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7 Australian Democracy and Indigenous Self-Determination, 1901–2001

Geoffrey Stokes

Australian democracy is genuinely benevolent, but is preoccupied with its own affairs. From time to time it remembers the primitive people whom it has dispossessed, and sheds over their predestined passing an economical tear.

W. K. Hancock, *Australia* (1930: 21).

Beneath the relatively peaceful growth of liberal democracy in the ‘settler’ democracies of Australia, Canada and New Zealand lies their turbulent, and often violent, political relationship with indigenous peoples. Such difficulties stand out in sharp relief in a Commonwealth of Australia which is often represented as the epitome of peaceful democratic evolution. Although the federal government – building upon previous colonial reforms – pioneered the universal franchise at the national level in 1902, the vote was denied to many Aborigines and Torres Strait Islanders at both state and federal levels until the 1960s. The early Commonwealth laws also denied indigenous peoples¹ access to those systems of social welfare and arbitration that were a mark of a distinctive, albeit limited, Australian social democracy. A primary outcome was their exclusion from the political process and their relegation to the periphery of the capitalist economy and white society. This did not entail an exclusion from institutions. On this ‘periphery’, particular state institutions and forms of institutionalization had an overwhelming influence over the lives of generations of Aborigines and Torres Strait Islanders. The consequent struggle for equitable and non-discriminatory institutional inclusion marks a distinctive dimension of indigenous politics over the century. Nonetheless, that is not the whole story. In many areas, indigenous people have sought alternative forms of autonomy within, alongside and outside liberal democratic institutions. They have also confronted regular opposition from those who would reverse these gains and introduce new programs of assimilation.

This chapter offers a way of understanding the problematic relationship between Aborigines and Torres Strait Islanders and the institutions of Australian democracy from 1901 to 2001. While many of the facts

about indigenous people and their difficult relations with the Australian state are widely known, it is the interpretation and organization of this information into a plausible conceptual or theoretical schema that is often absent. This chapter reflects upon that dilemma, devises a model for comparative inquiry, and applies it to two periods of Australian history, 1901–11 and 1991–2001. The proposed model deploys the concept of a ‘domain’ to demonstrate the significant political patterns, tendencies or propensities in the evolution of relations between indigenous people and Australian democracy. The chapter identifies three relevant and often overlapping political domains, the domain of *liberal democracy*, the *indigenous* domain and the domain of *protection and segregation*. Each domain delineates a political order and context in which indigenous people have encountered the institutions of the Australian state. I argue that, within each domain, a dominant political tendency or ‘political logic’ may be discerned that organizes the choices available to indigenous people and that effectively establishes the opportunities for, and constraints upon, them. These three competing and often overlapping tendencies or ‘political logics’ may be called *liberal inclusion*, *indigenous self-determination* and *paternalist exclusion*. A key focus will be upon the unfolding of the various citizenship regimes imposed upon indigenous people and their struggles to resist, transform and reshape them. The result is a broad account of indigenous people and the institutions of Australian democracy that may be used as a future research program.

Theoretical and Conceptual Background

One of the inherent difficulties for an Australian social and political science that wants to contribute to our knowledge of indigenous peoples and democracy is that the problem appears to defy easy understanding and explanation. Because the political relationships between indigenous people and the state did not unfold evenly over the country, or proceed in a linear fashion, it is difficult to make straightforward generalizations about the process. Nor is there any consensus over the kinds of concepts and theories that would be most useful to portray the present situation.² Whatever the conceptual or theoretical insight, there always seem to be empirical facts and situations that do not fit. For some, this conclusion is cause for celebration because it is considered that such generalizations can only distort history and even contribute to the oppression of indigenous people. Nonetheless, if it is conceded that accounts that reach beyond particular situations are essential to any worthwhile social analysis and effective collective political action, then the key issues are simply their intellectual plausibility and political utility. That is, do the conclusions bear up under the evidence and does the analysis fulfil its

promise of shedding new light on the problem or open up a new research program? In addition, it must be asked whether they enhance or inhibit political projects, such as indigenous political agency or liberal democracy? It is in this regard that generalizations about indigenous people and the institutions of Australian democracy are often found wanting.

Within traditional political science (Bennett, 1989; 1999), for example, it would be tempting to see Aborigines and Torres Strait Islanders simply as one interest group among many, competing for power in a liberal pluralist democracy. Such an approach misses the historical point that for most of the twentieth century, indigenous people were excluded from democratic institutions, and that this may have some bearing upon whether and how they came to assert their interests. For Colin Tatz (1982a: 207), more was to be gained from pursuing rights through the courts than conventional party politics. A Marxist approach based upon political economy allows for a powerful critique of colonialism and the exploitation of indigenous people. Certainly, the concepts of 'internal colonialism' (e.g. Rowley, 1972a: 1–26; Hartwig, 1978; Beckett, 1982; Jennett, 1987: 85) and 'welfare colonialism' (Beckett, 1988; Sackett, 1990) cast some light upon the condition of indigenous people. Nonetheless, these concepts have not escaped criticism for their limitations in explaining key characteristics of indigenous relations with the state (e.g. Peterson, 1998).

With its focus upon the processes of political inclusion, the concept of democratization (Dryzek, 1996) would appear to allow a multi-faceted understanding of indigenous political struggles in a democratic state.³ Here, conceivably, the theories of social movements (e.g. Touraine, 1985; Offe, 1985) would be relevant to Australia (see Burgmann, 1993), as would related questions about the incorporation of indigenous people into liberal democratic institutions. Yet, much indigenous politics is concerned with escaping the instrumental rationalities of the liberal democratic state, or at least transforming or subverting them. While, for the most part, the imperatives of Australian democracy are widely understood, the complexities of Aboriginal interests are misunderstood or neglected. Where anthropologists have contributed the most detailed and theoretically sophisticated analyses of indigenous culture and politics, these are often focused on discrete groups and regions and, understandably, make few broader claims.

Most of the concepts and theories referred to above *do* provide illuminating insights into indigenous–state relations. Indigenous people are indeed an interest group of sorts, and governments would certainly like them to behave more predictably as one. Various national institutions, such as the National Aboriginal Consultative Committee (1973–77), National Aboriginal Conference (1977–85) and the Aboriginal and

Torres Strait Islander Commission (1989–), have been established to channel and unify indigenous interests, but the radical differences among indigenous interests have constantly undermined actual and possible political unities. Indigenous people have been exploited industrially (Stevens, 1974; Rowley, 1978: 84–109), and also resisted exploitation,⁴ but in many cases, the seasonal conditions of work often fitted in with their social order and cultural inclinations (Rowley, 1978: 89). In some respects, the political struggles of Aborigines and Torres Strait Islanders resemble those of a social movement which has also been incorporated into the Australian state. Yet, various studies have also shown how indigenous people have often adopted key liberal democratic practices and made the institutions work for their own purposes.⁵ The question arises of whether there is any plausible way of integrating these insights into a larger story that takes due account of politics, history, culture and economy, and without rendering the account simplistic or inaccurate.

A vital criterion, however, is that any story must also take some account of indigenous views of their situation. When indigenous people claim to be the ‘Original Australians’ (Patten and Ferguson, 1938: 3), an ‘Aboriginal nation’ (see Jennett, 1987: 88, fn10) or a ‘first nation’, and make demands for self-determination, autonomy and territory, this puts Aboriginal and Torres Strait Islander politics into a different category. These identity claims and policies based upon them put indigenous politics outside the usual confines of interest groups, class and social movements, because the political claims are of a higher moral order and they seem to assert a higher priority for settlement. At one level, indigenous politics becomes an exercise in ethno-nationalism and this characteristic also puts a premium on successfully engaging in symbolic politics. For example, indigenous people must necessarily establish their claims on the basis of radical reassessments of history and these revisions are not always palatable to those who have benefited from that history. The so-called ‘black armband’ view of history threatens dominant perceptions of national status and achievement, and is hotly contested. Part of the intense conflict around indigenous politics therefore arises from attempts to reject the more radical agendas and reduce the claims to more mundane ones. The model proposed below is intended go part of the way towards an analysis that meets the criteria of conceptual plausibility, factual accuracy and regard for indigenous perspectives.

Theory: Domains, Political Logic and Identities

The term ‘domain’ allows for a multi-dimensional understanding of the evolution of Aborigines and Torres Strait Islanders and liberal democratic institutions, which also incorporates indigenous political

standpoints. Currently, the word domain is widely used in a non-technical way in social theory to denote a place or site of action, or a sphere of influence or activity. In its older meaning, however, the term referred specifically to the 'complete and absolute' ownership of land or territory (Webster, 1977). One's domain was literally an area over which one could exercise dominion. The link between influence and land is implied in the use of the word in a select Australian literature on Aboriginal relations with white Australians (von Sturmer, 1984; Trigger, 1986; Rowse, 1992). While acknowledging my debt to the anthropological literature, I would like to use the term in the broader sense, as a sphere of influence or activity, but allowing for the possibility of this including land or territory.

My main concern here, however, is with *political* domains. These comprise institutional, geographical and even temporal sites and spaces in which power, authority and language are exercised in ways that shape political options and decisions. Each political domain comprises a set of values, institutions and practices, as well as various assumptions about its constituent political actors, and 'policies' – actual or implied – that guide the conduct of social and political life. In this regard, I am most concerned with assumptions about the capacities of political actors. For example, within each domain there is a predominant view of Aboriginal identity that shapes particular normative goals and prescribes means for achieving them. These different conceptions and definitions of Aboriginal identity are crucial to both the official institutional practices and 'unofficial' Aboriginal politics. As others and I have discussed before (Stokes, 1997: 5), depending upon the nature of the identity, individuals and groups can legitimate claims to certain rights and require the performance of obligations.⁶

Another way of representing a political domain is to say that it comprises a field of political forces or propensities that may or may not be realised.⁷ Within each domain, it is conjectured that there is a dominant political tendency or 'logic', based upon certain conceptions of identity and oriented towards a particular set of values or objectives. That is, in a particular domain, the dominant political logic works towards certain political outcomes and in so doing it tends to influence the nature of political identity and the structure of choices available. Nonetheless, there is no inevitability about achieving a political result because of the influence of countervailing tendencies within a domain or those emanating from other domains.⁸ Indeed, this model hopes to show how particular political propensities are deflected and changed.

In some respects, this account of a domain and its political logic depicts the 'situational logic',⁹ regarded as central to explanation in social science, but one that has a more dynamic character. Although the domain

and its primary political logic enable description and explanation, it also indicates the sources of certain kinds of prescription. In one sense, these political logics provide rudimentary theories that can be used to guide inquiries into institutional evolution and the politics surrounding it. Here we can discern relatively coherent political agendas, as well as policies and institutional programs, and also why some were attained and others were not. It is proposed that, through establishing the character of these domains, their associated political logics, and the interaction between them, we may understand a little more about the reshaping of those Australian institutions that bear upon the lives and politics of indigenous people.

For the purposes of this chapter, I identify three political domains of acute significance for indigenous people and the institutions of Australian democracy. It is contended that the problems of indigenous politics in Australia may be better understood with reference to the interaction between the domain of *liberal democracy*, the *indigenous* domain, and the domain of *protection and segregation*. The various projects for indigenous self-determination are inherently influenced and shaped by the logics of inclusion, and paternalist exclusion, for example, which are characteristic of the other domains.

In the anthropological literature on domains, generally there is reference only to two somewhat independent domains, those pertaining to Aborigines and the white settlers. If we apply the concept to indigenous politics, however, it is evident that there exists a third political domain which indigenous people occupy, but which was originally constructed by white settler democracy as a means of dealing with the special characteristics of indigenous social and economic life. Rowse (1992: 35), for example, writes of balances being struck between the Aboriginal domain and 'welfare colonialism'.¹⁰ On my account, it may perhaps be more useful to portray it as a balance being struck at the intersection of the indigenous domain, the liberal democratic domain, *and* that of protection and segregation. Where welfare colonialism is part of the political logic of liberal (and social) democracy, it is implemented in a domain previously dominated by protectionist institutions, and in which indigenous people adapt the programs to their own cultural needs.

Similarly, contributors to public debates often assume that there are only two main contending domains and interests, those of indigenous people and self-determination and those of liberal democracy and inclusion. This lack of differentiation serves distinct political purposes. A major objective for certain elites, for example, is to reject the very existence, influence, or legitimacy of any domain other than that of liberal democracy. Great effort is put into trying to render invisible or illegitimate the continuing effects of other domains in which Aborigines and

Torres Strait Islanders have lived. One effect of this is to re-establish the political conditions of paternalism and exclusion that provoked earlier indigenous quests for self-determination.

Such conceptual schemes necessarily oversimplify the intricacies of history and politics. Nonetheless, these categories may contribute to a better understanding of the shifting contours and layers of Aboriginal politics within Australian political institutions.¹¹

The Domain of Liberal Democracy

The formation of the Commonwealth of Australia in 1901 constituted the creation of a new federal, political domain, comprising formal constitution, liberal democratic institutions, values and practices. Building upon colonial democratic precedents, this national *domain of liberal democracy* put a premium on political equality among citizens. Ideally, it consisted of instruments for (a) protecting the legal and political rights of individuals, such as the common law, the constitution, and legal statute, and (b) selecting governments that have authority over citizens, which is then exercised through the instruments of the state. In Australia, the federal system also ensured that sovereignty was divided between the Commonwealth and the states.

Through Section 51 (xxvi), the original constitution prohibited the Commonwealth from making special laws for 'aboriginal natives' and effectively left power over indigenous people with the states. In addition, the states, through their 'residual powers', were awarded constitutional jurisdiction over land. This fact and the condition of divided sovereignty had a significant influence upon the evolution of relations between indigenous people and the state, largely to the detriment of the former.

Traditionally, clear boundaries are drawn between the political domain and other domains, such as the economy, civil society, family and religion, where different, sometimes more authoritarian, values may rule. In one version of its ideal form, liberal democracy prescribes no great content to social or religious life; it is simply a neutral process or political method. For example, because the founders valued religious pluralism and toleration, the Commonwealth constitution maintains a clear separation between church and state (Section 116). Yet, through a combination of social liberal and social democratic initiatives considered necessary to protect and advance democracy, Australian governments also implemented extensive social, economic and cultural policies that extended the rights of individuals beyond those of basic civil, legal and political rights. This trend has allowed the development of public policies that give general support to life in the private sphere of family and community, but

also to the formation of large, hierarchical bureaucracies, such as in the fields of health and social security.¹²

The instruments of government (bureaucracy) and law (courts) are also supposed to operate impartially and impersonally according to strict, formal rules of procedure. That is, the dominant imperative is that of instrumental rationality. The objective is to ensure that political decisions are made fairly, on the basis of their contribution to the wider public good, and not on the basis of friendships, family ties, or any arbitrary personal inclinations. If members of governments were to bestow favours upon close family or kin or friends, this would usually be regarded as a form of political corruption, open to prosecution and punishment.

Ultimately, Australian governments are supposed to be publicly accountable through parliament and elections, to the people, understood as individual citizens. The primary political identity is a civic one concerned with the public good and whose loyalty to Australia (or Australia and Great Britain) is supposed to over-ride any religious, ethnic or racial commitments.¹³ Citizens are encouraged to participate actively in politics, primarily by voting in national or state elections. Given that elections only occur every three or four years, participation by ordinary citizens is minimal. Intense political participation occurs primarily among the leaders of parties, factions, movements or interest groups who compete over the resources of the state and its capacity to regulate economic and social activity. This feature puts a premium upon dealing with those who can speak for their groups or constituencies.

Following colonial precedents, early in the history of the Commonwealth, only certain kinds of people, usually whites, were deemed to have the capacities for democratic citizenship. As a consequence of later political struggles, however, this liberal democratic political domain gradually expanded the types of people who could be officially designated as citizens (Chinese, Aborigines). Such a process may be categorized as one of *liberal inclusion*, in which previously excluded groups are given entry into liberal democratic institutions, and then begin to participate in them. This process of inclusion involved not only the granting of votes, but often also legal rights and other institutional and material resources.

This political logic of inclusion works primarily towards the protection and reproduction of liberal democracy. While the peaceful expression of criticism is regarded as legitimate, the system functions to manage and absorb dissent through the application of common liberal democratic procedures. The outcome is generally the incorporation or assimilation of deep political differences into democratic and bureaucratic practices, guided by established principles of procedural justice and instrumental rationality. In the main, liberal democratic politics is conducted by political leaders with the power and authority to negotiate

issues. The main features of this domain are represented diagrammatically in Figure 7.1 below.

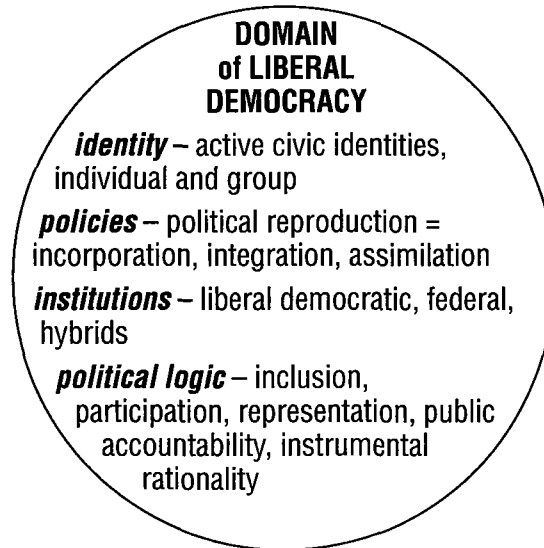


Figure 7.1

For indigenous people, the logic of inclusion tends to produce particular political and social outcomes. The general citizenship regime for Aborigines and Torres Strait Islanders remains a liberal democratic one that is little different from that of the rest of the society. This process of liberal inclusion tends to require the political assimilation of indigenous people into the prevailing values and practices of Australian citizenship. Indeed, one tendency, associated with the interests of the liberal democratic state, is to incorporate the newly included groups and remould them into compliant civic actors. The political disposition here is still to reshape the indigenous domain and make it conform better to established forms of political and administrative rationality. Regimes of consultation and indigenous self-management are characteristic of this political logic.

The Indigenous Domain

Before the arrival of the white settlers, Aborigines and Torres Strait Islanders lived in politically autonomous and self-determining communities. Although they would not have used such labels, there is no overwhelming reason why these terms cannot be applied to describe their original situation. Certainly, the indigenous peoples lived within their own distinctive institutions of culture, religion and politics, oriented towards the reproduction of their material life and society. These institutions provided continuity and the means for maintaining order, but were rarely recognized as such by early Europeans. Central to their way of life were kinship relations, attachment to – ownership and guardianship – of

land, and a philosophy where the interests of the group took precedence over those of the individuals comprising it. Aboriginal people lived in societies that required each member to take seriously their responsibilities to kin and clan as well as religious obligations to the land. Aboriginal identities were largely determined by systems of kinship and attachments to land that were local and regional.

Although we can have no direct knowledge of Aboriginal politics before the invasions, there is sufficient evidence from later observers and studies of Aboriginal life in areas where the older values remained strong, to construct a broad framework of tendencies. There seems to be a convergence of opinion among anthropologists that in traditional Aboriginal communities there were no 'enduring hierarchies of authority for the administration of public affairs' (Hiatt, 1986: 10). That is, there was no political leadership of the kind evident in liberal democracies, where, by virtue of one's place, role, status and authority in a hierarchy, one could give orders and expect obedience. If significant decisions affecting the community had to be made, they were generally discussed and determined by the whole group. For many observers there was a strong egalitarianism in indigenous political life (Ibid: 11).

Although no exclusively political institutions existed, social control or authority was exercised through the institutions of religion and kinship. In some areas, the competition for scarce resources and efforts to enhance reputations, usually among senior males, led to the emergence of 'big men' or 'bosses' who could speak on behalf of the group. Furthermore, there was a tendency towards gerontocracy where 'senior males exercise a degree of domination over junior males and females, especially in the sphere of religion' (Hiatt, 1986: 11). Generally, however, the practice of speaking on behalf of others was not encouraged. Although there was evidence of hierarchy based upon religious status, this did not usually translate into an *enduring* secular authority. There was, for example, no equivalent to the state – an institution that has a monopoly of force – in traditional Aboriginal society (Maddock, 1973: 182).

For Hiatt (1986: 12–13) it is more accurate to note that there are strong tendencies towards both egalitarianism and authoritarianism, and that the stress upon equal moral worth tends to inhibit the tendency towards selfishness, self-importance and ambition. He also suggests that in relations with whites the egalitarian tendency works against the 'emergence of black political leaders', while the religious authoritarianism may tend to encourage 'a ready acceptance of paternalism emanating from an external source', such as a white 'boss'. Where state institutions have intervened to formalize certain land ownership rights, a new type of 'big man' has come to prominence, who is not as responsive to the egalitarian tendencies (Ibid: 12, 15).

Further content may be given to the concept of an indigenous domain based upon its use in anthropological studies that seek to depict and explain relations between black and white Australians. Von Sturmer (1984: 219), for example, distinguishes between the Aboriginal and European domains. He has used the term to describe remote areas,

in which the dominant social life and culture are Aboriginal, where the major language or languages are Aboriginal, where the dominant religion and world views are Aboriginal, where the system of knowledge is Aboriginal; in short where the resident Aboriginal population constitutes the public.

Nonetheless, the concept can include further dimensions beyond place, such as the often diminished physical spaces and times in which Aboriginal people maintained their autonomy while under white control. Drawing upon ethnographic studies, Rowse (1992: 100) describes this domain as 'a structure of political relations, of honour and indebtedness, of the relatively unfettered use of time'. The concept was devised to describe the features of Aboriginal life in isolated regions populated predominantly by Aboriginal people, which he calls 'Aboriginal enclaves' (Ibid: 21). Nevertheless, the concept may be extended to describe the traditions and practices that were retained and developed by indigenous people of mixed descent, who formed historical associations to land outside those regions, and especially in urban areas.

As Rowse (1992: 19) points out, the term can also incorporate a normative dimension that prescribes a political agenda for Aboriginal people. From this perspective, a central political objective has been that of protecting the indigenous domain. Engaging in resistance to white incursions into their way of life has been central and the goals have ranged from seeking to exclude whites from the indigenous domain to the regulation of their entry into it. The political agenda also included efforts to extend Aboriginal traditions, values and ways of communicating into other, primarily white, domains. This is not to claim that there is absolute continuity or unanimity among indigenous people about what constitutes their domain and the political agendas appropriate to it. It is simply to say that this domain provides the principal context in which indigenous people pursue autonomy and determine their political objectives. Where this occurs we may apply the term 'indigenous self-determination'. An outline of the indigenous domain may be found in Figure 7.2 below.

In the face of white invasion and settlement, a crucial political task for indigenous people has been to retain and protect their older values, institutions and lands, or at least their historical memory and adaptation of them. Where indigenous traditions and practices are dominant, we

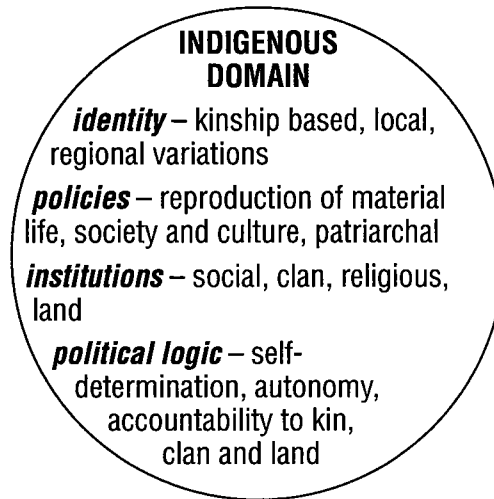


Figure 7.2

may still apply the term *indigenous domain* and identify an associated political logic of self-determination oriented towards the reproduction of material life, society and culture. Further, the indigenous domains are not static but dynamic. Indigenous people have adjusted imaginatively to new conditions, and in so doing they have created new layers of meaning that have given even richer significance to the lands on which they lived (Goodall, 1996: 103).

In normative terms, criteria for indigenous self-determination may be found by assessing the extent to which the policies, institutions and practices enlarge the indigenous political domain or not. That is, indigenous self-determination may be evaluated against its potential to expand the places, spaces and times in which indigenous people can exercise their collective autonomy. It has to be said that there would be many different ways in which indigenous people would interpret autonomy and what it would require. This account does not make any moral judgement on indigenous practices. It simply acknowledges that the indigenous domain, which, depending upon the period, may be actually very small, is one in which indigenous perspectives and values prevail.

The Domain of Protection and Segregation

Again building upon colonial practices, all levels of Australian governments either sanctioned or created a second domain specifically for Aboriginal people, which we shall call the *domain of protection and segregation*.¹⁴ Whereas this domain appeared to be one existing inside liberal democracy, for all intents and purposes, it had an autonomy untouched by liberal democratic values and practices. In many respects, it comprised a set of ‘total institutions’ (Goffman 1968), distinguished by

the autocratic rule of officials or mission employees. Once the domain was created, the policies and the officials carrying them out became virtually impervious to criticism or reform, either from below and/or from above. For decades, the institutional regimes governing Aboriginal people were largely unaccountable to liberal democratic governments or parliaments (see Kidd, 1997). The State Protection Boards and their officials, for example, played a disproportionate, authoritarian and often brutal role in radically restricting Aboriginal social and political choices. Unlike in the domain of liberal democracy, there was also no accountability to those who were being governed and administered.

From the perspective of the Australian state, the political logic that best describes the values and practices oriented towards indigenous people during the first part of the twentieth century is the logic of *paternalist exclusion*.¹⁵ The state policies and institutions were predominantly *exclusionist* because they functioned to prevent indigenous people from participating in the institutions of liberal democratic government or having access to social security benefits. Through official policies such as protection and segregation, indigenous people were denied citizenship rights and institutionally confined to state reserves under the power and surveillance of local managers and police.

This political logic was directed at the two major categories of Aborigines, the so-called 'full-bloods' or tribal Aborigines, and those of mixed race. Two different policies, either segregation or assimilation, were applied, based on the putative condition or capacities of these two categories of indigenous people. Underpinning these policies were racist theories and mistaken beliefs that Aboriginal people did not have the capacities for citizenship. At worst, Aborigines were widely viewed as objects, largely devoid of humanity, and deserving elimination. At best, they were regarded as childlike creatures largely incapable of rational, autonomous thought and action. For tribal Aborigines, segregation was intended to protect them during the time it took the race to die out.

Those of mixed race were thought minimally capable of participating in white society and many of them were subjected to a policy of forced assimilation. The main strategy was to remove such children from indigenous families and place them in state institutions and white families so that they could learn to participate in the larger white society and economy. Over time, however, it was also thought and hoped that all trace of 'colour' would be bred out. For both the 'full-blood' Aborigines and those of mixed race, the policy was one of hastening the inevitable demise of race and culture. On such grounds, some would argue, these programs were attempts to bring about the ultimate exclusion of indigenous people, namely, their genocide (see Gaita, 1997; Reynolds, 2001).

The policies and the institutions were *paternalist* in the sense of treating Aborigines as people whose views ought to be ignored, and who needed

to be guided by officials and others who claimed superior knowledge and judgement.¹⁶ It is arguable that the strategy of incarceration, both as a general and specific strategy, was central to the preservation of this domain. To maintain order, the state laws established new categories of offences only applicable to indigenous people. According to Tatz (1979: 50), these included: 'drinking, leaving a reserve, entering one when barred, intermarrying, refusing to work, being cheeky, writing salacious letters to a boy/girl-friend, committing adultery, playing cards'. Those found 'guilty' of such offences were subject to a range of penalties such as fines, forced manual labour, confinement, or expulsion from the community.

Under these circumstances, citizenship for Aboriginal and Torres Strait Islanders was primarily a minimal legal and administrative category that enabled state governments to implement policies that were almost universally authoritarian, discriminatory and oppressive. Often, within this domain, Aborigines were forbidden to speak their native languages and their previous cultural practices were prohibited. In effect, the state aimed to draw more sharply the boundaries of the indigenous domain, reduce indigenous 'sovereignty' over important areas of life, constrain the autonomy of those living within it, and thus severely limit the scope of the choices that could be made. The concept of 'internal colonialism' (Beckett, 1982; Jennett, 1987: 85) has been widely deployed to describe the combination of governmental and economic tendencies within this domain. The definition by Beckett (1982: 132) of the 'internal colony' as 'a region or enclave, which is exploited and controlled from without through a set of distinctive institutions' indicates the general characteristics of this domain. For a summary representation see Figure 7.3 below.

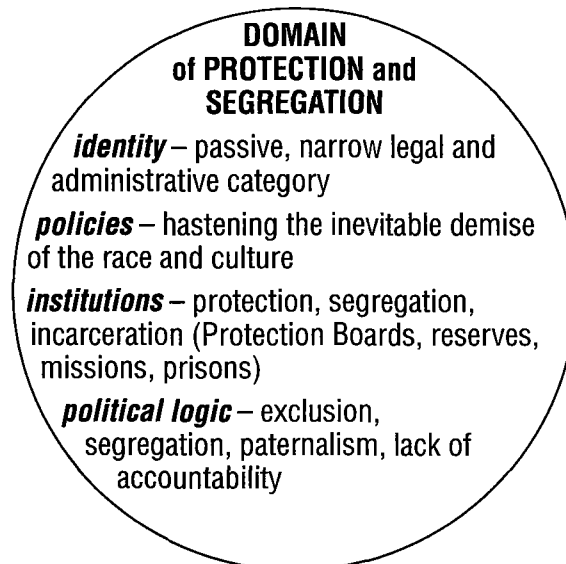


Figure 7.3

Few political options were available to Aborigines under this regime, apart from escape, withdrawal or resistance. (By maintaining their languages and practices in secret, they often retained a residual cultural autonomy.) For those removed from the protection of family and community, the only options were the dangerous ones of individual defiance and escape, both of which risked physical retribution. Given this context, the dominant objectives of early Aboriginal political struggles were to establish the conditions in which Aborigines could regain political autonomy with the aim of recovering and expanding the indigenous domain. Generally, this required trying to enter and reform the liberal democratic domain of the Australian polity. A key means to this end was to attain the civil, legal and political status of full citizenship in Australian democracy, and to secure equal opportunities to exercise their social and economic rights.

For indigenous peoples, inclusion could be pursued by engaging in acts of resistance to exclusionist policies, developing a political voice in the liberal democratic public sphere, campaigning against discrimination and seeking to gain representation in or alongside liberal democratic institutions. The primary task was to persuade government authorities that they were capable of responsible citizenship and to acquire all those rights that are held by other citizens. Where official forms of indigenous representation are granted, the logic of liberal inclusion entails a politics oriented towards, and influenced by, liberal democratic institutions. To the extent that indigenous citizenship is no longer simply a legal and administrative category, and allows for citizenship as a practice, it would amount to a significant advance upon the situation under paternalist exclusion.

On this account, indigenous politics emanating from this domain is marked by two major features. First, the orientation towards inclusion tends to produce political features, such as authoritative political leadership and means of political communication, which are valued and rewarded by liberal democracy. In this domain, the quest for indigenous self-determination is resolutely liberal democratic in character and always runs the risk of incorporation. Yet, in addition to gaining citizenship rights, the tendency towards self-determination also has the potential to become an instrument for recovering an indigenous way of life and culture, and a politics that is not necessarily liberal democratic.

A second more negative tendency arises, however, from the extension of other citizens' rights, which tend to reinforce the political logic of paternalism and exclusion. The award of rights to social security has often had uneven and deleterious effects for indigenous people in remote regions, in that it established a welfare economy that encouraged strong patterns of economic dependence. When applied to communities

previously under the sway of protection, this 'welfare colonialism' (Beckett, 1988: 4), which originated with policies of liberal democratic inclusion, also shifted the dynamics of the indigenous domain. Further, the psychological and social damage inflicted on Aboriginal people by 'protective' institutions encouraged self-destructive behaviour, such as alcohol abuse. When combined with government neglect of basic service provision, these factors contributed to a self-perpetuating cycle of poverty and despair that has often limited the capacity to engage effectively in liberal democratic political struggles.

Political Implications

One of the aims of this conceptualization is to demonstrate more clearly the complex interactions between diverse political tendencies. For example, all three tendencies or logics may be evident at the same time, in tension or struggle with each other, but at any particular time, one tendency is likely to be stronger than the others.¹⁷ Depending upon the time of day, their physical or institutional location, or interests, indigenous people may also regularly move from one domain to another and literally live in three different worlds. Some individuals and groups may feel more comfortable or resigned to life primarily in just one domain, only participating in the others when absolutely necessary. For a representation of this complexity, see Figure 7.4, which indicates areas of overlap between the domains.

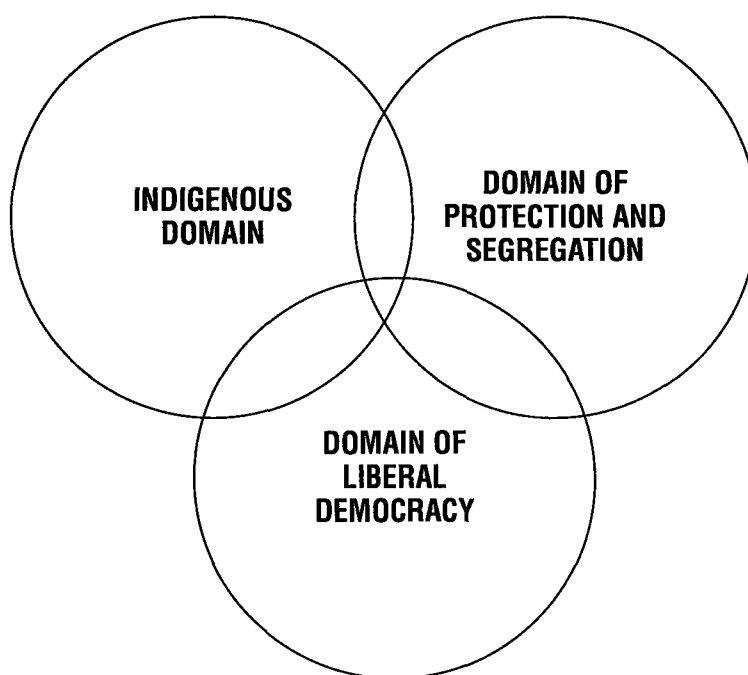


Figure 7.4

Although this conceptual scheme may not capture all the dimensions of democratization, as it relates to indigenous people in Australia, we may usefully apply it to demonstrate historically the conflicting imperatives evident in the process. I will now explore these issues with reference to policies and institutions of both the Commonwealth and the states in the first and last decades of the twentieth century. This comparative case study is not based on original research but relies heavily on the previous empirical work done by Colin Tatz, Bain Attwood, Andrew Markus, Heather Goodall, Ros Kidd, John Chesterman and Brian Galligan, among others. Nonetheless, certain preliminary conclusions may be reached about democratization. Perhaps predictably, there is no uniform or linear progression of policies and institutions. They vary marginally among the states and in the Commonwealth, and Aboriginal responses also differ according to their citizenship status and whether they lived in closer, settled areas or in the more distant outback areas. More important, certain patterns are discernible in the relations between the three domains and the relative strengths of their respective political logics.

1901–1911

By Federation, official estimates put the number of indigenous people at about 77,000 (Chesterman and Galligan, 1997: 63), and they constituted a very small minority in the larger population of 3,765,300. By far the largest numbers were in Queensland, the Northern Territory, and in Western Australia, if one uses consistent criteria of both ‘full-blood’ and mixed race. Furthermore, the dominant legal assumption that Australia was *terra nullius*, land belonging to no-one, had been reaffirmed a number of times in the colonial period (Reynolds, 1989: 66–8), leaving no apparent grounds for indigenous peoples to claim ownership rights to their land, unless through individual purchase. The original assumption was that the indigenous people would die out and public policies and institutions were devised to accommodate that inevitability. Over this period we can see the formal demarcation and consolidation of the domains of liberal democracy and protection, with a corresponding tendency to narrow the scope of the indigenous domain. The intention in establishing these boundaries was to ensure that they were not easily crossed.

Domain of Liberal Democracy

In the domain of liberal democracy, white perceptions of Aboriginal identity, backed by a bowdlerized evolutionism, were crucial in influencing the policies adopted, as well as the design and administration of institutions. For example, Aborigines were widely regarded as a dying

race, Stone Age remnants unable to survive in the modern world. Accordingly, the policy was to protect them through segregation and thus 'smooth the dying pillow' (Bolton, 1982: 59), although 'hastening the inevitable' might be a more accurate description. During the period of protection and segregation, Aborigines were widely considered to be less than human or with, at best, limited ability to learn. It was thought that Aborigines could not assume the civic identity and competence needed for democratic political participation. Nor were they considered to have the abilities necessary for regular employment. Furthermore, the classification of Aborigines by blood provided a basis for policy and administration. Their official identity was widely categorized in crude racial terms with reference to 'Aboriginal natives' who were 'full-blood' and 'half-castes', 'quadroons' and 'octoroons'. According to Gardener-Garden (2000: 1), 'till the late 1950s States regularly legislated all forms of inclusion and exclusion (to and from benefits, rights, places, etc.) by reference to degrees of Aboriginal blood'. Such assumptions provided the rationale both for exclusion from liberal democracy and paternalism within the state institutions charged with regulating Aborigines.

Within the liberal democratic domain, Aborigines were expressly prohibited from voting in Queensland and Western Australia, and other impediments made it difficult to claim the vote in most other colonies (Chesterman and Galligan, 1997: 66). These restrictions were carried over into the new federal system of government. Where two sections of the Commonwealth constitution appeared to complete their political exclusion from the nation, another offered to some the promise of inclusion. Section 51 (xxvi) empowered the federal parliament to make laws with respect to the 'people of any race, other than the aboriginal race in any state' and section 127 excluded Aboriginal natives from being counted in the census. Nonetheless, Section 41 of the constitution left open the possibility of Aborigines retaining the vote, where they had held it under state laws. Designed to protect the rights of women who had the vote in South Australia and Western Australia, it read:

No adult person who has or acquires a right to vote at elections for the more numerous House of the Parliament of a State shall, while the right continues, be prevented by any law of the Commonwealth from voting at elections for either House of the Parliament of the Commonwealth. [cited in Saunders, 1997: 43]

Even where Aborigines had been entitled to vote by state laws, many were later disenfranchised by administrative decisions and by narrow interpretations of this section (Stretton and Finnemore, 1993). The passing of the *Commonwealth Franchise Act 1902* also excluded Aborigines from voting and thus confirmed the 'worst practice' of the states (Chesterman and Galligan, 1997: 7). Consequently, although Aboriginal people were

British subjects, they could only have a very restricted Australian civic identity and certainly, they had few of the citizens' rights accorded to whites, either at the state or federal level.

Commonwealth policies largely followed previous state precedents and confirmed the exclusion of Aboriginal people in the areas and territories under its control (Chesterman and Galligan, 1997: 6–7). For example, political discrimination was complemented by social and economic discrimination. At first through specific Commonwealth laws (Ibid: 85–6), and later through a complex system of administrative rules based upon judgements of race and colour, social security payments, such as invalid and old-age pensions and maternity allowances, were denied to Aborigines. Elsewhere, the unregulated Aboriginal labour on outback stations resulted in economic exploitation. On outback cattle stations, Aboriginal men often worked as stockmen, but were remunerated largely with rations. When wages began to be paid, in the 1930s, these were well below award rates.¹⁸

In this period, the political logic of inclusion proceeded only up to certain limits set by laws based on erroneous assumptions about indigenous capacities for citizenship. As a result, indigenous people were deprived not only of political rights, but also rights to social security. We may portray the first decade after Federation as one in which Stanner's (1968: 18) phrase 'the great Australian silence' can be given a crucial political dimension. For it is during these years that Australian governments practically completed the disenfranchisement of indigenous people and made them virtually irrelevant to the liberal democratic domain. Such a context created the impetus towards the indigenous peoples' quest for inclusion.

Indigenous Domain

Only in the most outlying and isolated regions, such as Central Australia, Arnhem Land, the Pilbara, the Kimberley, Cape York and Torres Strait, could indigenous people have avoided regular interaction with white settlers and officials. Nonetheless, as we have seen above, there is sufficient evidence to indicate that indigenous ways of life, values and practices remained strong in many remote areas and to a lesser extent in more settled regions. Even where indigenous people were in regular interaction with, or even direct supervision by whites, key elements of their polity and society survived and flourished.

Aborigines working in the outback pastoral economy still continued their own ways of life. Certainly, in the more closely settled regions, where dispossession had been largely completed, a generation of indigenous people would have grown up in close contact with whites and taken on many of the skills, values and attitudes needed to survive in a modern

economy. There is abundant evidence of indigenous communities successfully working farms on reserved lands and outside them (Goodall, 1996: 98–103). Many older Aborigines, however, would have lived a great part of their lives within indigenous social institutions that were marginally touched by the white liberal democratic domain. To this extent, their identities, social relations and politics remained determined by kinship, and followed the lines indicated in the general discussion of the indigenous domain above.

In the remote areas, one strategy was to try to incorporate whites into their culture and so bring them within the sphere of indigenous kin relations. By including whites within their networks of status and obligation there was a possibility of exerting some control over them. Indigenous politics in such regions included acts of resistance to incursions into their territory, society and economy. That whites in remote regions still resorted to violence, ‘punitive expeditions’ and massacre well into the twentieth century (Rowley, 1972b: 237) is partial testimony to the resilient presence of Aboriginal society and culture in the indigenous domain. In this struggle for control, however, the superior physical resources of the official institutions of the state tended to prevail.

For the more settled regions, we may draw on Goodall’s account of Aboriginal engagement with liberal democracy in the late nineteenth century and extrapolate it into the early years of the twentieth. Goodall (1996: 76–7) explains how Aborigines in colonial New South Wales after about 1850 adapted three types of political strategy to secure land.¹⁹ They made direct representation to government and newspapers; they recruited white allies or advocates from local police, priests or missionaries; and by simply reoccupying their lands they resorted to direct action. Furthermore, Goodall (1996: 101) stresses that such campaigns were not just to gain security of land for economic self-sufficiency, but were directly intended to regain traditional areas. Nor did these activists abandon their indigenous identity, but retained key elements of traditional ceremony and ritual for decades into the twentieth century. Although they had to survive in a capitalist economy, their priorities were also determined by indigenous values.

Domain of Protection and Segregation

By 1901, most Aborigines had come under some greater or lesser form of protection initiated by the colonial governments (Chesterman and Galligan, 1997: 64). All states, by 1911, except Tasmania where it was presumed that Aborigines had died out, had enacted laws to impose protection. Aborigines lived under the guardianship of official ‘protectors’ and in most states ‘Protection Boards’. State institutions generally

based their policies, laws and programs upon the judgements of Aboriginal capacity referred to above, as well as arbitrary conferrals of identity. Within these institutions, Aborigines were forced to live under highly oppressive social and economic conditions.

The protection laws imposed severe restrictions upon the movement of Aborigines, their choice of employment, their remuneration rates, as well as access to and use of their money and property. The sale of alcohol (and opium) to Aborigines was also prohibited. As the literature in life under 'protection' shows, Aborigines were subject to harsh institutional regimes in which arbitrary decisions were the rule, and in which there was no means of appeal against such decisions (Tatz, 1982b: 29). This ensured that generations of Aborigines came to live under conditions amounting to incarceration and imprisonment for life. Charles Rowley (1980: 236), for example, has described life under protection as similar to that of a 'refugee camp'. Nonetheless, the Christian missions often served to shield indigenous people from the worst excesses of white society.

The institutional regime of protection was intended to protect full-blood or tribal Aborigines from the predations of Europeans and Chinese and to restrict miscegenation. Those of mixed descent, who could be expected to survive in white society, were to be removed from their families in full-blood or tribal society and encouraged to integrate into the mainstream. One of the assumptions was that all trace of colour would disappear after a certain number of generations of interbreeding with whites. Those of mixed descent were therefore removed from their parents and placed in the homes of white families or orphanages, where the females were 'trained' to be domestic workers and the males apprenticed into a trade. One of the aims was to ensure that such children did not learn any of their original language and culture, so enabling them to assimilate better into white society. For those living under protection, their choice of marriage partner was also strictly controlled to maintain racial purity.

Such acts were sanctioned by legislation and carried out by individuals working for the institutions of 'protection'. The history of Aboriginal politics in New South Wales by Goodall (1996) is again instructive. In 1911, the Aborigines Protection Board began to lease out reserve land in order to finance its programs for removing children of mixed descent from Aboriginal reserves (Ibid: 120–1). So began a further erosion of security for Aboriginal occupation of land, stimulated also by growing demands for land from white farmers. This pressure intensified with the return of soldiers from World War I and the state government's creation of a Returned Servicemen's Settlement Scheme in 1917.²⁰ These pressures contributed to a 'second dispossession', as Goodall (1996: 125) terms it, which also coincided with an expansion of segregationist policies and actions.

Because Aborigines had so few legal and political rights and resources, they could only deploy relatively limited political strategies. As outlined above, Aborigines pressed their claims on government by recruiting allies, writing letters, submitting petitions and making direct representations. They argued for more land and resources, and against their removal from the land they currently occupied, and they also requested the return of their children.²¹ Aborigines campaigned on their own and sometimes with assistance of white sympathizers. All their appeals had to be put in the language and discourse of white liberal democracy, but none of their representations required official response or action, and very little was given.

In some circumstances direct action was the only option. Aborigines engaged in passive resistance (Lippman, 1991: 17–19) by refusing to co-operate with white management. In many places, Aborigines refused to move off their land and, when forcibly removed, they often returned and re-established their communities. Although these actions represented a struggle for autonomy, neither active nor passive resistance held much prospect of changing the institutional conditions under which Aborigines lived.

From the 1920s, Aboriginal people increasingly sought to change government policy by deploying more conventional liberal democratic tactics. These included challenging Protection Board orders through the courts, agitating to enrol their children in local schools, publicizing their case in local newspapers, writing letters and organizing petitions calling for governments to recognize both their rights to citizenship and to land. Such activities were part of an Aboriginal political movement to gain more autonomy and control over their lives. It also indicates an intensified process of liberal inclusion, but often in terms that set out a claim for difference. That is, implicit and explicit in their claims was an understanding of Aborigines as prior owners of the land.

From this brief account it is clear that the dominant political logic during this period was the exclusion and segregation of indigenous people from mainstream Australian politics and society. This imperative entailed the complementary practice of paternalism. Aborigines' views on what they wanted were routinely ignored or dismissed. Accordingly, most Aborigines held the status of captive subjects rather than free citizens. Even where Aborigines held the legal status of citizen, other laws commonly curtailed those citizens' rights and reduced them to an inferior civic category, similar to that of children or the mentally ill. There were few options available to indigenous people and their sympathizers to win legal or political reform.

Over the period 1901–11 we can observe the nation-wide formation of a closed, political domain of protection and segregation that was

intended to encompass most Aborigines in Australia. The political logic of this domain operated relentlessly to restrict the autonomy of the indigenous domain. The most powerful political pressures emanated from the domain of protection and segregation in which the dynamics of paternalist exclusion were being confirmed and extended. The policies of segregation were state initiated and administered through institutions designed either to segregate blacks from whites, or for preparing suitable children of mixed descent for entry into white society. This state of affairs withstood most attempts at reform and accountability until the 1950s when new policies were implemented, albeit slowly and unevenly, that encouraged assimilation.

Although Aborigines had the vote in a few states at Federation, their franchise was gradually eroded by administrative means. Citizenship for the 'Aboriginal native' was primarily a legal category that allowed their segregation and control. Although many indigenous people lived according to their traditional ways, few escaped the administrative hand of government. There is little evidence of sustained political activism by indigenous people in the domain of liberal democracy until the 1920s. Over the later period of the 1950s and 1960s, the propensity towards liberal inclusion came to prominence and indigenous people came increasingly to operate effectively in the liberal democratic domain. In 1962, the Commonwealth finally repealed the discriminatory provisions of the Commonwealth Electoral Act and enfranchised all indigenous people. Nonetheless, until 1983 enrolment was made voluntary instead of compulsory, as it was for other citizens (Chesterman and Galligan, 1997: 162).²² At the same time that the political logic of liberal inclusion seemed to be sweeping all before it, many indigenous people were looking beyond reforms in the domain of liberal democracy to envisage a recovery of the indigenous domain and more radical forms of self-determination.

1991–2001

According to official census figures, by 1991, the numbers of indigenous people increased to 265,458, though they still remained a small 1.6 per cent of the total population of Australia (Gaminiratne, 1994: 889). By the 1996 census, 352,970 people (2.1 per cent of the total population) identified as indigenous, which was a 33 per cent increase on the previous census, due both to an increase in self-identification and an increased birthrate (HREOC, 2001: 1). By the time of the 1967 referendum, which awarded the Commonwealth constitutional primacy over Aboriginal affairs, most official regimes of discrimination against indigenous people had been dismantled and, as individuals, they had been granted full political equality.

One vital instrument in overcoming discriminatory practices was the *Racial Discrimination Act 1975*, which, according to Hocking and Hocking (1998: 122), was 'the first political acknowledgement and formal legal guarantee of equal treatment for non-white Australians' and 'crucial to the possibility of recognition of Aboriginal rights in Australia'. Over the last quarter-century, governments at state and Commonwealth level also granted statutory group rights to land.²³ Further, in 1982, a landmark case had begun in the High Court of Australia in which Eddie Mabo and four others sought to have confirmed their ownership of land on the Murray Islands in Torres Strait. Reforms to voting and other laws, as well as creative acts of political protest, such as the Aboriginal Tent Embassy outside Parliament House in Canberra, had given indigenous people a significant presence in public life.

Domain of Liberal Democracy

By 1991, on most of the formal political criteria, indigenous people had achieved 'inclusion' in Australian democracy. They held the vote on the same conditions as other citizens and they had gained parliamentary and even ministerial representation through major political parties in state, territory and Commonwealth parliaments.²⁴ For a short period in 1976, Pastor Doug Nicholls was Governor of South Australia and a number of noted Aborigines have been appointed as senior public servants.²⁵ Many indigenous activists, publicists and writers have gained high public profiles through their work in public sector institutions or as critics of them.²⁶ Given the expanding space for public expression of, and engagement with, indigenous views, it can be said that indigenous people have achieved a relatively high degree of participation within the liberal democratic public sphere.

Australian public policy also shifted more to reflect indigenous concerns and interests. Despite uneasiness with the term, governments generally maintained 'self-determination' as the dominant policy practice throughout the 1990s. Official support for self-determination did not legitimate the secessionist pursuit of a separate sovereignty sanctioned in the United Nations Charter of Human Rights or the International Convention on Civil and Political Rights. Self-determination largely meant varying degrees of indigenous self-management of their affairs, with institutional functions and funds delegated from more powerful bodies, and often accompanied by the indigenization of related bureaucracies.²⁷ In the domain of liberal democracy, self-determination signified a radical rejection of assimilation and an acceptance of integration. That is, equality of rights, the recognition of difference, and the right of indigenous people to make decisions affecting them, were the values behind public policy.

Regarding their official identity, indigenous people now bear the same legal civic identity as other Australian citizens. By virtue of the growth of indigenous representative institutions, however, they can also exercise an indigenous citizenship based upon individual and group statutory rights (see Rowse, 1998; 2000). Indigenous identity may be claimed on the basis of Aboriginal or Torres Strait Islander descent, self-identification, and acceptance by the indigenous community in which they live (Gardener-Garden, 2000: 1). Far from the situation in the early part of the century, indigenous identity allowed for the claiming of several layers of official rights from different branches of the state.

The recognition of Aboriginality and policies of self-management and empowerment provided the rationale for the Commonwealth to establish the Aboriginal and Torres Strait Islander Commission in 1989. ATSIC is a unique, representative and administrative institution that exemplifies a radical extension of the process of liberal inclusion. As a statutory authority, ATSIC performs three main official functions: the democratic representation of indigenous people; the formulation of policy on indigenous affairs; and the implementation and administration of policy. Although it is not the only such body to give policy advice to national government or administer programs for indigenous people, it is by far the largest and most important, with a budget for 2000/01 of \$1.033 billion (HREOC, 2001: 7).²⁸

The High Court of Australia's *Mabo* judgement in 1992 recognized actual and potential common law indigenous rights to land, or native title, where it had not specifically been extinguished by government legislation. This judgement served to extend the process of liberal inclusion and allowed potentially greater indigenous control over land and marine resources. Accordingly, the decision also opened up the possibilities for greater self-determination in particular regions. Like the 1967 referendum, the *Mabo* judgement was, in addition to its substantive content, immensely symbolic for the recognition it gave to indigenous people, whether they had the possibility of claiming land or not. One year later, the passing of the *Native Title Act 1993* signified what Frank Brennan (2000: 3) has called 'the high water mark of Aboriginal participation in the mainstream political processes'. Whereas one group of indigenous leaders played a crucial role in negotiating with Prime Minister Paul Keating, another group negotiated with the minority parties and the independent Senator Brian Harradine who held the balance of power in the Senate. ATSIC's participation in negotiations over the Native Title Act also demonstrated its potential to operate as an indigenous non-government organization or lobby group, and not just as an arm of the state.

Nonetheless, the passage of the Native Title Act, which established the Native Title Tribunal to regularize the claiming of land, resulted in a

number of outcomes that closed off certain legal options. By validating all land grants made before 31 December 1993, it confirmed extinguishment of native title over much of Australia and made the process of claiming native title difficult and complex. While the High Court acknowledged previously existing indigenous rights, the parliament radically curtailed them, on the grounds of judicial efficiency and uniformity. The later *Wik* judgement (1996) allowed that native title could coexist with certain kinds of pastoral leases, but where conflict exists pastoral use had primacy. This decision too became the subject of fierce campaigns to eliminate the indigenous right.

Although the policies and institutions of racial and cultural assimilation had been rejected, we can see the political logic of inclusion working persistently towards political assimilation. That is, there is a constant imperative for indigenous political cultures and the new 'self-determining' institutions to adapt to the values and procedures of liberal democracy. In such a process, we may also observe regular attempts to reduce the status of indigenous people to that of one minority interest group among many. Such a political logic sets part of the agenda of indigenous politics, which is to consolidate hard-won rights and to extend the parameters of self-determination. This activism now occurs over four levels of government – local, regional, state and Commonwealth – as well as internationally, through the committees of the United Nations. The ways in which these goals are pursued will be discussed in the next section.

Indigenous Domain

Throughout the last decade of the century, the indigenous domain became increasingly interconnected with that of liberal democracy, but it also remained deeply affected by the legacies of the domain of protection and segregation. For example, in a number of places there has been an erosion of male authority and an increase in that of females (Davis, 1992). The indigenous domain has included a wider mix of old and new values and encompassed a greater variety of indigenous communities, cultures and practices. It also comprised a number of levels or sites of political action, and a greater diversity of forms of political expression.

There was now the possibility of assuming multiple indigenous identities, official and unofficial, as well as local, national and international. For many, a kin-based identity associated with local region remained dominant, but indigenous people could hardly avoid being associated with a national public identity of indigeneity. Aboriginality was a means for transcending local differences and facilitating collective political action at a national level. It enabled indigenous people to make

claims for rights upon the institutions – governments, parliaments and courts – of liberal democracy.

The element of self-identification in claiming Aboriginality and the selection of cultural content to suit the context of public engagement brought a mutability to indigenous identity. For both official and unofficial purposes, one's indigenous identity had become more a matter of choice, depending, up to a point, upon personal inclination, group acceptance and political intent. A declared membership of the 'fourth world', for example, enabled indigenous people to assume a shared international identity suitable for global campaigns to exert international pressure on Australian governments. The important issue is that indigenous identity was no longer defined by the state, although the state or courts could be called upon to arbitrate disputed claims to indigeneity.²⁹

The passing of the *Aboriginal Councils and Associations Act 1976* contributed to the formation of a new indigenous constituency (Rowse, 2000: 92). Indigenous people could now work in and through a variety of hybrid, public and private institutions, established for various legal, political and economic purposes. The first land councils in the Northern Territory, established under separate Commonwealth legislation, were also a way of consolidating indigenous interests into legal corporate entities that could manage the land returned to them, deal with any mining royalties due, and with which the state could negotiate. As representative and administrative bodies, they provided instruments for the *outward* expression of indigenous interests and sites for the articulation of *internal* indigenous politics. Although a number of such organizations were created and partially funded through Commonwealth and state agencies, their daily operations were immersed in indigenous values and politics.

The term 'indigenous sector' has been coined to describe the plethora of institutions established under the policy of self-determination. These institutions fulfil a diverse range of functions including political representation, service delivery, policy-making and owning land. Rowse (2000: 1) points out their political importance:

Without the Indigenous Sector, Indigenous Australians would lack public policy recognition of their needs and aspirations; they would be invisible, as Indigenous Australians, within Australian society and they would be unable to make any demands, as Indigenous Australians, on Australian institutions. ... The 'Indigenous Sector' is what puts into practical effect the 'self' in self-determination.

Where these organizations were involved in the exercise of political power, service delivery and distribution of material resources, the fulfilment of kin obligations was an inescapable, if much criticized, component of indigenous politics.

Another remarkable feature of indigenous politics is the emergence of an indigenous public sphere. The creation of ATSIC as a national representative body and the growing use of modern communication technologies have all enabled indigenous people to convey their political concerns to virtually all other indigenous communities in Australia. Newspapers, radio and television broadcasting and the internet sites owned or controlled by indigenous people and dedicated to indigenous issues have all played a catalytic role.³⁰ This extension of the indigenous sector has meant that internal indigenous political interests are more readily pursued over wider areas and are also more easily inserted into the liberal democratic public sphere. Furthermore, the publicizing of internal indigenous conflicts can also be particularly effective in embarrassing or undermining the legitimacy or credibility of indigenous political leaders operating in both the indigenous and liberal democratic domains.³¹

The policy of self-determination is no longer one just promoted by government, but one self-consciously chosen and practised by indigenous people. For many indigenous people, the general principle is taken from Article 1 (1) of the *International Convention on Civil and Political Rights*, which states: 'All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.' Even where a more radical interpretation of this right is maintained, the diversity among indigenous peoples ensures that there is little agreement on how best to pursue or implement self-determination. The Aboriginal Provisional Government and the National Aboriginal and Islander Legal Service, for example, have kept issues of sovereignty and self-government to the forefront of their indigenous advocacy (Roberts, 1998: 263). Other groups seek lesser forms of political autonomy.³²

With the institutions of the indigenous sector supplying a political and financial base, the resources for self-determination have become more powerful. This political logic has also been a central force in reshaping both state and indigenous institutions. For example, Aboriginal people have participated as voters in a variety of electoral constituencies including ATSIC, where the voting is not compulsory and the turnout averaged 20–25 per cent over the years 1990–99 (Sanders, Taylor and Ross 2000: 502). Sanders, Taylor and Ross conclude that the levels of voter participation 'compare reasonably with other voluntary elections in which political parties are not greatly involved' (2000: 512). All these indigenous bodies have provided political leadership in a liberal democratic sense, and are critical for transactions and negotiations with the domain of liberal democracy. Yet, they could not be effective without including elements of older indigenous traditions, such as the use of consensus decision-making and the practice of publicly acknowledging respect for elders.

Central to maintaining the political legitimacy of this domain is a symbolic politics that promotes wider public recognition of indigenous identities and cultures. This type of politics enables indigenous people to seek greater control over policies, places, names and practices that they regard as relevant to them. It is also essential for building political unity among diverse indigenous groups and between them and white supporters. The reconciliation movement, for example, was not just a way of gaining wider acknowledgement of indigenous people but also for broadening the understanding of their history of exclusion and oppression. Joint white and indigenous campaigns for a treaty were important as much for their political symbolism as the immediate practical outcomes that could accrue. Such activism was essential to inoculate public debate against the return of the 'great Australian silence' on indigenous affairs.

Domain of Protection and Segregation

By the official political criteria, the domain of protection and segregation with its policies and institutions no longer exists. Yet, there remains a residual, but powerful, logic of social exclusion that ensures the continuing degradation of indigenous communities. Indigenous Australians, as a group, have higher rates of ill-health and lower life expectancies than other Australians (e.g. Burdon, 1998: 198–9; Megalogenis, 2000: 1, 4). Although they have the vote for both the usual parliamentary institutions and dedicated indigenous institutions, on average, indigenous people do not have a comparable quality of life or equal access to health and educational resources.

For reasons slightly different to those of the past, regimes of incarceration also continue to figure prominently and disproportionately in the lives of indigenous people. The problem of Aboriginal deaths in police custody resulted in the massive Royal Commission into Aboriginal Deaths in Custody (1991). Bennett (1999: 3) sets out the comparative significance of this problem: 'In 1992, ... Aboriginal people were in custody at 26 times the rate for the remainder of the population; approximately one prisoner in seven was an indigenous Australian.' The recent Northern Territory laws that required magistrates to impose mandatory custodial sentences on repeat offenders had a disproportionate impact upon indigenous people and represent a further example of the working out of a political logic of exclusion and segregation.

Within a number of more remote indigenous communities, the quality of social and economic life has ensured the continuation of citizenship as a passive legal and administrative category, under conditions aptly described as 'welfare colonialism'. With reference to communities in Cape York, Noel Pearson (2000: 4) writes: 'During the last three decades,

we have won victories politically and legally, but socially, in our communities, the last three decades have been a time of disintegration and regression.' On most of the social and economic criteria that accompany liberal inclusion, a great proportion of indigenous people remain excluded. As a social and economic project, liberal inclusion remains radically incomplete.

Politics in the worst areas takes on a number of distinctive forms. For example, where previously, the drinking of alcohol was illegal, Aboriginal drinking represented a mode of resistance to white laws. This activity often expressed (and still does express) the assertion of a civil right for indigenous people. This 'politics of defiance' based upon alcohol functions to resist incorporation and 'maintain a degree of autonomy' (Sackett, 1988: 67). Such activities, however, have severely damaged indigenous communities. Noel Pearson (2000) attributes the wider social problems both to 'passive welfare' and substance abuse. Not only the capacities for citizenship, but also many other social roles are impaired by alcohol abuse, illicit drugs and petrol sniffing. As one of the younger generation of indigenous leaders, Pearson (2000) has argued for a new direction in indigenous policy that includes zero tolerance of substance abuse, the abolition of 'passive welfare', and the introduction of innovative programs to strengthen families *and* community. Such policies address problems that had their origins in the earlier domain of protection and segregation, but which were given new form by the abolition of discrimination in social security. Pearson's policies aim to overcome a political logic of exclusion, segregation and lack of accountability that has had consequences of social harm similar to those earlier in the century.

Among many urban Aborigines, the legacies of policies of the previous domain of protection remained a powerful force in their present lives. The practices of removing children of mixed descent from their indigenous parents and communities and sending them to orphanages, white families or foster homes left many with permanent emotional scars. These adult children of mixed descent, now popularly known as the Stolen Generations, endured great suffering, and were often subjected to various forms of abuse that adversely affected their capacity to live fulfilling lives.³³ Many indigenous people still live daily under the psychological influence of the domain of protection and remain under the sway of a political logic of exclusion.

Paternalist attitudes have also remained strong among members of a conservative elite, comprising former government ministers, such as Peter Howson, John Herron and Gary Johns.³⁴ A strident ideology of paternalism has reappeared in public debate that constantly seeks to deny both the relevance of previous protectionist policies and any merit to self-determination (e.g. Johns and Brunton, 2000).³⁵ In noting the serious

problems in remote communities, the conservative critics invariably attribute the causes to the policies of self-determination and the award of land rights (Johns, 2001: 11). Their broad remedy is to abandon all the former 'separatist' policies and replace them with those enabling 'integration' (e.g. Howson, 2000; 2002). The ruling assumption is that indigenous people ought to be free to make their own choices, but as individuals, not groups. Further such choices must inevitably be to abandon indigenous cultural traditions and join 'the mainstream'. When these policies are inspected for content, it is difficult to see how they differ from assimilation.

For all these reasons, it would not be too strong to say that the protectionist and segregationist past 'weighs like a nightmare on the brain of the living' (Marx, [1852] 1968: 97).

The period 1991–2001 saw the rise of indigenous people to prominence in the liberal democratic public sphere, the emergence of an indigenous public sphere and the abolition of assimilation and formal discriminations. On the surface, indigenous relations with Australian democracy would appear to be in good shape. At nearly every level of formal politics there seems to be a degree of openness to indigenous participation that would have been unimaginable a century earlier. There is official recognition of multiple indigenous identities and dedicated institutions and resources to support their political expression. Indigenous people have the option of whether to exercise their civic identity or not in various political fields. The award of citizenship to indigenous people has provided a liberal democratic footing for programs to recover and radically extend indigenous rights. In this context, the project of self-determination has taken many forms and changed from an unreflective practice to become more politically self-conscious, if diverse in doctrine.

Unlike earlier in the century, in the 1990s there was a large degree of overlap between the political domains. This meant also that the boundaries between the three domains were less distinct and more permeable, as indigenous people could more easily traverse them. ATSIC, for example, is both an extension of the institutions of Australian political democracy, with all its bureaucratic apparatus, *and* an exercise of indigenous self-determination. These two dimensions of ATSIC, however, bring serious strains that impair its capacity either to fulfil its liberal democratic objectives or to pursue satisfactorily indigenous self-determination.

Although designed partly on the advice of Aboriginal people, ATSIC bears many of the characteristics of a Commonwealth bureaucracy, but with extra systems of accountability. As well as accountability to the Minister for Aboriginal and Torres Strait Islander Affairs, parliamentary committees and the Auditor-General, there is a unique, internal Office of Evaluation and Audit, which reports both to the Minister and ATSIC

board.³⁶ In many respects, ATSIIC bears the marks of a liberal institution designed to check the exercise of arbitrary authority and the power of untrustworthy office-holders.³⁷

Nor has the political imperative of liberal inclusion, on average, brought social and economic inclusion to indigenous people. It is evident that the domain of protection and segregation has not disappeared and large numbers of indigenous people exist within its boundaries. The reasons for this are the subject of intense political and ideological debate, which reflect struggles between the different domains for power and authority over the agenda for indigenous affairs policy. The success of the process of democratization has created new tensions between the political logics of liberal inclusion, indigenous self-determination and paternalism. With the growing indigenous activism within international bodies such as the World Council of Indigenous Peoples and the United Nations, another political domain can be seen emerging, whose imperatives will place constant pressure on the other domains.

Conclusion

This chapter has offered a critical perspective on the reshaping of Australian political institutions as they apply to indigenous people. A focus on their struggles for citizenship and democratic inclusion demonstrates how the Australian state has dealt progressively with the question of racial and cultural differences. The diversity of responses from the state and indigenous people over the century indicate high levels of flexibility, adaptability and political creativity. Yet, this study also keeps us aware of the determined opposition that arises in response to the state's recognition of indigenous difference.

A further aim has been to propose a conceptual approach that draws out the complex patterns and recurring tendencies apparent over the twentieth century. The concept of domain, for example, may enable us to sharpen our perceptions of the contexts – assumptions about identity, policies and institutions – in which indigenous–state relations have been conducted. Conceivably, the account of the three domains allows us to see the structural continuities, understood as propensities or 'political logics', operating in this field. Further, this study attempts to portray the recursive and multi-dimensional character of relations between the three domains. The concepts of domain and political logic may demonstrate how certain problems have arisen and persisted into the present. Just as important, they require us to recognize and deploy indigenous perspectives.

This conceptual framework may assist in explaining the complexity of indigenous relations with the state and why the conflicts are so

entrenched. For example, it is evident that at the heart of liberal democracy is an inherent tendency towards political assimilation. In recognizing group differences it must also seek to limit their political consequences and it does so by drawing indigenous people and others more tightly into liberal democratic procedures. Similarly, indigenous peoples cannot give up on self-determination. To do so would be to discard a key element of their identity and risk forgetting their history. It would also entail abandoning the prospect of living more enriched lives as *indigenous* people within Australian society, and not simply as workers and consumers in a capitalist economy. Just as unyielding are the constant pressures for social and economic assimilation. The imperative to withdraw state recognition of difference and to press for uniformity of culture seems ever present, whether the uniformity is that of 'British civilization', the 'Australian way of life' or global capitalism.

It may be ventured that past relations between indigenous people and state institutions are best understood as a product of the three competing political logics of liberal inclusion, indigenous self-determination and paternalist exclusion. This observation also has a relatively weak, but important, prescriptive value for policy. Any future state programs that did not take proper account of these three tendencies would be destined to failure. For indigenous people, the political challenge of self-determination is to formulate plausible representations of the Aboriginal domain that allow them to make best use of liberal democratic institutions, while at the same time resisting incorporation and cultural assimilation.

Notes

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- 1 I use 'indigenous people' as the generic term for Aborigines and Torres Strait Islanders, though much of what follows mostly applies to Aborigines.
- 2 See the discussion of different approaches in Jennett (1987).
- 3 See Chapter 5.
- 4 See for example the accounts of exploitation and resistance in the Pilbara (Mandle 1977) and in the Northern Territory (Rowley 1972a: 337–43).
- 5 See for example Loveday and Sanders (1984), Fletcher (1992: xv) and Rowse (2001).
- 6 Identity is used here as a generic concept to cover the variety of ways that individuals and groups distinguish themselves from others and determine relations with those like them and those deemed to be different. On this reading, the substantive content of identity claims may, for example, derive

from social, political or cultural contexts, and may include kinship categories. Nonetheless, it must also be said that identities are often mutable and negotiated categories, and it is possible, if not essential, for individuals to have multiple identities.

- 7 See the discussion of Popper's propensity theory as it applies to the physical world in Stokes (1998: 109–12).
- 8 The institutional phenomenon of modern bureaucracy supplies examples of this process. Bureaucracies are generally oriented towards particular objectives and are supposed to be devoted to instrumentally rational principles, which in turn require certain types of organization, ethics, and even personalities. Yet, ministers and CEOs, historical events and other factors may assist, transform or impede this process.
- 9 See for example the discussions of situational logic in Popper (1985), which is a variation of Weber's 'ideal type', and the critique in Stokes (1998: 84–6).
- 10 See also Rowse (1992: 100)
- 11 This is not to say that a similar scheme may not apply to other groups in Australian society.
- 12 During the last quarter of the twentieth century, however, the delivery of social services was increasingly carried out by hybrid public and private institutions, which were essentially non-governmental organizations, supported by a combination of public and private funds.
- 13 Formally, Australians were 'subjects' of the British crown and did not become 'citizens' until 1948 (Chesterman and Galligan 1997: 157).
- 14 Such regimes of incarceration may be typical of Australian policies towards those it cannot yet regard as citizens. It is evident in the recent treatment of asylum-seekers and refugees who arrive illegally in Australia by boat.
- 15 The main principles of the logic of paternalist exclusion were inherited from the colonial period.
- 16 As there are various kinds of exclusion, the term 'paternalist exclusion' is not necessarily oxymoronic. The imprisonment of criminals is a form of exclusion from society that is authoritarian but hardly paternalist.
- 17 It may even be possible to assess the relative strengths by quantifying selected indicators, such as the extent of independence of institutions from government in the indigenous domain, the levels of active indigenous participation and representation in the domain of liberal democracy, or the rates of incarceration or deaths in custody in the domain of protection and incarceration. But this is not my objective here.
- 18 See Rowley (1972a: Part III) and Burgmann (1993: 32).
- 19 See also the documentary records of Aboriginal activism and protest in Attwood and Markus (1999).
- 20 Due to administrative discrimination, only 2 of the 154 returned Aboriginal servicemen from New South Wales were awarded land from the scheme (Goodall 1996: 123–4).
- 21 See the documents in Attwood and Markus (1999).
- 22 Western Australia soon followed by granting full voting rights in 1962, but Queensland held out until 1965.
- 23 Land rights laws of varying quality were passed in South Australia (1966, 1981, 1984), New South Wales (1983), Victoria (1984) and Queensland (1990) and Commonwealth level (Northern Territory 1977).

- 24 Ernie Bridge was a Labor MLA 1980–88 and Minister for Aboriginal Affairs 1986–88 in WA. Neville Bonner was a National Party Senator for Queensland 1971–1983 and Aden Ridgeway has been an Australian Democrat Senator for NSW since 1999. In August 2001, four indigenous candidates were elected to seats in the NT Legislative Assembly (Paul Toohey, ‘Making up lost ground’, *Australian* 22 August 2001: 4), and one, John Ah Kit, became a minister.
- 25 During 1984–89 Charles Perkins was Secretary of the Commonwealth Department of Aboriginal Affairs. From 1981, Pat O’Shane was Secretary of the NSW Ministry of Aboriginal Affairs and, since 1986, she has been a NSW magistrate. Eric Wilmot has held numerous senior positions in state and Commonwealth public service and education bureaucracies.
- 26 Among the more well known are Oodgeroo Noonuccal, Lowitja (Lois) O’Donoghue, Marcia Langton, Charles Perkins, Michael Mansell and Noel Pearson, Mick Dodson and Pat Dodson.
- 27 See the discussion in Jull (1991).
- 28 ATSIC is not without indigenous and non-indigenous critics. See Sullivan (1996).
- 29 This became a particular issue for ATSIC elections in Tasmania.
- 30 Given the nature of the medium, access to the internet allows for both the renovation and loss of indigenous culture (Nathan 2000 and McConaghy 2000). See also McKee and Hartley (2000).
- 31 The controversies arising out of allegations against Geoff Clark, the Chair of ATSIC, that were raised in the mass media were a pertinent example.
- 32 See the diversity of approaches in Fletcher (1994).
- 33 See National Inquiry (1997) and Bird (1998).
- 34 These figures are also central in the formation of the Bennelong Society in 2001, which has as its objective the review and reform of indigenous affairs policy.
- 35 Other critics (e.g. Windschuttle 2000) have worked assiduously to try to refute certain historical facts and judgements, such as those about the numbers of Aboriginal deaths resulting from invasion.
- 36 On multiple accountability, see the argument by former chair of ATSIC, Lowitja O’Donoghue (1996).
- 37 Charles Perkins (Saunders 2000) estimated that ‘one-quarter of the commission’s time and money has been spent answering to various auditing bodies and parliamentary committees’.

References

- Attwood, B., and Markus, A. *The Struggle for Aboriginal Rights: A Documentary History* (Sydney: Allen & Unwin, 1999).
- Beckett, J. ‘The Torres Strait Islanders and the Pearling Industry: A Case of Internal Colonialism’, in M. C. Howard (ed.), *Aboriginal Power in Australian Society* (St Lucia: University of Queensland Press, 1982) pp. 131–58.
- Beckett, J. R. ‘Aboriginality, Citizenship and the Nation State’, in ‘Aborigines and the State in Australia’, *Social Analysis*, vol. 24(4) (1988) pp. 3–18.
- Bennett, S. *Aborigines and Political Power* (Sydney: Allen & Unwin, 1989).
- . *White Politics and Black Australians* (Sydney: Allen & Unwin, 1999).

- Bird, C. (ed.). *The Stolen Children: Their Stories* (Sydney: Random House, 1998).
- Bolton, G. 'Aborigines in Social History: An Overview', in R. M. Berndt (ed.), *Aboriginal Sites, Rights and Resource Development* (Perth: University of Western Australia Press, 1982) pp. 59–68.
- Bourke, C., Bourke, E., and Edwards, B. (eds). *Aboriginal Australia* (St Lucia: University of Queensland Press, 1998).
- Brennan, F. 'Delivering Equity and Reconciliation through Inclusive Institutions', paper to Reshaping Australian Institutions Seminar, Parliament House, Canberra, 1 November 2000.
- Burdon, J. 'Health: An Holistic Approach', in C. Bourke, E. Bourke and B. Edwards (eds), *Aboriginal Australia* (St Lucia: University of Queensland Press, 1998) pp. 189–218.
- Burgmann, V. *Power and Protest: Movements for Change in Australian Society* (Sydney: Allen & Unwin, 1993).
- Chesterman, J., and Galligan, B. *Citizens Without Rights: Aborigines and Australian Citizenship* (Cambridge: Cambridge University Press, 1997).
- Davis, E. R. 'The Dominant Female: Politics in the local Aboriginal Community', *Australian Aboriginal Studies*, vol. 2 (1992) pp. 34–41.
- Dryzek, J. 'Political Inclusion and the Dynamics of Democratization', *American Political Science Review*, vol. 90 (1996) pp. 475–87.
- Fletcher, C. *Aboriginal Politics: Intergovernmental Relations* (Melbourne: Melbourne University Press, 1992).
- (ed.). *Aboriginal Self-Determination in Australia* (Canberra: Aboriginal Studies Press, 1994).
- Gaita, R. 'Genocide and Pedantry', *Quadrant*, vol. XLI(7–8) (1997) pp. 41–5.
- Gaminiratne, K. H. W. 'Population (Growth)', in D. Horton (ed.), *The Encyclopedia of Aboriginal Australia*, vol. 2 (Canberra: Aboriginal Studies Press, 1994), p. 889.
- Gardener-Garden, J. 'The Definition of Aboriginality', *Research Note*. Department of Parliamentary Library, Number 18 (2000) pp. 1–2.
- Goffman, E. *Asylums* (Harmondsworth: Penguin, 1968).
- Goodall, H. 'Land in our Own Country: The Aboriginal Land Rights Movement in South-eastern Australia, 1860 to 1914', *Aboriginal History*, vol. 14(1) (1990) pp. 1–24.
- . *Invasion to Embassy: Land in Aboriginal Politics in New South Wales, 1770–1972* (Sydney: Allen & Unwin, 1996).
- Hancock, W. K. *Australia* (Brisbane: Jacaranda, [1930] 1961).
- Hartwig, M. 'Capitalism and Aborigines: The theory of internal colonialism and its rivals', in E. L. Wheelwright and K. Buckley (eds), *Essays in the Political Economy of Australian Capitalism*, vol. 3 (Sydney: ANZ Book Co., 1978) pp. 119–41.
- Hiatt, L. R. *Aboriginal Political Life. The Wentworth Lecture 1984* (Canberra: Australian Institute of Aboriginal Studies, 1986).
- Hocking, B. J., and Hocking, B. A. 'A Comparative View of Indigenous Citizenship Issues', *Citizenship Studies*, vol. 2(1) (1998) pp. 121–31.
- Howson, P. 'Assimilation [sic] the Only Way Forward', *Australian* (24 May 2000) p. 15.
- . 'Black Politics have Bred Failure', *Australian* (21 January 2002) p. 11.

- Human Rights and Equal Opportunity Commission (HREOC). *Face the Facts: Section 3 Aboriginal and Torres Strait Islanders*, 2001, <www.hreoc.gov.au/racial_discrimination/face_facts/sec3.html>
- Jennett, C. 'Incorporation or independence? The struggle for Aboriginal equality', in C. Jennett and R. G. Stewart (eds), *Three Worlds of Inequality: Race, Class and Gender* (Melbourne: Macmillan, 1987) pp. 57–93.
- Johns, G. 'Look for Strength in the Mainstream', *Australian* (22 November 2001) p. 11.
- Johns, G., and Brunton R. 'Separate Path to Division', *Australian* (12 April 2000) p. 15.
- Jull, P. *The Politics of Northern Frontiers in Australia, Canada and Other 'First World' Countries: A Discussion Paper* (Darwin and Canberra: North Australia Research Unit, 1991).
- Kidd, R. *The Way We Civilise* (St Lucia: University of Queensland Press, 1997).
- Lippman, L. *Generations of Resistance: Aborigines Demand Justice* (Melbourne: Longman Cheshire, 1991).
- Loveday, P., and Sanders, W. 'Aboriginal Votes and Aboriginal Candidates', in P. Loveday and D. Jaensch (eds), *A Landslide Election: The Northern Territory, 1983* (Darwin: North Australia Research Unit, 1984).
- Maddock, K. *The Australian Aborigines* (London: Allen Lane, 1973).
- Mandle, W. 'Donald McLeod and Australia's Aboriginal Problem', in his *Going it Alone: Australia's National Identity in the 20th Century* (Ringwood, Vic.: Penguin, 1977) pp. 172–200.
- Marx, K. 'The Eighteenth Brumaire of Louis Bonaparte', in K. Marx and F. Engels, *Selected Works in One Volume* (New York: International Publishers, [1852] 1968) pp. 97–180.
- McConaghy, C. 'The Web and Today's Colonialism', *Australian Aboriginal Studies*, vols 1–2 (2000) pp. 48–55.
- McKee, A. and Hartley, J. *The Indigenous Public Sphere: The Reporting and Reception of Aboriginal Issues in the Australian Media* (Oxford: Oxford University Press, 2000).
- Megalogenis, G. 'Sorry States – blacks dying younger', *Australian* (26 December 2000) pp. 1, 4.
- Nathan, D. 'Plugging in Indigenous Knowledge: Connections and innovations', *Australian Aboriginal Studies*, vols 1–2 (2000) pp. 39–47.
- National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families. *Bringing Them Home*. Report (Sydney: Human Rights and Equal Opportunity Commission, 1997).
- O'Donoghue, L. 'Who's accountable to whom?' *Weekend Australian* (15–16 June 1996) pp. 26.
- Offe, C. 'New Social Movements: Challenging the Boundaries of Institutional Politics', *Social Research* 52(4) (1985) pp. 817–68.
- Patten, J., and Ferguson, W. *Aborigines Claim Citizen Rights!* (Sydney: The Publicist, 1938).
- Pearson, N. 'Strong Families then Strong Communities. Address to the Indigenous Families and Communities Roundtable, Canberra', 24 October 2000 <www.brisinst.org.au/papers/noel_pearson_Strong/print-index.html>.
- Peterson, N. 'Welfare Colonialism and Citizenship: Politics, Economics and Agency', in N. Peterson and W. Sanders (eds), *Citizenship and Indigenous Australians* (Cambridge: Cambridge University Press, 1998) pp. 101–17.

- Peterson, N., and Sanders W. (eds). *Citizenship and Indigenous Australians* (Cambridge: Cambridge University Press, 1998).
- Popper, K. R. 'The Rationality Principle', in D. Miller (ed.), *Popper Selections* (Princeton: Princeton University Press, 1985) pp. 357–65.
- Reynolds, H. *Dispossession: Black Australians and White Invaders* (Sydney: Allen & Unwin, 1989).
- . *An Indelible Stain? The Question of Genocide in Australia's History* (Ringwood, Vic.: Penguin, 2001).
- Roberts, D. 'Self-determination and the Aboriginal Struggle for Equality', in C. Bourke, E. Bourke and B. Edwards *Aboriginal Australia* (St Lucia: University of Queensland Press, 1998) pp. 259–88.
- Rowley, C. D. *The Remote Aborigines: Aboriginal Policy and Practice* (Ringwood, Vic.: Penguin, 1972a).
- . *The Destruction of Aboriginal Society* (Ringwood, Vic.: Penguin, 1972b).
- . *A Matter of Justice* (Canberra: Australian National University Press, 1978).
- . 'Aboriginals and the Australian Political System', *Politics*, vol. 14(2) (1980) pp. 232–48.
- Rowse, T. *Remote Possibilities: The Aboriginal Domain and the Administrative Imagination* (Darwin: North Australia Research Unit, 1992).
- . 'Indigenous Citizenship and Self-determination: The Problem of Shared Responsibilities', in N. Peterson and W. Sanders (eds), *Citizenship and Indigenous Australians*, (1998) pp. 79–100.
- . 'Indigenous Citizenship', in W. Hudson and J. Kane (eds), *Rethinking Australian Citizenship* (Cambridge: Cambridge University Press, 2000) pp. 86–98.
- . 'Democratic Systems are an Alien Thing to Aboriginal Culture ...', in M. Sawyer and G. Zappalà (eds), *Speaking for the People: Representation in Australian Politics* (Melbourne: Melbourne University Press, 2001) pp. 103–33.
- Royal Commission into Aboriginal Deaths in Custody. *National Report* (Canberra: Australian Government Publishing Service, 1991).
- Sackett, L. 'Resisting Arrests: Drinking, Development and Discipline in a Desert Context', *Social Analysis*, vol. 24 (1988) pp. 66–77.
- . 'Welfare Colonialism: Developing Divisions at Wiluna', in R. E. Tonkinson and M. Howard (eds), *Going it Alone? Prospects for Aboriginal Autonomy* (Canberra: Aboriginal Studies Press, 1990) pp. 201–17.
- Saunders, C. (ed.). *The Australian Constitution* (Melbourne: Constitutional Centenary Foundation, 1997).
- Saunders, M. 'Body Blows', *Weekend Australian* (4–5 March 2000) p. 26.
- Stanner, W. E. H. *After the Dreaming: The 1968 Boyer Lectures* (Sydney: Australian Broadcasting Commission, 1968).
- Stevens, F. *Aborigines in the Northern Territory Cattle Industry* (Canberra: Australian National University Press, 1974).
- Stokes, G. 'Introduction', in G. Stokes (ed.), *The Politics of Identity in Australia* (Melbourne: Cambridge University Press, 1997) pp. 1–20.
- . *Popper: Philosophy, Politics and Scientific Method* (Cambridge: Polity, 1998).
- Stretton, P., and Finnemore, C. 'Black Fellow Citizens: Aborigines and the Commonwealth Franchise', *Australian Historical Studies*, vol. 25(101) (1993) pp. 521–35.

- Sullivan, P. (ed.). *Shooting the Banker: Essays on ATSIC and Self-determination* (Darwin: North Australia Research Unit, 1996).
- Tatz, C. *Race Politics in Australia: Aborigines, Politics and the Law* (Armidale, NSW: University of New England Publishing Unit, 1979).
- . 'The Recovery and Discovery of Rights: An Overview of Aborigines, Politics and Law', in R. M. Berndt (ed.), *Aboriginal Sites, Rights and Resource Development* (Nedlands: University of Western Australia Press, 1982a) pp. 201–26.
- . *Aborigines and Uranium and Other Essays* (Melbourne: Heinemann, 1982b).
- Touraine, A. 'An Introduction to the Study of Social Movements', *Social Research*, vol. 52(4) (1985) pp. 749–87.
- Trigger, D. S. 'Blackfellas and Whitefellas: The Concepts of Domain and Social Closure in the Analysis of Race Relations', *Mankind*, vol. 16(2) (1986) pp. 99–117.
- von Sturmer, J. 'The Different Domains', in *Aborigines and Uranium: Consolidated Report on the Social Impact of Uranium Mining on the Aborigines of the Northern Territory* (Canberra: Australian Government Publishing Service, 1984) pp. 218–37.
- Webster's New Collegiate Dictionary* (Springfield, Ma: Merriam, 1977).
- Windschuttle, K. 'The Myths of Frontier Massacres in Australian History' Parts I–III, *Quadrant*, vol. XLIV (2000): (10), pp. 8–21; (11), pp. 17–24; (12), pp. 6–20.