard book, Mohawk scholar Gerald Taiaiake Alfred (2009), himself,

significantly, a strong critic of opportunism and parasitism in the Indigenous governmental sphere, argues there are prejudicial assumptions behind the book's generalisations:

Rather than speaking about Indigenous people, they speak about Indigenous "culture". Instead of attacking Indigenous people, they attack the "Aboriginal industry". But their cover is blown the instant you realize, and it's pretty obvious from the first page of the book, that their notion of culture is equated to ethnicity and that their "Aboriginal industry" includes and embodies just about every Indigenous writer and representative in the country.

For Foster then, the principle of self-governance for First Nations in Canada is inherently flawed and needs little evincing philosophical or legal argument. Sufficient are the failure of policies and programs enacted and implemented in its name by governments and First Nations to eradicate disadvantage, coupled with an idea that self-governance is a 'great game'; a ruse maintained by self-interested professional and political elites. The closest he comes to an underlying conceptual argument against self-government is the imputation that "traditional knowledge" and native "justice," are invalid qualifications for the contemporary exercising of a sovereign right to self-governance—as if the latter depended upon these. Modernity here is only a relentless and inexorable obliterator of difference and not the historical pre-condition for a liberality that demands a negotiation of it.

The idea that liberal modernity entails the delegitimation of difference as opposed to the negotiation of it is articulated in subtler form by Lorne Gunter in an excerpt from his weekly column in the *National Post*. Gunter (2009) is recommending a recent book by Gordon Gibson (2008) on Aboriginal policy:

"The standard model for thinking about Indian policy is fundamentally wrong, giving too much weight to the collective and too little to the individual," Gibson argues again and again in increasingly effective ways. He labels "scandalous" the median differences between Indians and the national mainstream. Indeed, a short subsection, entitled "Some statistics," while offering no new factoids, puts together in a powerful, verbal stomach-punch the major quantifiable deficiencies in native life.

Certainly the severe disparities between Aboriginal and non-Aboriginal social indicators should be scandalous. However, the undesirability of *difference* in conditions of life soon becomes here the undesirability of differences in legal status and entitlement. Moreover, 'legal difference,' quickly becomes, 'legal separation and isolation,' not only bereft of any advantages, but the cause of current social disparities:

Yet Gibson rightly contends these failings are not the result of doing too little – the standard complaint among most pro-native authors – but rather because of the well-intentioned, but ultimately

counterproductive policies and laws that we have repeated over and over.

“The moral response is clear,” Gibson concludes. “Whenever the government has a chance, it should reduce the legal differences between Canadians.” Indian policy in the past 40 years, instead, has sought to exacerbate such legal separation and isolation, often at the request of native leaders, native-friendly academics and politicians.

Gunter here enlists Gibson to argue against what we saw Albrechtsen term the ‘rights agenda.’ He, however, carefully manages the list of items that can be associated with ‘legal differences.’ Earlier in the column he identifies the *Indian Act* as the overarching problem, which ‘bows the legs and strains the backs of natives on an almost daily basis. It governs everything from their relationship with Ottawa to their right to own property to the very definition of who is an Indian.’ However, his criticism of the Act is always in terms of how it is seen to hamper the *dissolution* of differential legal status, rather than how it might, through its limitations, hamper the *self-determination* of peoples who could not be in a position to self-determine without the legal status upon which to do such. The above passage is infused with the terminology of the culture wars, where exponents of increased Aboriginal provision are described as ‘pro-native,’ ‘native-friendly academics and politicians,’ and by association, ‘native leaders.’ While Gunter does not employ terms such as ‘progressives’ and ‘leftists’ in this piece, we understand that it is these groups—and again, in a hardly plausible alliance with *government as a whole*—that are responsible for the wrong turn in Aboriginal policy over ‘the past 40 years.’ Gunter’s purpose then is essentially assimilationist, and this becomes unambiguously clear in the closing paragraph:

Governments, rather, should increase their interaction with individual Indians. Never, should they permit legal differences “to grow.” We “should celebrate what we have in common and leave it to the individual to celebrate diversity, with neither penalty nor subsidy.”

That would be a major improvement over the current arrangement.

Gunter leaps from a limited criticism of legal difference to a somewhat chilling nationalistic prescription against the public ‘celebration’ of difference *in toto*, without apparent concern for the potentially totalitarian implications. State funding of Aboriginal programs, which in the main consist in basic services, has by implication—in the sweep of the claim—been misrepresented as ‘subsidised diversity’ along with distinct legal rights. Moreover, the contention that diversity is not something legitimately to be supported by the state (but presumably ‘commonality’ is), can only be deeply assimilationist since it is predicated upon the fact that the lion’s share of national sameness is non-Aboriginal. This constitutes a denial of the qualitatively *different difference* of Aboriginality, which is non-diasporic in the contemporary

sense of the term. Many Québécois might, in any case, have a few things to say about this idea too.

Assimilationism is Unmodern

As we have seen, irrespective of these national differences in recent policy history, the Canadian and Australian conservative press columnists examined in this paper advocate policies that range from outright abandonment of Aboriginal tradition and life ways to subtler mechanisms to achieve the commonly sought objective of assimilation. The political bottom-line in each case is to oppose measures that are represented to move further in the direction of self-determination, the latter objective which is depicted as a failed utopian experiment driven by leftists, progressives and Indigenous political figures. The conservative public advocacy discussed in this paper threatens the possibilities for Indigenous peoples to exercise the perfectly reasonable choice to maintain self-governing communities on their homelands and a contemporary culture that is, as much as possible, their ongoing negotiation of tradition and change. Such advocacy has purchase upon public opinion and the political process in a number of ways. First, to the extent that it is effective in turning ordinary liberal concepts such as self-determination, sovereignty and rights to land into extremist ones. Second, to the extent that it is effective in revising the history of government Aboriginal policy into a plausible strategic fantasy in which an historic leftist wrong turn occurs at the very points in time at which liberal civil freedoms were wrested from paternalistic state repression. Third, to the extent that it is effective in making the predictable policy failures and sordid political and financial expediencies of governments, both Aboriginal and non-Aboriginal, into object lessons in the dangerousness of 'radical' principles—which were really never more than ordinary liberal ones. Moreover, far from being the anti-modern idea that conservatives would have us believe, the social recognition of Indigenous difference, and its implications in demography, economy and law, is the mark of singularly *modern* polity. In other words, it is not, as conservatives contend, the assimilation of Indigenous peoples into modern society that is called for by modernity, but that modernity is the pre-condition for the liberal recognition of difference, no less than when that difference is crudely conceived as pre-modern. Conceived this way, the current resurrection of essentially assimilationist government policy in Australia, wrapped in carefully renovated rhetoric, is both a profoundly socially unmodern, and politically illiberal turn. It is in defiance of this illiberality that Samson and Delilah decamp to Country. Their pursuit of happiness, of freedom from tyranny and abuse, is a democratic and thoroughly modern one.

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Notes

1. As Lucy (2004: 20) elaborates:

To suppose that the question of democracy comes down to the difference between voting as a right or an obligation would be to mistake democracy as an ideal for its always less than ideal phenomenological, historical, political or public manifestations. Whatever democracy 'is' must include the possibility of what it might remain 'to come', which must include the possibility of an indeterminate future that cannot be predicated on the basis of a knowledge and experience of the present understood in terms of the past.

This is why Derrida conceptualises democracy (by another logic, as it were) in terms of what always remains *to come*.

2. For a detailed account of this comparative value, see Mickler (2006) 'Conflicting narratives: First Nations in the Vancouver press; a comparative study with the Perth press, part one, 1960' and Mickler (2007) 'Disintegrating verities: First Nations in the Vancouver press, a comparative study with the Perth press, part two, 1965-70.'

3. With the replacement of the *Native Welfare Act 1963* by the *Aboriginal Affairs Planning Authority Act 1972*.

4. Gardiner-Garden (2000).

5. It should be noted that the Canadian *Indian Act* created a legal and thence political distinction between 'status' and 'non-status' Aboriginal people (formerly called 'Indian,' now 'First Nation'), with the category 'status' alone subject to the Acts provisions and restrictions. Neither does the Act apply to Inuit or Métis peoples, although these together with First Nations peoples are recognized as Aboriginal peoples under the *Constitution Act* of 1982.

6. For example, Canada's forced relocation of Inuit families to the high arctic in the 1950s. See René Dussault and Erasmus George (1994) *The High Arctic Relocation: A Report on the 1953-55 Relocation* (from the Royal Commission on Aboriginal Peoples).

7. Under the *Aboriginal Councils and Associations Act 1976*.

8. For example, the Human Rights and Equal Opportunity Commission (1999: 7) submitted to the UN Human Rights Committee that total national expenditures on Indigenous people in education, employment, housing and health 'when compared to the levels of disadvantage highlighted above, tend to indicate that while there are government funding and programs aimed at redressing Indigenous disadvantage, they are clearly not sufficient to raise Indigenous people to a position of equality within Australian society. International human rights principles provide justification for giving higher priority to Indigenous disadvantage and for the taking of further steps to redress this disadvantage and achieve equality of outcome.'

9. For example, Indigenous leader, lawyer and columnist Noel Pearson (2009), a prominent critic of destructive policies perpetuating welfare dependency and underdevelopment since the 1960s, and one who frequently publishes many views consistent with conservative positions, including Albrechtsen's, refuses below a prelapsarian past of good policy, and the notion that the preservation of Indigenous cultures and 'their right to remain distinct' is irreconcilable with survival in the 'globalised world':

The preservation of Australia's Aboriginal cultures is a goal in its own right – an indispensable element of reconciliation – but Aboriginal culture and languages are being weakened at an alarming rate. Yet this does not mean that Aboriginal people are indifferent to their heritage. The weakening of cultural transmission is the result of three factors that have been beyond Aboriginal people's control. First, the descent into passive welfare and substance abuse – and the ensuing chaos, which disrupts social and cultural efforts – is the result of policy mistakes made during recent decades. Second, Aboriginal people's disadvantage has deprived them of the knowledge necessary to maintain a minority culture in a globalised world. Informal, oral handing down of knowledge to younger generations no longer works for vulnerable minorities. Third, Aboriginal people are at a psychological disadvantage when it comes to their culture and language. The choking of Aboriginal culture and languages did not end with the abolition of so-called protection in the 1960s; government support for Australia's native languages is still minimal. Government inaction and the Australian mainstream's disregard for Aboriginal languages act in concert to restrict Aboriginal people's freedom to express and maintain their culture. It is entirely wrong to deny native minorities their right to remain distinct with reference to the (correct) principles of the inviolability of the sovereign states and undifferentiated citizenship.

See also for example: Patrick Dodson (1991) *Royal Commission into Aboriginal Deaths in Custody Regional Report of Inquiry into Underlying Issues in Western Australia*. This report remains one of the most comprehensive examinations of the relationship between government policy and the condition of Indigenous people ever undertaken. It was highly critical of not only policy regimes from the early colonial period to the assimilationism of the twentieth century, but also the failures and betrayals of governments in the post-

assimilation period of official self-determination. See also Quentin Beresford (2006) *Rob Riley: An Aboriginal Leader's Quest for Justice*. This acclaimed biography is also a critical history of Aboriginal affairs, and is similarly critical of the continuity of oppression and failed policy across the twentieth century [note: the author was involved in both of these latter studies, the first as a researcher and the second as collegial advisor].

10. Henderson somewhat injudiciously refers to Mick Dodson's brother and fellow rights campaigner Patrick Dodson, who, like the late Charles Perkins, perhaps best personifies the blend of both legal rights campaigner and pragmatic community development policy-maker over the past twenty-five years. Indeed, it was the recommendations of a report co-produced by Patrick Dodson's consultancy firm (Socom and DodsonLane, 2009) on the practical needs of NT homelands that the NT Government chose largely to ignore when it decided to curtail new outstation support.

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