

Constructing national community and Indigenous-settler reconciliation

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Abstract: In Australia, dominant framings of Indigenous recognition are bound up with the politics of reconciliation, wherein the recognition of Aboriginal difference is seen as part and parcel of the process of reconciling Indigenous and settler Australians as equal parties in the nation. This emphasis on ‘national community’ has compelled a number of critics to charge reconciliation with being a conservative trope employed to absorb, and thereby render impotent, Indigenous difference and political claims. While such critiques offer an important caution to the possibilities of reconciliation in settler colonial contexts, I argue that they nevertheless rely on a conception of national community as inherently and unavoidably ideological. Reading through the 2008 Stolen Generations apology, I suggest that the nation accorded an important motif for Aboriginal claims-making, and was thus framed as a *political* space rather than an ideological one. Where the apology *did* fail as an act of recognition, I argue, was in the unwillingness or inability of the Australian state to acknowledge competing Indigenous claims to sovereignty, which would have required it to extend political contestation over the national ‘we’ to its *own* identity.

Since the publication of Charles Taylor’s (1994) famous essay ‘the politics of recognition’ nearly two decades ago, recognition has been naturalised as the predominant framework with which to comprehend social and political struggles geared around identity and difference. The idea that the impetus behind contemporary struggles for justice is the desire to be recognised (whether that entails affirmation of a previously-denigrated identity or acknowledgement of common humanity) is by now well-ingrained, and provides the vocabulary with which claims from ethno-cultural minority groups and Indigenous peoples alike are both made and understood. In Taylor’s original articulation, the Hegelian-inspired notion of recognition is argued to bring a couple of key insights to bear on the apparent shift to ‘identity politics’ that has defined the contemporary political landscape. The first is that it highlights the intersubjective constitution of identity, wherein our profound vulnerability to the recognition granted or withheld by others makes recognition not just a ‘vital human need’, but *mis*recognition a potential source of oppression because it ‘can inflict harm..., imprisoning someone in a false, distorted, and reduced mode of being’ (1994, 25). The second is that recognition ought to be governed by the norms of equality and reciprocity. Following Hegel’s lead, Taylor suggests that ‘the struggle for recognition can only find one satisfactory solution, and that is a regime of reciprocal recognition among equals’ (1994, 50). As such, *all* citizens should be recognised for ‘who they are’, with the ‘politics of difference’ part and parcel of the ‘politics of equal dignity’ (1994, 39).

Despite its continued prominence in both theory and politics, recognition has, of course, not been immune to critique. Of these, the most commonly-cited (albeit often misplaced) has been to do with the purported potential of recognition to reify and essentialise group identity, thereby replacing the external oppression of misrecognition with internally oppressive ‘identity scripts’ (e.g. Appiah 1994;

Benhabib 2002). Others, however, have raised concern with the vision of mutual recognition that normatively and theoretically underlies recognition politics, arguing that, for all its seductiveness, it leads us towards a *misrecognition* of, variously, the ontological conditions of identity (Markell 2003), the demands of contemporary ethics (Oliver 2001) and the structures and relations of power (McNay 2008). The context in which this latter critique has been invoked most stridently is arguably the realm of Indigenous politics and claims. Writing from the Canadian context, Glen Coulthard (2007, 6), for instance, has argued that, as much as ‘recognition’ has become the default vocabulary for Aboriginal ‘self-determination efforts and objectives’, the continuing colonial relationship between Aboriginal peoples and the state casts concern over the supposedly emancipatory possibilities of mutual recognition. Contrary to the claim that mutual recognition will usher in ‘an era of peaceful coexistence grounded in the Hegelian ideal of reciprocity’, Coulthard (2007) argues that it instead reaffirms and reproduces the inequalities of the colonial state for Aboriginal peoples are required to identify with the structures that oppress them. In the Australian context, Elizabeth Povinelli (2002) has similarly argued that the notion of recognition recreates Indigenous subordination and situates them in a position of dependence in relation to the state. For her, the state will only recognise the distinctiveness and rights of Aboriginal peoples insofar as they remain within the legal, political and economic frameworks that undergird the colonial relationship. This is, as she calls it, the ‘cunning’ of recognition, which appears most evident in the context of Indigenous peoples: while it promises emancipation, liberation and reciprocity, it instead deepens the very structures that sustain misrecognition in the first place.

In Australia, this critique of recognition is rendered all the more pertinent by the ways in which the recognition of Aboriginal and Torres Strait Islander peoples has been framed through the notion of reconciliation. The recognition of Aboriginal distinctiveness and acknowledgement of the historical injustice they have experienced at the hands of the state have become key components of the Australian reconciliation process, which is itself turned towards the fostering of Indigenous—non-Indigenous national unity and the rendering of state legitimacy (Muldoon & Schaap 2011, 182). While reconciliation has received broad support from the Australian public (Maddison 2012, 696), it has been charged by a variety of critics for being inherently conservative in that it, like the politics of recognition, serves to obscure and deepen already existing colonial relationships (e.g. Motha 2007; Short 2005). The ideal of the new, reconciled national community on which reconciliation rests has been cast as especially suspect: not only is it purportedly assimilative of Indigenous difference, but it has also been charged with being quietist, because it demands Aboriginal people resign themselves to the injustice of the past, and exculpatory, because it is geared towards salving conscience of the settler nation (see Schaap 2008, 249). The long history of dispossession, oppression and domination faced by Aboriginal peoples in Australia certainly does throw the vision of ‘the united nation’ into disrepute—not least because the most oppressive elements of settler nation-building have been worn by Indigenous peoples, whose elimination from the national landscape has historically been the condition of its forging (see Wolfe 2006). It is thus in the context of Indigenous peoples that the violence of the national project is most evident, and the possible injustice embedded in membership in, belonging to and identifying with the national imaginary is most clearly brought into view.

In this paper, my focus is this question of national community as it emerges from the theory and politics of Indigenous—non-Indigenous reconciliation. While the above critiques of recognition and reconciliation rightly caution against their possible unjust outcomes for Indigenous peoples positioned in a colonial relationship with the state, my argument here is that they nevertheless rest on a reductive vision of what is at stake in national community. For critics, but especially those of reconciliation, the project of constructing national community is an indelibly and unavoidably *ideological* enterprise. Here, however, I borrow Andrew Schaap's (2008) distinction between 'reconciliation as ideology' and 'reconciliation as politics' to argue that the national 'we' can be seen in the same terms: as much as there *are* ideological visions of the national 'we', I argue that the 'we' also empowers and is a site of political contestation. Reading through the 2008 apology to the Stolen Generations, which has been the 'crowning glory' of the reconciliation process to date, I argue that the national 'we' was a key motif in Aboriginal claims-making. As such, national community was not seen as necessarily assimilatory or subsuming of Aboriginal difference, but was rather framed as a space in which various claims for recognition could be made—and also, importantly, a space that could be challenged and transformed by those claims. Where the apology failed was thus not so much in its invocation of the national 'we', but rather the inability or unwillingness of the state to acknowledge its own role in the misrecognition of Aboriginal peoples in Australia. As has been argued by a number of scholars (e.g. Muldoon & Schaap 2011; Reilly 2009), the apology framed the state as the absolute sovereign, and thus neglected the competing claim to sovereignty presented by Aboriginal peoples which lies at the crux of their misrecognition in the colonial state. If the national 'we' is to be a genuine site of political contestation, I conclude, then it is critical to broach the state and, in particular, the limits of its sovereignty.

Recognising Aboriginal suffering, reconciling the nation: The Stolen Generations apology

Speaking in Sydney's Redfern Park in 1992 at the Australian Launch of the Year of the World's Indigenous People, the then-Labor Prime Minister Paul Keating delivered one of the most celebrated speeches on Aboriginal affairs in the nation's history. The Redfern Park speech not only inaugurated the ten-year formal reconciliation process that had been initiated the year prior (1991-2001), but was a powerful expression of the vision of which the Australian process was founded, wherein the recognition of Aboriginal suffering was part and parcel of the 'new' reconciled nation, inclusive of Indigenous and non-Indigenous alike. The particular vision of reconciliation expressed by Keating, however, was quite extraordinary in its placing of the burden of recognition squarely on the shoulders of settler Australia. Reconciliation 'begins', declared Keating, 'with an act of recognition'.

Recognition that it was we who did the dispossessing. We took the traditional lands and smashed the traditional way of life. We brought the disasters. The alcohol. We committed the murders. We took the children from their mothers. We practised discrimination and exclusion. It was our ignorance and our prejudice. And our failure to imagine these things being done to us. (2000, 61)

For Keating, the 'starting point' of a new relationship between Indigenous and non-Indigenous Australians 'might be to recognise that the problem starts with us non-

Aboriginal Australians'. It was thus only with a sincere acknowledgement of culpability on behalf of settler Australia that reconciliation could take place, and the nation could begin with the business of building a 'new partnership built on justice and equity and an appreciation of the heritage of Australia's Indigenous people' (2000, 61-2).

The hopefulness of Keating's speech, and the elation it elicited at the time, nevertheless remained largely unmatched throughout the 1990s. Despite the partial victories of Wik and Mabo (see Russell 2005), the formal reconciliation process was, at best, tentative and fragile, and with the 1996 change of government to John Howard's conservative coalition, was increasingly inserted into the polemics of political partisanship. The demand laid out in Redfern Park for settler Australia to acknowledge its culpability for the injustices faced by Aboriginal peoples, in particular, became the basis of the so-called 'history wars'—a public debate over Australia's colonial past and its implications for national identity and self-understanding, in which Howard and Keating represented opposite poles. In turn, it was the apology to the Stolen Generations that came to embody the history wars, with the question of 'saying sorry' embroiled in the ideological divisions of non-Indigenous Australia.

The recommendation for an apology emerged out of an inquiry into the forced removal of mixed-descent Aboriginal children by state and federal agencies, commissioned by the Labor government in 1994 as part of the reconciliation process. The 'Stolen Generations', as they came to be called, were taken from their families in an attempt to assimilate them into white society; a practice that occurred throughout the twentieth century until as late as the 1970s, affecting between 1 in 10 and 3 in 10 Aboriginal children. The effects of the unofficial policy were catastrophic for the taken children, their families and communities, and were documented in the extensive *Bringing Them Home* report that emerged from the inquiry and was tabled in Parliament in 1997. The newly-elected Liberal government took issue with a number of the report's findings and recommendations—most notably, its insistence that the practice of child removal be considered an instance of genocide—and refused the call for an official state apology. Howard, instead, delivered a famously ill-received personal apology in which he expressed regret for the taking of children but argued that present generations of Australians should not have to take responsibility for the actions of their predecessors; his speech eventually culminated in a number of audience members standing and turning their backs to him. While Howard did not deny the significance of reconciliation, he did nevertheless advocate for his alternate version of 'practical' reconciliation, which emphasised practical measures to decrease Aboriginal social and economic disadvantage and derided the supposed symbolism of prior approaches.¹

Like Keating, Howard framed his take on reconciliation to be at the service of building a shared and united national community. Substantively, however, their respective visions were strikingly different, particularly when it came to the questions of Aboriginal difference and the recognition of historical injustice. For Keating, the shared nation would arise when settler Australians could truly appreciate the 'depth and diversity of Aboriginal and Torres Strait Islander cultures' (2000, 63), framing Indigenous difference as a unique and important part of the diverse national

¹ Relative to the non-Indigenous population, the 'practical reconciliation' approach saw very few gains made in terms of alleviating Aboriginal social and economic disadvantage.

community; Howard, in contrast, argued that true reconciliation will come when Aboriginal people join mainstream Australia and share in the same rights and obligations, emphasising the need for a common ‘overriding and unifying commitment to Australian institutions’ (2000, 90). Whereas Keating saw an examination of the nation’s stained past to be key to moving into a shared future, for Howard to open debate over history was to re-open the divisions between Australians ‘that most of us rightly believed had been reconciled long ago’ (in Gray & Winter 1997, 1). Put in short: while Keating’s rhetoric of national community opened a space for Aboriginal peoples to make distinctive claims, in Howard’s national unity designated sameness, effectively foreclosing on that possibility. Considering that reconciliation necessitates coming to terms with the past and the oppression of historically excluded groups (Bashir 2011), it is plain why the reconciliation process took a step backwards during the time of Howard’s leadership.

By the time the apology was finally delivered in 2008 by Labor Prime Minister Kevin Rudd (who had ousted Howard the year prior), it had reached an almost mythical status and seemingly signalled a return to rhetoric of old. Rudd’s speech was beautifully written and powerfully delivered, and rested on the vision of a national ‘we’ that was cognisant and inclusive of Aboriginal difference and sincere in its willingness to admit settler culpability. Certainly, it is in their ability to flag the ‘we’ of a shared moral community that apologies can be such pertinent acts of recognition. To ‘say sorry’ flags that one has crossed a line and so is a poignant expression of shared values, with both parties acknowledging that certain values have been transgressed and, by doing so, reaffirming their commitment to them (Smith 2008, 10). Likewise, apologies give hope for a future in which that injury or harm is not repeated, something Rudd, too, emphasised: ‘the time has now come for the nation to turn a new page in Australia’s history by righting the wrongs of the past and so moving forward with confidence to the future... a future where... the injustices of the past must never, never happen again’ (Rudd 2008). As an act of recognition, Rudd thus promised the apology to be a moment of true transformation, that would re-make and mark the re-making of Aboriginal and Australian identities.

In the name of the ‘we’

The Stolen Generations apology thus seemed to mark a victory for the Australian Left and the reconciliation process more generally, which had been waysided and effectively derailed by the previous coalition government. Indeed, the apology instigated a wave of euphoria and a sense of profound healing across the nation. Members of the Stolen Generations filled the public gallery of Parliament, and others gathered on the lawns outside to watch the apology broadcast live on large television screens, joining thousands of Aboriginal and non-Aboriginal people across the country who had converged in classrooms, offices, parks and other public spaces. This sense of profound synchronicity—that *everyone* was watching—meant that it was a truly nation-building moment (see Anderson 1983), which signified for a great many the possibility of an ethical politics in Australia (e.g. Celermajor 2008). Nevertheless, the rhetoric of repentance, redemption and transformation on which the apology rested were called into question precisely by its construction as an ideological victory for the Left. As Muldoon and Schaap (2011, 185) have argued, the impossibility of extracting the apology from the history wars compromised its significance as a genuine act of recognition. The history wars, as they point out, were

essentially internal to settler society and more about how settler Australians viewed themselves and each other than about the relationship between Aboriginal and non-Aboriginal peoples; Aboriginal difference and histories featured only insofar as they framed settler identity and self-conceptions. Likewise, the vision of the united Australia that guided the apology has been called into question, for ‘it was precisely the attempt to turn [Aboriginal people] into “fellow Australians” that was responsible for the tragedy of the “Stolen Generations” in the first place (Muldoon & Schaap 2011, 184).

As mentioned earlier, it is the framing of reconciliation around the building of the national ‘we’ that is seen as inherently suspect by critics, especially in the context of relationships between settler colonial states and Indigenous peoples. There are two main contexts in which reconciliation is invoked: the first is as part of democratic transition processes in societies that have been ‘fractured by serious political violence’ (such as South Africa) and the second is in relation to the historical injustice experienced by minorities at the hands of the state, most often ‘colonised Indigenous ones’ (Humphrey 2005, 203-4). This makes for striking differences between the two. While in the first context reconciliation is employed to bring about political legitimacy in the wake of a prior illegitimate regime, reconciliation in the second case takes place in, and typically at the behest of, an already-established liberal democracy seeking legitimacy for its *founding*; legitimacy, in other words, is sought retroactively after the state has already been fully established (Short 2005, 269). Likewise, reconciliation as part of a democratic transition process is geared towards forging a sense of social and national cohesion for two ‘enemy’ sides; in settler colonial contexts, reconciliation takes place between two, profoundly asymmetrically positioned parties—namely, a small, dispossessed Indigenous minority and the state/society responsible for that dispossession. Furthermore, in settler colonial contexts, the preservation of cultural identity is typically a core concern of Indigenous peoples, because their distinctiveness from mainstream settler culture is not a *claim* to uniqueness but rather the *premise* of their particular political claims (Reilly 2009). As such, it is apparent how the injunction of reconciliation to forge a new, shared identity may be ‘experienced as assimilation or group erasure’ (Moses 2011, 146).

In Australia, concerns over the apparently assimilatory nature of reconciliation have seen a number of scholars indict the reconciliation process as ‘the latest phase in the colonial project’ (Short 2003) and yet another instance of settler domination of Aboriginal peoples (Motha 2007). Damien Short (2005, 274), for instance, argues that tying reconciliation to the rubric of a ‘united Australia... places a (colonial) ceiling on Indigenous aspirations’ because incorporating ‘Aboriginality into the cultural fabric of the settler nation weakens Indigenous claims based on their traditional “separateness” from settler culture’. Povinelli (2002) has similarly argued that reconciliation is a means for the state to domesticate and absorb Indigenous alterity by putting it at the service of the national imaginary. Genuine otherness is disallowed in the reconciliation process, for it requires that the otherness be articulated in relation to the nation—and thus rendered knowable and manageable. While it gives Indigenous peoples a ‘right to be incorporated into the Australian nation’ it does not give them ‘a right to *refuse*’; likewise, it presumes that ‘Indigenous peoples wish to share in the settler state’s vision of the good life’ (Short 2005, 274-5).

The focus on creating the reconciled national ‘we’ is thus argued to be more concerned with settler desires than the Indigenous needs, as it allows a means for

settler society to excuse itself of culpability of past injustices and alleviate the sense of national guilt and shame. Exploring the Stolen Generations apology, for instance, Haydie Gooder and Jane Jacobs (2000) contend that the apology represented a 'fantasy of absolution' for settler Australians, with the act of 'saying sorry' believed to restore a sense of legitimacy to the nation. Others, like Anthony Moran (2002), suggest that reconciliation is embroiled in an 'indigenising settler nationalism', whereby Indigenous cultural heritage is appropriated as a 'gift' that will allow the entire nation to feel an indigenised sense of belonging. Like bringing Aboriginal peoples into the national fold is purported to 'soften' their difference, the vision of the wholly indigenised nation embedded in the apology 'is meant to validate enough of [Aboriginal] suffering... to progress with less dissent in future' (Barta 2008, 210). Whether in the name of Keating's or Rudd's inclusive national community or Howard's overtly assimilationist 'united Australia', then, reconciliation is argued by these critics to be a conservative ploy.

These challenges are both serious and important, and cannot be avoided if we are to critically engage what is involved in reconciliation in settler colonial contexts. Settler colonialism, as Patrick Wolfe (2006) emphasises, operates with its own particular logics: at the core of which is the logic of the elimination of the native, who must be displaced or destroyed so as to make space for settlement. This logic is 'an organising principle of settler-colonial society rather than a one-off (and superseded) occurrence', because in settler colonial societies 'invasion is a structure not an event' (Wolfe 2006, 388). Indigenous difference (presence, culture, identity, memory, history) is thus always threatening for it challenges the legitimacy of the settler state—assimilation, read this way, is the logic of elimination in another form, for it seeks to eliminate the threatening and radical difference of the Indigenous other. The *structural* nature of settler colonialism thus casts suspicion over attempts by the state to redress the historic injustice, particularly when they remain within predominant liberal frameworks which can account for good governance within a state but which are generally less equipped to deal with the type of counter claims presented by Indigenous minorities (Reilly 2003). Certainly, the pervasiveness of the settler colonial configuration is argued to necessitate far more radical solutions to the question of Indigenous justice than can be incorporated within the purview of reconciliation: ranging from cultural autonomy, the return of Indigenous lands and secession (e.g. Alfred 1999).

The challenges of decolonisation in settler colonial societies are complex, to say the least. Equally, the transformation of the colonial relationship is particularly challenging, not least because its psycho-affective structures mean that Indigenous peoples have internalised their own domination thus complicating the politics of recognition as it is typically conceived (see Coulthard 2007; also Fanon 1968). Nevertheless, the question I ask here is whether reconciliation is inevitably and ineradicably beyond redemption in settler colonial societies. Is reconciliation necessarily a conservative ploy, as it has been charged? And is the vision of the national 'we' that so guided the Australian reconciliation process inherently assimilative of Aboriginal difference?

In order to consider these two questions, I would like to turn to Andrew Schaap's (2008) distinction between 'reconciliation as ideology' and 'reconciliation as politics'

for, like him, I believe that it would be a mistake to dismiss reconciliation out of hand.² Driving his analysis is the Gramscian critical sensibility that:

[p]olitical ideas and concepts are neither true nor false but the tools through which we make sense of our world. In law and politics, therefore, the task is not so much to discard wrong ideological concepts but to re-define them against whatever conservative connotations that may have acquired, adjust them to the project of popular politics and build them around a ‘hegemonic’ bloc. (Douzinas 2000, 169; in Schaap 2008, 249).

The distinction between reconciliation as ideology and politics allows us to grasp reconciliation’s ‘double-move’, where it is both an ‘emancipatory demand [politics] and device by which an enforced commonality can be reinscribed [ideology]’ (Motha 2007, 88), and leads us to ‘the heart of the problem of the political (the thematisation of commonality) and the staging of politics (the representation of conflict)’ (Schaap 2008, 250). For Schaap, reconciliation is ideological to the extent that ‘its meaning is overdetermined’, for this ties (and thus limits) alternate conceptions to the dominant terms of the debate—the ways in which the ‘practical’ versus ‘symbolic’ reconciliation dichotomy excluded alternate conceptions from entering public discussions is a case in point here (251). Likewise, reconciliation is ideological insofar as it posits ‘a comprehensive conception of community with which some members of society might reasonably take issue’ (252)—this again was something evident in mainstream settler discourses of reconciliation in Australia. However, reconciliation can be *political* if it enables different parties to come together in an ‘overlapping dissensus’ (as opposed to consensus), that does not presume that political unity comes about by a shared commitment to agreed-upon principles of justice but is rather a ‘contingent possibility of politics that comes through contesting the nature of the injustice that brought the parties to the conflict together in the first place’ (252). In other words, reconciliation is political to the extent that it ‘enables an agonistic politics that is potentially constitutive of political community’, through which contesting perspectives of the social world come to bear on that world, making it ‘more common to those engaged in struggle’ (251).

Like the critics above, Schaap (2008, 255-6) is equally suspicious of the insertion of reconciliation into nation-building in Australia, which he argues has served to marginalise and overwrite Aboriginal justice claims like the right to self-determination (I explore the particular reasons for this in the following section). However, he argues that the vision of the national ‘we’ may also be political insofar as it ‘politicise[s] the terms of association in a divided society’ and draws attention to the contingencies and ‘political risk[s] of (re)founding a political community’ (256). What Schaap draws attention to is that the ‘we’ of political community is never pre-existing, but rather comes into being as ‘an achievement of political action’.

Because the ‘we’ cannot speak as a ‘we’, someone must claim to represent it. This representative claim inevitably entails a certain violence in positing community. Yet, in its invocation of the people, it may fail or succeed and, should it succeed, it may always be contested (if only in retrospect) (254-5).

In this regard, the national ‘we’ on which reconciliation rests may be a space in which the political community tussles with its ‘aspiration of being-in-common’—but also

² Although, for Schaap (2008, 249 [FN 2]), there may be strategic reasons for why Indigenous people in Australia may avoid couching their political claims in the language of reconciliation.

recognises, and celebrates, that as an enterprise that is inherent vulnerable, fragile and risky (see Christodoulis 2000, 148).

I would thus like to argue that while the critics mentioned above are wary—quite rightly—of ‘reconciliation as nation-building’, there needs to be a distinction made between ideological versions of national community inherent in certain conceptions of reconciliation and the possibilities of enabling more political versions of the national ‘we’. In some respects, this focus on the ideological aspects of national community is to be expected given that conventional theorising around the nation has tended to emphasise its ‘top-down’ aspects, with national identity and culture seen as invented, passed down or manipulated by cultural and political elites (e.g. Hobsbawm and Ranger 1983). However, work on the more ‘banal’ (Billig 1995) elements of nationalism has emphasised the ‘bottom-up’ manifestations of national identity, and highlighted the ways in which people (reflexively and unreflexively) ‘live the nation’ (e.g. Calhoun 2007; Edensor 2002); likewise, there is a burgeoning field of work on multiculturalism and affective citizenship that explores how national identities are constructed as multicultural and/or diverse (e.g. Uberoi 2008).

Here, I want to suggest that the national ‘we’ may also a space of political contestation, something that was arguably highlighted in the discourses of Indigenous Australians who responded to the apology. Of course, not all responses were positive: perhaps the most prominent of the critical voices was Noel Pearson’s (2008), who argued that the apology’s construction as an ideological weapon in the history wars compromised its genuineness. Broadly speaking, however, the vast majority of Aboriginal responses were positive, with people often using the same rhetoric of national healing as Rudd and Keating. Marcia Langton (2008), for instance, declared that:

The nation would be healed if we could consign this history to our past by admitting that it was wrong to take children from their families in order to prevent Aboriginal ways of life and traditions from continuing. I ask that all Australians understand this part of our history and recognise that such terrible wrongs must never be repeated.

As Dirk Moses’ (2011, 156) thorough and thoughtful overview of Aboriginal public reactions to the apology suggests, Indigenous people did not tend to see the notion of national community as inherently assimilative of their difference; to the contrary, their full feeling of citizenship—that they were now empowered to ‘participate as subjects or authors of the national narrative’—was seen as opening the space for them to make distinctive and enduring claims.³ Counter to the argument of reconciliation critics who suggested that any attempt to include Aboriginal people in the national ‘we’ is counter to Indigenous justice claims, Indigenous reactions seem to indicate that they felt they could do *both*: their particular difference and participation ‘in the collective “we” of the Australian political nation’ were not incompatible, but rather part and parcel of each other (Moses 2011, 155).

I have argued elsewhere that this invocation of particularity (group difference) alongside universality (the national ‘we’) is suggestive of a more dialectical relationship between particularity/universality than is often presumed in the politics of

³ The demand for national inclusion and full citizenship historically informed much Aboriginal activism throughout the twentieth century, which, importantly, was not framed as being reductive or compromising of distinctive Indigenous identity (see McGregor 2012).

recognition (Busbridge 2012). Certainly, Indigenous responses to the apology suggest that they, too, saw their particularity to be intertwined with the universal, in such a way that genuine acknowledgement of their difference necessitates a reconfiguring of hegemonic framings of nation and national identity. Bronwyn Fredericks illuminate this dynamic clearly, so I quote her at length.

I believe the lines between the margins and centre of society need to be defused if we as Aboriginal and Torres Strait Islander people are going to participate in all areas of society, and I say I want to participate without giving up what it means to me to be an Aboriginal woman... It will not be easy as part of the challenge is about challenging the dominant culture and for those from the dominant in means challenging themselves. It is about challenging the structures that sit across all areas of our lives, the social, political, economic, educational, legal, cultural and religious spheres. By our lives here I mean Indigenous and non-Indigenous peoples' lives. (2010: 7)

If, as Schaap argues, the 'we' is political insofar as it 'politicises the terms of association', then Fredericks' account is deeply political. Even as she invokes the national 'we', she challenges its hegemonic terms of association by seeking to unsettle—and rearticulate—the lines between margin and centre. The nation here is presented as a 'contingent universal'; that is to say, a space of hegemonic contestation where the false universality of the nation is exposed and particularities asserted to revise what is included in its purview (see Busbridge 2012).

Making a distinction between ideological and political conceptions of the national 'we' is arguably critical if we are to begin to broach the question of Indigenous-non-Indigenous coexistence—a question that is unavoidable given that the structural character of settler colonialism makes learning to live together a central component of the decolonisation process. After all, it is the 'we' that defines a given political community, and we cannot do away with the 'we' without doing away with politics altogether. Furthermore, and as Moses (2011, 156-7) has also argued, it allows us to avoid the framing of Indigenous political agency in the dichotomy of resistance/co-optation that is the implication of many critiques of reconciliation as assimilation. Dominant understandings of Indigenous difference and culture, particularly those that emphasise cultural authenticity, work to constrain the possibilities of Indigenous politics where they 'speak at the risk of being heard': to engage with the mainstream is seen as conceding to the dominant or compromising Indigenous alterity, yet to not engage is to risk further abuse and exploitation and be rendered 'invisible to allies and sources that could aid them in their struggles for political, social and cultural survival' (Levi and Dean 2003, 2). If the critics who charge reconciliation with always being ideological are right, then it is the case that Aboriginal people who invoke the rhetoric of national community and inclusion have been duped and have absorbed the language of their own oppression—a logic which is arguably closely aligned with dominant portrayals of Indigeneity. Certainly, this proposition can be deemed ideological *itself* in the sense that it legislates right and wrong modes of Indigenous political engagement, and teeters dangerously close to reproducing the colonial binaries that critics presumably seek to challenge in the first place (Moses 2011, 155-6).

The Australian state and Aboriginal sovereignty

I have argued that there needs to be a distinction made between ideological and political visions of the national ‘we’, and that the latter arise when national community is simultaneously invoked as a space in which claims for recognition can be made and a space challenged and transformed by those same claims. However, by no means do I intend to claim that the apology itself necessarily invoked a political conception of the national ‘we’—indeed, there is good reason to believe that the apology failed as a genuine act of recognition of Aboriginal people and the injustice they have faced by virtue of being an Indigenous minority in a settler nation. Certainly, it is pertinent to recall that the apology was delivered in the midst of the Northern Territory intervention, which saw army and police mobilised to implement a number of restrictive measures on Aboriginal communities. Not only did the intervention require the suspension of the Racial Discrimination Act, but the government’s top-down approach in which they proceeded without consultation seemingly reinserted Aboriginal issues into a discourse of rights paternalism rather than recognition or reconciliation (see Altman and Hinkson 2007).

There were a couple of key limitations to the apology. The first is that it managed to avoid to question of genocide altogether, even though this was such a key element in the *Bringing Them Home* report. While it may be argued that it was only through leaving this aside that the apology could gain bipartisan support (and arguably garner the goodwill of the majority of Australia’s settler population), it is nevertheless the case that ‘burying’ the question of genocide precluded the type of serious historical interrogation demanded by the process of reconciliation (Barta 2008, 209). The second is that the apology was delivered with the explicit declaration that no compensation fund or reparations tribunal would be set up, as had been recommended in not only the *Bringing Them Home* report but also in the Senate Legal and Constitutional References Committee inquiry into the report held in 2000. For many Indigenous commentators, it was precisely this element of the apology that most compromised its integrity: as Noel Pearson (2008) asks, ‘which is more sincere: to say “we will not apologise to the Stolen Generations and we won’t pay compensation”; or “we will apologise but we won’t pay compensation”? While Rudd did emphasise that Stolen Generations victims could seek litigation through the courts, the question herein is just how fair and just it is to place claimants at the behest of potentially long, harrowing and costly court proceedings. As Alexander Reilly (2009) argues, seeking compensation in the common law courts is to put the courts in the position of having to arbitrate history, something they are ill-equipped to do, and especially considering that the government has acknowledged that past policies of child removal were wrong, puts claimants in an unfair position. Likewise, common law cases ‘psychologically... pit the government against those bringing actions’, putting the government in the ‘position of defending its record, and denying its responsibility to the extent that this is legally possible’, which is clearly not keeping with the sentiment of the apology and the government’s admittance that the removal of children was ‘ill-motivated and completely misconceived’ (Reilly 2009).

The core failing of the apology, however, can arguably be attributed to one of the main oversights of the politics of recognition; that is, that it tends to emphasise the recognition of identity and injustice at the expense of the structures of misrecognition that have made recognition such a vital need in the first place (see Thompson and Yar 2011). As Paul Muldoon and Andrew Schaap (2011, 184) contend, the apology as

delivered by Rudd focused on the recognition of *victims* of the policies of forced child removal but did not consider the underlying causes of Aboriginal misrecognition—namely, the ‘state’s desire for unity and sovereign control’ and the identity practices through which it has sought to maintain this. Turning to Patchen Markell’s (2003) work on the relations between recognition and state sovereignty, they argue that while conventional discourse sees the apology ‘as an act *of recognition* of the suffering of Aboriginal people but a demand *for recognition* of the sovereignty of the Australian state and the unity it presupposes’ (Muldoon and Schaap 2011, 185).

For Markell (2003, 25), what is often missed in conventional accounts of the politics of recognition is that recognition, as it is currently construed of in the context of multiculturalism, takes place in large-scale social exchanges with the state playing a central role; this is a far cry, he asserts, from the Hegelian face-to-face encounter between master and slave which guides the appeal to mutual recognition. As such, the state is either implicitly presented as ‘transparent medium through which people exchange recognition’ or is framed as ‘a mediating institution’ above the realm of the social with the ‘capacity to resolve struggles of recognition’ (Markell 2003, 26). States are evidently neither of these things: not only are they thoroughly dependent on the recognition of their claims to sovereignty and apparent representation of the will of the ‘people’, but they are also deeply implicated in social and political relations of (mis)recognition—indeed, they have significant investments in them. It was in the addressing of Aboriginals as ‘fellow Australians’ and the presumption of their equal citizenship, Muldoon and Schaap (2011) put forward, that the apology revealed itself to be an appeal for recognition for its sovereignty *over* Indigenous Australians, when it is precisely their claim to *competing* sovereignty that is at the core of their misrecognition in the Australian state.⁴ In delivering the apology as the absolute sovereign, then, the state was able to avoid the fact that ‘the sovereign position that Aboriginal peoples assert has never been ceded. Recognition starts from the premise that terra nullius and its consequences were imposed on Aboriginal peoples’ (Dodson 2000, 266). Arguably, it was this unwillingness to acknowledge Indigenous proclamations to sovereignty that meant the apology was unable to account for the charge of genocide or engage the question of reparations through anything but the Australian common law courts, for both of these would require the state to reconsider its assertion of absolute sovereignty (Reilly 2009).

In this regard, the vision of the national ‘we’ as embedded in the apology becomes a means for the state to assert its sovereignty by claiming to speak on behalf of the ‘Australian people’—an assertion which simultaneously forecloses on the possibilities of Indigenous declarations to sovereignty. As Markell (2003, 26-7) argues, however, the relationship between state and ‘the people’ is dual-sided. On the one hand, states establish and sustain themselves as sovereign precisely through their claims to be representing ‘the people’. On the other hand, they also make ‘the people’ on whose behalf they proclaim to be speaking, and create ‘new relations of political identification and allegiance, ... displacing and demoting competing ones’, something they are empowered to do by virtue of ‘acquiring and maintaining a hegemonic position in the midst of the social’. The question herein is how we might envision a political conception of national community as ‘spoken’ by the state. A possible answer, I think, lies again in Markell; namely, in his highlighting of temporality as the

⁴ Larissa Behrendt (2012) defines Aboriginal sovereignty in terms of rights: equality rights, Indigenous rights and empowerment rights.

key, albeit under-acknowledged, dimension of the politics of recognition. Whereas dominant conceptions of identity and difference are grounded in, and understood through, ‘spatial concepts and metaphors’, Markell (2003) points out that the politics of recognition is a distinctly temporal practice, in that ‘recognition links an agent’s past and present to her future; and that the *politics* of recognition involves a distinctive kind of practical relation to these different horizons of temporality’ (p. 10). The politics of recognition, thought from this perspective, represents an aspiration to *self*-sovereignty, where being recognised will allow us to be, and act in accordance with, ‘who we really are, and to do so with the support rather than the resistance of our fellows’ (p. 12). It is here we reach the paradox of the politics of recognition. The desire for recognition initially emerges as ‘a response to the experience of vulnerability, to the fact that our identities are shaped in part by the unpredictable responses of other people’ (p. 14). However, in desiring to be recognised as ‘who we are’, we disavow our vulnerability to others and the contingency of our own identities; we presume that identity can be settled and guides our actions in the world, rather than being a contingent outcome *of* our actions in that world.

Thought from this perspective of temporality, we are able to better grasp the anti-political moment in Rudd’s presentation of the national ‘we’. The apology was meant to herald the *arrival* of the new reconciled ‘we’, the fully unified Australian people; as such, it was delivered with a promise of ‘never again’, where the apology punctured historical time by signalling the break between a bad Australian past and a good Australian future. Of course, inherent in the notion of apology is the hope that the past can be left behind, and in its place a new relation could be formed; it could similarly be argued that Rudd’s apology, as an apparent moment of nation-building, needed to adopt this type of linear temporality if it was to have the desired effect as a grand, triumphant and hopeful gesture. However, it was in invoking the reconciled ‘Australian we’ as already settled and arrived, rather than something *to come* as was the case in many Indigenous framings (see Moses 2011, 156), the apology precluded contestation over, and the politicisation of, the terms of political unity in Australia (Muldoon and Schaap 2011, 191). Likewise, invoking the promise of ‘never again’ to indicate the newly-arrived national community as *the absolute sovereign* forecloses on the possibilities of understanding how the state was able to implement the policies of forced removal in the first place (Reilly 2009).

Recognising the contingency of the national ‘we’—that it is a space that empowers and in which to make claims, and so is always open to revision—would allow for its politicisation. Equally, acknowledging the limits of settler colonial state’s claims to sovereignty would allow for the politicisation of *its* role in the relations of recognition and the project of reconciliation. For this to happen, however, it is critical that the question of Aboriginal sovereignty be broached. It is not necessarily the case that reconciliation has replaced Indigenous claims for sovereignty and land restitution, as Moses (2011, 157) has suggested; nor is it the case that the politics of reconciliation is counter to the politics of self-determination and sovereignty, as many critics have put forward. Rather, as Muldoon and Schaap (2011, 196) argue, the politics of reconciliation and sovereignty are not only complementary, but are necessarily invoked together if we are to be guided by the ideal of mutual recognition. It is only through engaging the limits of its own sovereign claims, they suggest, that the Australian state can start to recognise its *own* identity—and only then may it be able to recognise Aboriginal claims and difference. It is for this reason that the apology would have been an opportune time for the state to consider constitutional recognition

or enter into a treaty with Indigenous Australians; indeed, to return to Schaap (2008, 256), for him the failing of reconciliation in Australia is precisely that it was not paired with demands for a treaty. A treaty is significant for the fact that the demand for a treaty continues to guide Indigenous justice claims (indeed, we cannot neglect to recognise that the reconciliation process was offered as an alternative for failed negotiations for a treaty in the 1980s), but it is also significant because it would properly mark the new national ‘we’ of which Rudd spoke. As Schaap (2008, 256) reminds us, the ‘we’ is not only temporal in that it is contingently spoken in a time and place, but also because it ‘only comes about to the extent that future generations continue to identify themselves as part of this historical community’. Reconciliation without a treaty or constitutional recognition would be unable to stand this test of time. Likewise, it can be argued that in the absence of a treaty or similar, the national ‘we’ as invoked in the project of reconciliation is likely to foreclose on its own, inherent political possibilities.

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