

## **Reconciliation as a moral injunction**

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### **Abstract**

Howard's reconciliation discourse did not operate as a discourse about justice as reconciliation discourses have historically done; it operated as a regulatory discourse. It established new parameters around reconciliation – defining what it was and was not to be. Reconciliation was not about reconciling the past or restitutions for past wrongs or delivering justice and rights to Indigenous peoples. Howard's reconciliation speeches went as far as serving the purpose of constructing Indigenous rights, such as native title rights and a treaty, as a threat to the social fabric of Australian society.

Howard's reconciliation discourse functioned as more than an exercise in nation building; it functioned to discursively construct a particular moral and social order. His discourse constituted moral codes for society and operated as a technology for regulating social relations. In this paper, I examine this proposition. I seek to demonstrate how Howard's reconciliation discourse was is an ethical standpoint, which altered the moral codes and ethical practices governing not only reconciliation in Australia, but also Indigenous rights.

**Keywords:** Indigenous rights, reconciliation, state governmentality, discourses, justice.

## **Introduction**

The Australian Reconciliation Convention was held in Melbourne on 27 May 1997 (National Reconciliation Day), marking the 30<sup>th</sup> Anniversary of the May 1967 Referendum. The date itself symbolised the historic shift in the governing of Indigenous affairs that had occurred at the Federal level in the years subsequent to the referendum. The referendum was followed by almost 30 years of bipartisan Federal government support in relation to Indigenous affairs. Yet, the Reconciliation Convention was not the momentous marking of thirty years of Federal government progress in Indigenous affairs it may have been. The future of reconciliation and Indigenous rights, such as native title rights, was at the very least uncertain, almost doubtful. Earlier in May that year, the Howard government had released its Ten Point Plan for amending the *Native Title Act 1993 (Cth)* in light of the High Court *Wik* Decision. The Howard government's Ten Point Plan was depicted nationally as a mechanism for extinguishing native title. To this day, the Reconciliation Convention itself is marked as distinct simply in terms of the speech given by Howard, and the audience's reaction to the speech. It is well known that during Howard's speech over 100 people within the audience stood and turned their back on him. Apparently, it was Howard's reference to native title and his Ten Point Plan that most angered the audience. The speech marked the significant shift in Federal reconciliation policy. The shift was consistent with changes occurring in other areas of Federal Indigenous policy.

Reconciliation was redefined as 'practical' reconciliation. Separate rights, such as Indigenous rights, were discursively constructed as impediments to reconciliation, which was no longer about restitutions for past wrongs. Reconciliation was now about moving toward a common destiny. Reconciliation was a *unifying* process aimed at uniting the nation as a whole. Native title was represented as a threat to the social fabric of Australian society.

The paper demonstrates how Howard's reconciliation discourse operated as a regulatory discourse, rather than a discourse about justice. It argues that his speeches about reconciliation detailed certain rules for the governing of Indigenous rights and operated as a technology for regulating social relations more generally. Howard speeches about reconciliation came to function as more than an exercise in nation building; they functioned to discursively construct a particular moral and social order. It was an ethical standpoint, which reflected and altered the moral codes and ethical practices of particular political rationalities for a qualitatively different state governmentality that was decontextualised from the historical backdrop of Indigenous dispossession and other injustices experienced by Indigenous peoples throughout Australian history (Howard-Wagner 2008).

Howard first outlined his agenda for reconciliation in a speech given in October 1996.

I do believe ... in a process of reconciliation. We will have our different views as to what reconciliation represents. To me, the most effective way to

achieve reconciliation is to address current disadvantage in areas such as health, housing and education. I do not believe, and I have always strongly rejected, notions of intergenerational guilt. I regret as an Australian the appalling way in which members of the [I]ndigenous community have been treated in the past and I believe the truth about what occurred in our history should be taught in an unvarnished fashion.

But could I also say that I profoundly reject with the same vigor what others have described, and I have adopted the description, as the black armband view of Australian history. I believe the balance sheet of Australian history is a very generous and benign one. I believe that, like any other nation, we have black marks upon our history but amongst the nations of the world we have a remarkably positive history... (Howard 1996a: 6155).

It was in this speech that he first separated reconciliation from its historically more symbolic relationship of reconciliation as acknowledging past wrongs and the history of colonial dispossession and oppression that Keating had marked as a significant part of reconciliation. For Keating, reconciliation was about reconciling past atrocities through the recognition of Indigenous rights (Keating 1992). Alternatively, above Howard is critical of Indigenous peoples' appeals to the past as a precursor for bringing about contemporary change (Brawley 1997). He argued that policies recognising Indigenous rights were based on intergenerational guilt and did not alleviate existing problems for Indigenous Australians, and that society had become fragmented through separate rights and competing interests.

Howard outlined his government's commitment to 'practical reconciliation' on 11 December 1996:

My government is steadfast in its commitment to the process of reconciliation between [I]ndigenous Australians and the wider Australian community. We want higher living standards and greater economic independence for Aboriginal and Torres Strait Islander people. We will work with states and territories and with ATSIC to achieve practical outcomes designed to overcome the undoubted social and economic disadvantage of our [I]ndigenous people (Howard 1996b: 8218).

Reconciliation was limited to the issue of Indigenous disadvantage in terms of social and material/structural indicators. Howard argued that policies needed to focus on improving the conditions of Indigenous people through what came to be commonly referred to as 'practical' or measurable 'economic' outcomes in the areas of employment, health, housing and education, which came to be commonly known as 'practical reconciliation'.

In his speech at the Reconciliation Convention, the granting of Indigenous rights, such as native title rights, was specifically separated from reconciliation. Reconciliation was reconstituted:

...This Convention is a *unifying event*. It is an occasion for positive commitment to the future and a common avowal of the destiny we all share as Australians ... At the heart of this reconciliation process among Australians lies three fundamental objectives:

- the first is a shared commitment to raise the living standards and broadening the opportunities available to the most disadvantaged group in Australian society and that is indigenous Australians - and that must be done as part of a broader commitment to providing equality of opportunity to all Australians;
- a second objective is a realistic acknowledgment of the inter-related histories of the various elements of Australian society; and
- a third is a mutual acceptance of the importance of working together to respect and appreciate our differences and to ensure that they do not prevent us from sharing the future.

...I am an optimist about reconciliation because I believe in the *decency, tolerance, generosity and common sense of the Australian people...*

I am an optimist because I believe that the Australian people respect the right to *a 'fair go'* for all...; and I am an optimist because I believe that these attributes have made *Australia one of the fairest, most egalitarian and tolerant societies in the world.*

Reconciliation will not work if it puts a higher value on symbolic gestures and overblown promises rather than the practical needs of Aboriginal and Torres Strait Islander people in areas like health, housing, education and employment.

*It will not work if it is premised solely on a sense of national guilt and shame.* Rather we should acknowledge past injustices and focus our energies on addressing the root causes of current and future disadvantage among our indigenous people...

...Second, all Australians - indigenous and otherwise - need to acknowledge realistically the interaction of our histories.

Our purpose in doing so should not be to apportion blame and guilt for past wrongs, but to commit to a practical programme of action that will remove the enduring legacies of disadvantage...

...The third broad objective of the reconciliation process on which attention should be refocused is the need to work together to ensure that our differences do not prevent us from sharing in a common future... (Howard 1997: 1 – emphasis added).

Reconciliation was not about reparations for, or reconciling, past wrongs through symbolic gestures of native title, but coming together and committing to 'practical programmes of action'.

Reconciliation had a new moral imperative. Reconciliation was about goodwill in the face of individuals holding different points of view and uniting the nation. It was in the 'tradition of Australian values of tolerance and treating people decently' and 'not discriminating against people according to their race' (Howard 1998). This moral discourse of tolerance encodes the ethical subject to 'treat people decently' and 'not discriminate', but also not to tolerate divisive practices. The 'good' ethical 'white' subject tolerates and treats Indigenous people decently and Indigenous people are the recipients of their good intentions. This discursive regime once again articulates a demand for tolerance and unity, which highlights a set of universal or universalising effects that operate to incorporate Indigenous people into the 'whole' or collective community (Chambers 2001: 27). It is once again a discourse that positions an Anglo-Australian tradition as central and tolerance in the name of unity for those who do not encompass that tradition.

The shift in the governing of reconciliation was further outlined on 13 December 2000. On this day, Howard outlined his government's new reconciliation policy in a Menzies Lecture entitled 'Perspectives on Aboriginal and Torres Strait Islander Issues' as the following:

... I regard *Australia's social cohesion*, born out of a distinctive form of egalitarianism, as the crowning achievement of the Australian experience during the last one hundred years. Yet we can never be satisfied ... until that *social cohesion* is extended throughout all sections of the community and specifically until Indigenous Australians enjoy the same opportunities and the same plentiful lives as any other Australians.

...[Reconciliation] has become an unstoppable force and I believe the nation has been enriched and is a better, more *united* nation as a consequence ...

In May, Australia witnessed Corroboree 2000 an historic event involving every political leader ... in which *a commitment to address Indigenous disadvantage was made*. And, importantly, a commitment to recognise the special status of Aboriginal and Torres Strait Islander people are entitled to feel as Australia's first people.

On the same weekend, the walk across Sydney's Harbour Bridge gave an opportunity, the first of many, for Australians to demonstrate their strong support for the process of reconciliation...

... On issues as complex and difficult as the call for some form of legal treaty and a formal national apology beyond expressions of personal sorrow and regret, people of genuine goodwill can and will legitimately hold different points of view.

... our collective priority must be to strengthen support for the ongoing process and, most importantly, improve the lives of Indigenous peoples ...

... That is why we place an emphasis on '*practical reconciliation*'  
...

... The way forward towards true reconciliation is surely to build upon this *unity* and the many *areas of common agreement*.

In this, as in other important national endeavours, the things that *unite* us are far stronger than those that divide us... (Howard 2000: 1 – emphasis added).

Reconciliation had become an *unstoppable force* in its own right. So, Howard had to reposition his policy to align it in some way with the agenda of the populace. In the above speech, there are six interrelated themes evidencing a further repositioning of reconciliation policy. First, we are introduced to the argument about the importance of social cohesion ‘born out of a distinctive form of egalitarianism’. Notably, his speech signifies the importance of his use of the concept unity to his repositioning of reconciliation: that we as a whole or nation should be focused on that which unites us rather than divides us. Unity takes on new meaning. The speech evidences a discursive restructuring of the reconciliation agenda from the toleration of difference to a tolerance of otherness within the limits of ‘social cohesion’ in the context of ‘unity’ of the ‘whole’. Reconciliation also becomes about ‘practices’ or ‘activities’ that ‘unite’ the nation or evidence this ‘social cohesion’, as indicated in the reference to Corroboree 2000, the walk across Sydney Harbour Bridge, and the Sydney Olympics. These are symbolic rituals that encode the ethical subject to a set of moral injunctions central to the health of the nation. The Howard government’s multicultural precepts come into play here too, with those national ‘cultural’ activities that are ‘inclusive’ and ‘integrate’ the Indigenous ‘other’ and Indigenous ‘culture’ being integral symbols of reconciliation. Here reconciliation becomes an ethics of conduct for white Australia. This policy statement adds a further dimension to the formulation of reconciliation in that it sets out what ‘divides’ the ‘whole’ – a treaty and a formal apology are examples. In dismissing a legal treaty and a formal apology as ‘divisive’, this position rejects Indigenous rights and removes Indigenous *aspirations* from the reconciliation agenda. Native title is represented as a threat to the social fabric of Australian society – a dividing practice –

one that divides the nation into competing interests. It is a shift from the Keating government's policy, which endorsed otherness and separate right and benefits. We were to tolerate otherness to the point that it did not divide us. The granting of Indigenous rights was considered to be a divisive practice, which was therefore beyond the bounds of tolerance. (Brett 2003)

At the 1997 Reconciliation Convention, Howard's speech explained how 'rights' were now to be situated in Federal policy and law:

*...We all have rights and obligations as Australians.*

*...We cannot share a common destiny if these rights are available to some Australians, but not all.*

Likewise, we cannot share a common destiny together as Australians if different groups in our society have different standards of conduct and different systems of accountability...

*...You will all be aware that I have spent a great deal of time in trying to find a just, fair and workable outcome in response to the decision of the High Court of Australia in the Wik case. In working towards that solution, my Government's primary goal has been to strike a fair and reasonable balance between the rights of indigenous people and the*

*rights of other Australians*, in particular those in the pastoral and mining industries...

...I believe that the plan which I have put forward provides an *equitable balance* between respect for the principles of Native Title, as laid down in the *Mabo* decision, and the very legitimate interests of pastoralists and others in securing certainty in carrying on and planning their activities... (Howard 1997: 1 – emphasis added).

Reconciliation was reconstituted into a form that limited it to measurable or ‘practical’ outcomes, evidencing the influences of a neo-liberal rationality (see Howard-Wagner 2008). Native title is problematised as an obstacle to the healthy functioning of the economy. Howard had a moral imperative to act, as Indigenous rights were seen as an impediment not simply to the economy, but also to the unity of the nation. The notion of separate rights, institutions and practices, such as a legal treaty or native title, were antithetical to the epistemological and moral codes underpinning this neo-liberal rationality.

## **Conclusion**

Howard discourse about reconciliation did not operate as a justice discourse; it operated as what Brown (2004) refers to as a regulatory discourse. It regulated what would and would not be tolerated. He detailed certain rules, or moral codes for the governing of reconciliation and Indigenous rights more generally. This was achieved through the

deployment of moral discourses of *tolerance* and *unity*. As a regulatory discourse, it was a discourse that attempted to construct a particular moral and social order; a moral and social order contained within an epistemological whiteness. Not in the unitary or absolute sense, but in the sense that it was productive. Whiteness worked here through his reconciliation discourse in this sense that it operated as an *essentialising strategy* (Howard-Wagner 2008).

One allows difference, but no longer endorses it through institutional practices, legal treaties, formal apologies, or acknowledgement of the past. Indeed, to pursue such an ethic of conduct would be to create disharmony within the nation. The central objective of Howard's reconciliation model was to address Indigenous disadvantage, and create social cohesion and unity through particular activities that united the nation. His broader objectives of 'practical' reconciliation were consistent with his broader neo-liberal objectives in terms of 'practical' actions that had measurable outcomes. Hence, his reconciliation speeches functioned as a tactic of governance through which power was relayed. It was a moral logic that attempted to render Indigenous rights as *problematic*, if not obsolete.

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