Protecting White Australia: John Howard’s announcement of the Northern Territory Emergency Response and the ongoing Colonial Project

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**Abstract**

This paper challenges the asymmetries of power reproduced in Prime Minister John Howard’s announcement of the Northern Territory Emergency Response. Specifically, I argue that Howard enacts and extends Aileen Moreton-Robinson’s (2004) possessive logic of patriarchal white sovereignty. His language not only constructs white men as the owners of the ‘Australian’ nation-state but with the suspension of the Racial Discrimination Act and deployment of troops ‘on the ground’, it also mobilises the Agambenian (1998) figure of “bare life” and “the camp” in order to legitimise the continuing invasion and dispossession of Indigenous people’s land and lives.

**Introduction**

Prime Minister John Howard launched the Northern Territory Emergency Response on the 21st of June 2007. Standing before the nation’s press, he announced that the rate of child sexual abuse in Indigenous communities throughout the Northern Territory constituted a “national emergency” (2007a: para1). “Major measures” would be rolled out to “protect” Indigenous children (2007a: para1). In seventy-three prescribed communities, 45,000 Indigenous people would be subjected to alcohol and pornography restrictions, children would be examined for evidence of sexual abuse and income would be quarantined (Yu et al., 2008: 17). Aboriginal land would also be compulsorily acquired and the military, bureaucrats and additional police deployed to ‘secure’ it.

In this paper, I situate Howard’s announcement of the Northern Territory Emergency Response within Australia’s two-hundred-year-old colonial war to open up the question: Whom does this ‘Emergency Response’ protect? I unpack Howard’s language to bring into focus the long-standing systems of colonial domination often disguised by his seemingly ‘colour-blind’ rhetoric and ‘impartial’ policy outcomes. Specifically, I argue that this announcement (re)deploys the possessive logic of patriarchal white sovereignty (Moreton-Robinson, 2004a, 2009) to ‘protect’ the illegitimate foundations – and inhabitants – of the nation-state. Identified by Aileen Moreton-Robinson, Howard enacts this regime of power to naturalise this continent, never ceded by its Indigenous owners, as a white possession. He also takes it a step further. Giorgio Agamben’s (1998) formulation of “bare life” and “the camp” work simultaneously to legitimate this usurpation. Howard, then, installs the ‘Emergency Response’ within a continuum of technologies that not only dispossess Indigenous people but also perpetuate the “originary violence” of white invasion (Watson, 2009: 46).
As a white woman, I am an active participant in this process. I cannot ‘objectively’ study it – and to purport to do so would produce knowledge skewed by whiteness and reproduce the privilege of which I am a beneficiary. Instead, I plan to take Gayatri Spivak’s (1990) and Moreton-Robinson’s (2000) advice. I realise that my concerns about “trespassing” in a field of inquiry with which I am complicit is a perpetuation – on my part – of white power that silences criticism and buttresses supremacy (Cowlishaw, 2004). Spivak argues that students, such as myself, must reject this white impulse and perform an “historical critique of [their] position as the investigating person” (Spivak, 1990: 62). In the work that follows, I hope to own and interrogate the preconceptions that inform my analysis of the possessive white discourse that permeates ‘our’ knowledge, representations and subjectivities.

White Possession

The possessive logic of patriarchal white sovereignty was established at the same moment as the Australian nation-state: with the declaration of terra nullius. It is a regime of power that maintains the definitions of “person-hood and property” inscribed in this (il)legal fiction in order to (re)produce the continent as a white possession (2004a: para7). Two definitions are particularly important. The first, Moreton-Robinson (2004a, 2009) asserts, is the self-serving classification of white, male invaders as ‘supremely human,’ ‘civilised’ and thus entitled to ownership of Indigenous lands. The second is the biopolitical relegation of Indigenous people to ‘un-civilised’ and ‘inhuman’ ‘fauna’ ‘that’ can be dispossessed. Grounded within the foundations of ‘Australian’ ideology, ontology and law, these ‘definitions’ are engendered within everyday life to the extent that they are imperceptible and, as a result, powerful. They form a ‘logic’ that “retrospectively and repetitively construct[s] [white invasion] as being free from violence” and configures white sovereignty “as part of common sense knowledge, decision making and socially produced conventions” (Giannacopoulos, 2007: 49; Moreton-Robinson, 2004a: para5).

In Howard’s announcement of the ‘Emergency Response,’ this logic is concealed behind a façade of race neutrality. According with Moreton-Robinson (2004a, 2009), Howard appeals to the ‘ideal’ of a ‘colour-blind’ society and the ‘Australian value’ of ‘mateship’ in order to invisibilise and, in turn, further empower possessive discourse. The first of these tactics is fashioned in light of the ‘anti-racist’ paradigms of the 1970s, which fallaciously proposed that “if the characteristics of the [racial] category caused the discrimination [then] deleting their significance would end the discrimination” (Cowlishaw, 2004: 60). As such, Howard manipulates words that connote or denote race to give the impression of ‘impartiality.’ In all but one reference to Aboriginal children, for example, he does not use the word ‘Aboriginal.’ He ‘deletes’ ‘racial’ signifiers to refer simply to ‘children’ as he says: “the abuse of children,” “provided for children,” and “children of the tenderest age” (2007a: 1).

1 I use the words ‘our’ and ‘we’ throughout this article to refer to white people who assume the status of ‘Australian’ citizens despite occupying land never ceded by its Indigenous owners. In doing so, I aim to implicate myself in this study, for I am not a neutral observer, and challenge the infrastructure that perpetuates this regime of power.
This sense of neutrality is extended in the phrase: “in a truly colour-blind society we must recognise that we are dealing in this crisis with a group of young Australians for whom … childhood innocence has never been present” (2007b: para90). With these references to the 'children' and 'childhood innocence,' Howard also mobilises what Barbara Baird (2008) has identified as 'childhood fundamentalism.' She argues that the figure of the ‘child’ is often exploited within political domains as a means to assert “unchallengeable” moral and intellectual authority (2008: 293). In this instance, she suggests that Howard renders Indigenous children not only ‘raceless’ but also "ahistorical, apolitical, naturalised" and imperilled in order justify his policy and demean criticism as immoral (2008: 293). Howard constructs this ‘child’ to imply that his actions are – as he would later say – “not racist” but based on “simple, empirical fact” (2007b: para4&5; 2007a: para33).

‘Mateship,’ rather than race, is heralded as the stimulus for the ‘Emergency Response.’ Howard asserts that the “distressing” findings of the Ampe Akelyernemane Meke Mekarle “Little Children Are Sacred” Report (Wild and Anderson, 2007) into the sexual abuse of Aboriginal children compelled him to develop this policy (2007a: para33). Yet, Pat Turner and Nicole Watson (2007), Larissa Behrendt, Chris Cunneen and Terri Libesman (2007), Guy Rundle (2007) and Irene Watson (2009) reject this causal link. They suggest that Howard’s failure to accommodate Pat Anderson and Rex Wild’s recommendations, in favour of the Coalition’s long-standing welfare and land rights agendas, demonstrate that child sexual abuse is a pretext for the continuation and reinforcement of colonial policies. 

Little Children are Sacred (Wild and Anderson, 2007), Turner and Nicole Watson argue, is exploited “as a Trojan horse to resume total control of our lands” (2007: 205). Similarly, Rundle claims that Howard uses the report to “create a vacuum…and then fill it both with a projection of power beyond rights, and possible legality, and advance a long-cherished cultural agenda: the advancement of private property rights” (2007: 39).

In his announcement of the ‘Emergency Response,’ Howard also exploits Little Children are Sacred (Wild and Anderson, 2007) to obscure colonising discourse. He inserts the report into a narrative of ‘mateship’ to (re)frame himself and white ‘Australians’ as ‘mates’ helping those in need. Branded as “the greatest of all Australian traditions,” ‘mateship’ is a recurring theme in Howard’s public dialogue (1997: para2). It is defined by the government as a practice that has grown out of the “often tough battle for survival by Australia’s early settlers against a strange, harsh and often hostile environment” whereby “people provide help to others voluntarily, especially those in difficulty” (DoIC, 2007: 7&31). This concept manifests most prominently in Howard’s celebration of World War II veteran Sir Edward ‘Weary’ Dunlop – a surgeon who treated prisoners of war. He suggests that Dunlop’s willingness to treat men regardless of their wealth, religion or politics demonstrates “that being Australian embodies real notions of decency and pragmatism in a classless society which lives up to its creed of practical mateship, which brings along those who are disadvantaged” (1997: para86).

While Howard does not explicitly refer to ‘mateship’ in his announcement, he folds the ‘Emergency Response’ into its overarching narrative with the phrase:

Anybody who’s read or examined the report … will be sickened and horrified by the level of abuse. They will be
deeply disturbed by the widespread nature of that abuse and they will be looking for the responsible assumption of authority by a government to deal with the problem.

(2007a: para2)

In this statement, Howard’s use of “anybody” and repetition of “they will” are critical. Despite presupposing difference, the word “anybody” attempts to perpetuate ‘colour-blindness’ by suggesting that no matter your race, sex, background or sexuality, you “will” have the same reaction to Little Children are Sacred (Wild and Anderson, 2007) as your peers. It is implied that when confronted by the “horrific” rates of child sexual abuse in the Northern Territory “we” Australians “will” do what is ‘civilised’ and ‘practical.’ “We will” overlook difference and unite as a singular, classless group to demand the Government “deal with the problem” and “bring along those who are disadvantaged” (Howard, 1997: para86; 2007a: para2). Howard’s account of divergent people coming together to ‘protect’ Aboriginal children represents the policy as an act of white Australian ‘mateship’ carried out by ‘colour-blind’ ‘mates.’

This façade, however, is not immune from the racial prejudice that pervades Howard’s announcement. Gillian Cowlishaw (2004) asserts that the practice of ‘deleting’ racial signifiers to ‘protect’ the subordinated race is paradoxical. She argues that ‘colour-blindness’ works to buttress white race privilege in two ways. First, it suggests that race “necessarily and inevitably” confers one’s place within a racial hierarchy (Cowlishaw, 2004: 60). Second, the underlying premise that race is inconsequential allows white people, who consider themselves ‘raceless,’ to avoid considering the infrastructure that enforces white race privilege (Cowlishaw, 2004: 61). In this context, the absence of ‘Aboriginal’ and Howard’s race and ethnicity in headlines such as “I’m seizing control (of Aboriginal communities), says (Anglo-Saxon) PM” is telling (Peating and Murdoch, 2007: 1). It not only denies – via omission – the discrimination encompassed in Howard’s actions but also normalises the white privilege that enables this revocation of Aboriginal people’s rights (2007d, para5). Howard’s invocation of ‘mateship’ is equally divisive. The suggestion that it grew out of the “battle for survival by Australia’s earliest settlers” not only posits white ‘Australians’ as the powerful executors of this ‘value.’ It also denies the presence of Indigenous people before white ‘settlement’ and their continuous ownership of this land (DoIC, 2007: 31). Moreover, the celebration of Australia’s (ongoing) frontier war as a “battle… against a strange, harsh and often hostile environment” is deceptive (DoIC, 2007: 31). It renders Indigenous people as elements of the natural environment and purports that ‘mateship’ – rather than colonial violence – resulted from white invasion.

This denial prepares the ground for several strategies that culminate to naturalise white ‘Australians’ – particularly men – as the owners of this continent. As I proceed to argue, biopower and the split between zoe and bios operate under the auspices of the possessive logic of patriarchal white sovereignty (Agamben, 1998; Foucault, 1998). Biopower, Foucault (1998) argues, emerged in the late eighteenth and early nineteenth centuries. Triggered by the development of disciplinary knowledges that understand human beings as a species, it is a form of power that takes the human body as the object of political strategy. As Foucault explains, the sovereign’s power to “take life or let live was replaced by a power to foster life or disallow it to the point of death” (1998: 138). The sovereign invests his or her power in quantifying,
disciplining, optimising and regulating the biological processes of both the subject and the population in order to guarantee hegemonic forces. This exercise, Agamben argues, necessitates “a radical transformation… in classical thought” (1998: 4). The distinction between zoe, “the simple fact of living common to all living beings,” and bios, “the [political] form or way of living proper to an individual or group,” is reconfigured (Agamben, 1998: 1). While zoe and bios remain distinct, biopolitical disciplines mobilised by the sovereign – such as Eugenics – force “zoe into the sphere of the polis” (Agamben, 1998: 4). With such exercises of biopower, biological life becomes politicised bare life that is the object of biopolitical interventions and controls. It is excluded from the polis, even as it is governed by the polis – as Agamben says: “bare life remains included in politics in the form of exception, that is, as something that is included solely through exclusion” (1998: 11). Situated at this critical juncture, bare life is a new form of life at once stripped of political agency and enmeshed in the sovereign’s biopolitical machinery.

In Howard’s announcement of the ‘Emergency Response,’ biopower and the Agambenian split between bios and zoe enact Moreton-Robinson’s (2004a) theory. Specifically, they (re)activate the politico-legal strategy inscribed in terra nullius; white ‘Australians’ are posited as powerful sovereigns engaged in bios while Indigenous people, on the other hand, are rendered bare life completely embedded in nature and subject to (white) biopower. Howard's use of "we" to refer to himself – a white man – and the Liberal Coalition Government, develops this construction. In phrases such as "we'll ban the sale," "we will provide," "we will bear," “we’re going to introduce,” “we will carry,” “we’re going to enforce,” “we’ll be ensuring” and “we will scrap,” the repetition of this pronoun situates white men – and their mechanisms of power – as political actors exercising their sovereign right to regulate land and bodies (Howard, 2007a: para4,5,6&7). Moreover, the use of “we” before verbs such as "provide," "bear" and "carry" strengthens this assertion of supremacy. Like the headlines “Howard intervenes to end a national disgrace,” “Howard’s radical rescue plan begins” and “Howard brings hope,” it works to frame the ‘Emergency Response’ as a way to ‘civilise’ Aboriginal people with white money, white assistance and white law (Farr, 2007: 5; Nowra, 2007: 8; Rehn, 2007: 3). This tactic also renders Aboriginal people as both ‘uncivilised’ and passive ‘objects’ of government policy. Coupled with Howard’s failure to address Aboriginal people, using words such as ‘you’ or ‘your’ throughout the announcement, it produces a telling contradiction. Despite citing the Little Children are Sacred Report (Wild & Anderson 2007) as his motivation, Howard invisibilises the role of many Indigenous women and children in raising the issue of child sexual abuse. He disavows the position of Dr Pat Anderson, over 200 consultations that contributed to the report, (Wild & Anderson 2007) and a vast number of conferences since the 1980s that have lobbied the Government to address such problems (See Moreton-Robinson, 2009: 71). Howard represents the 'Emergency Response' as a lawful and instructive act of sovereign government.

I want to pause here to mark a power relation that I both produce and reproduce. My analysis must be complicated by the presence of the “non-Anglo, non-Aboriginal Australian, or as she or he is identified bureaucratically, the Australian of non-English speaking background” (Perera and Pugliese, 1998: 43). I have so far performed, on both counts, what Suvendrini Perera describes as “a drama of black/white relations, or, as is often the case where questions of multiculturalism are acknowledged, as an unequal triangle in which ‘migrants’ and especially ‘Asians’ form a kind of belated
third, or supplement to the central conflict of black and white” (2000: 12). Both here and in the work that follows, then, my failure to recognise non-Anglo Australians maintains a false and exclusionary dichotomy. This omission, however, can also be tied to Howard’s rhetoric. Perera and Joseph Pugliese argue that the “monocultural state prescribes and demarcates the precise limits of multiculturalism” (1998: 44). The removal of the word ‘multicultural’ from the Department of Immigration and Multicultural Affairs and the reduction in the number of ministers representing the voices of non-Anglo Australians between 1996 and 2001 are blunt examples of this operation (see Elder et al., 2004; Perera and Pugliese, 1997). They not only grant white people symbolic and material power but also occlude white ‘Australians’ own status as immigrants.

Howard’s construction of Aboriginal people further asserts white sovereignty. In line with Moreton-Robinson, he renders targeted Aboriginal people bare life: a powerless organism devoid of sovereign rights and subject to the biopolitical will of the state. I realise as I unpick this construction that, like the disciplines cited by Foucault (1998), I too run the risk of making Aboriginal people the ‘objects’ of my study. Yet by simultaneously deploying anti-colonial discourses and strategy, I hope to momentarily challenge Howard. His description of the ban on alcohol establishes this misrepresentation, as he says: “we’ll ban the sale, the possession, the transportation, the consumption and introduce the broader monitoring of take away [alcohol] sales across the Northern Territory” (2007a: para4). As he identifies each component of this ban, Howard – as Franz Fanon says – brings “the native into existence” at once “classifying him, imprisoning him, primitivising him [and] decivilising him” (2001: 28; 2008: 20). This extensive list of prohibited acts – the penalty for each a fine or imprisonment – posits Aboriginal people as ‘primitive’ beings ‘that’ must be controlled.

Howard’s use of the term “national emergency” compounds this misrepresentation. Most frequently employed to describe fires or floods, it reduces targeted Aboriginal people to ‘unruly’ elements of nature. It also correlates with Howard’s suggestion that “we have our [Hurricane] Katrina, here and now” and Brough’s comment that “we have a national emergency here in the same way as when the tsunami swept in on Boxing Day” (Brough as cited by Adlam and Gartress, 2007: 7; Howard, 2007a: para21). These statements have two implications. First, they render Aboriginal residents ‘natural’ and ‘destructive threats’ – like Hurricanes – that are in need of management. Second, they cite a global framework of inequality. Hurricane Katrina and the Indian Ocean tsunami of 2004, respectively, had most impact upon populations subject to colonial regimes of power (see Perera, 2009; Sharkey, 2007; USGS, 2011). These “geographies of danger,” Perera argues, are cast “‘out there’ in contradistinction to the civilised, scientifically advanced and sanitary environment that is privileged home of the West” (2009: 81). Howard and Brough draw a correlation between these sites to locate targeted Aboriginal communities in the space that “lies outside of the political; those deaths for which no one is to be held accountable: indeed, the deaths that do not count” (Perera, 2009: 78).

This discursive violence is echoed in the media. Gary Johns’s assertion that “sitting around playing cards and drinking and failing to rear their children is not acceptable behaviour,” and the claim in The Australian that “the refusal of well-meaning authorities to remove children from harm's way has spawned a generation who have
kept their parents but had their innocence stolen,” are significant (Editor, 2007: 16; Johns, 2007: 14). While it could be argued that the zoological terms "reared" and "spawned" are used in many contexts, their strategic use in these phrases cannot go unchallenged. Often employed to describe the reproductive and parenting process of animals such as frogs, these words animalise Aboriginal people and locate them within the sphere of zoe. They not only reference but also build upon colonising discourses that cast Indigenous people as ‘fauna’ in order to reiterate the possessive logic used to justify invasion and subsequent policies such as the kidnap of Indigenous children throughout the 1900s (see HREOC, 1997). Moreover, these terms perpetuate the very denial that underpins terra nullius: they refuse Indigenous people’s humanity in order to reject their sovereign rights.

Legitimising white ‘Australia’

Howard’s construction of targeted Indigenous people as bare life demonstrates that my analysis, so far, is incomplete. While this concept works under the auspices of the possessive logic of patriarchal white sovereignty to naturalise this continent as a white possession, it also elucidates a logical extension of Moreton-Robinson’s theory. Contextualised within the frame of the Agambenian ‘camp’ (1998), this concept exposes a violent double-movement. As I proceed to argue, Howard exploits the law in order to reconfigure targeted Indigenous communities as ‘camps’ within which the law is suspended and residents are stripped of human rights. This strategy serves to misrepresent and expel Indigenous communities from the nation-state, thereby negating their claims to sovereignty. Moreover, it constructs residents as the powerless occupants of a combat zone. As Pugliese argues, “bodies become coextensive of space as such: they are the ground upon which military operations are performed and through which control of the colonised country is secured” (2007: 12). Each targeted Indigenous person is relegated to the status of bare life that can be dispossessed with impunity. Within his announcement of the ‘Emergency Response,’ Howard mobilises legal, material and discursive tactics to not only assert white possession but also legitimise white invasions.

The camp, Agamben (1998) argues, is instrumental in the maintenance and protection of sovereign power. He draws out the juridical structures of European concentration camps in the twentieth-century to suggest that the emergence of biopower ramifies beyond the transformation of the classical distinction between bios and zoe. The centrality of the ‘body’ in Western political strategy also precipitates new juridical structures. One such structure – and a necessary precursor of the camp – is the state of exception. Invoked during ‘crisis’ situations, this state is void of law. It is produced by the sovereign who, on the one hand, exercises their "legal power to suspend the validity of the law" while, on the other, "legally" places themselves outside the law in order to abandon it (Agamben, 1998: 15). The sovereign creates a space within which he or she can enact biopolitical operations that "what would otherwise, by [their] own juridical norms, be legally impossible" (Wadiwel, 2007: 156). And as such, he or she simultaneously speaks for the juridical order and is immune from it: "I, the sovereign, who am outside the law, declare that there is nothing outside the law" (Agamben, 1998: 15). The camp is "opened up" when this state of exception "becomes the rule" (Agamben, 1998: 168-169). Threats to national security are used to justify the production of a combat zone within which "outside and inside, exception and rule [and] licit and illicit" collide and "concepts of subjective right and juridical protection
no longer make any sense" (Agamben, 1998: 170). As targets of biopolitical power, the inhabitants of this site are "stripped of every political status and wholly reduced to bare life" (Agamben, 1998: 171). Their bodies are saturated with biopower and "so completely deprived of rights... that no act committed against them could any longer appear as a crime" (Agamben, 1998: 171). The sovereign assumes the power to capture bare life within the camp and suspend it indefinitely within the liminal space between human and non-human, citizen and non-citizen and valuable and non-valuable life.

The Northern Territory Emergency Response elucidates Agamben’s (1998) theory. Before I examine this contemporary instantiation of the camp, however, I want to briefly trace three phases of its development in Australia (See Palombo, 2009; Perera, 2002). The first model of this biopolitical weapon emerged in the 1800s as white invaders sought to thwart Indigenous resistance by forcibly relocating Indigenous communities to prescribed ‘reserves’ (HREOC, 1997). The second, manifested fifty years later. With the rise in Social Darwinism, Tony Birch argues, the premise that Indigenous people were ‘dying out’ redefined camps as a place to accommodate Indigenous communities “until the inevitability of their passing” (2001: 17-18). Yet, in the 1930s this paradigm changed. As the Bringing Them Home Report (HREOC, 1997) documents, government policy acknowledged that Indigenous people were not ‘dying out’ and instead sought to 'absorb' 'non-full blood Aboriginals' into the white populous while segregating those of 'full blood' (See also Behrendt et al., 2009). Legislation confined Indigenous people within prescribed zones and 'their' movements, employment, language and autonomy were controlled. Between one in three and one in ten Indigenous children were taken from their families across the continent between 1910 and 1970 (HREOC, 1997: 37). 'Homes' were established, such as the 'Bungalow' in the Northern Territory where fifty children were kept in three wire and tin sheds until they could be 'assimilated' into the white labour force (HREOC, 1997: 37&133-134). While many overt signifiers of Agamben’s (1998) theory were abolished in the 1970s, rates of Indigenous incarceration, paradigms of ‘mutual obligation’ and Homelands policies suggest the camp has merely been reconfigured for the contemporary ‘Australian’ landscape.

Howard exploits the law in order to transform targeted Indigenous communities into camps. In the work that follows, I will momentarily turn my focus from Howard’s announcement – and the language he uses within it – to what he does not announce this text: that the Emergency Response imposes a state of exception. The treatment of the Racial Discrimination Act 1975 (Cth) (RDA) explicates this premise (Behrendt et al., 2009). Originally legislated in order to ratify the International Convention on the Elimination of All Forms of Racial Discrimination, this Act attempts to break down institutionalised racism (Behrendt et al., 2009). Its assertions that “everyone should be equal before the law” and that “it is unlawful for a person to do any act involving a distinction, exclusion, restriction or preference based on race” are particularly relevant (1975: 7&6). They come into conflict with many of the actions prescribed under the Northern Territory National Emergency Response Bill (2007) (Cth) that exclusively and explicitly target Aboriginal people and their property, such as the sequestration of income and entitlements, the introduction of alcohol and pornography restrictions, the licencing of community stores, the medical examination of Aboriginal children for signs of sexual abuse and the compulsory five-year government acquisition of Aboriginal land (Behrendt et al., 2009; Calma, 2010).
These provisions, Tom Calma argues, not only have a “profound impact on the environment in which [Aboriginal people] live, grow and develop” but also deny the right of Aboriginal residents to “protection from racial discrimination” (2010: 25).

The Government use two paradoxical strategies to overcome this conflict. In the first instance, they erroneously argue that discriminatory provisions fall into the category of ‘special measures’ sanctioned under section 8(1) of the RDA (See Calma, 2010). In the second, they suspend the operation of the RDA, relevant anti-discrimination laws and land rights in prescribed Aboriginal communities (Calma, 2010; Magarey et al., 2007: 24). Agamben’s theory is exemplified as “the normative aspect[s] of the law [are] obliterated and contradicted with impunity by a governmental violence that – while ignoring internal law externally and producing a permanent state of exception internally – nevertheless still claims to be applying the law” (2005: 87). In series of contradictions, Howard exercises his dual position outside and inside the juridical order as: “the provisions [of the NTER], and any acts done under or for the purposes of those provisions, are excluded from the operation of Part II of the Racial Discrimination Act” (2007: 90). He not only steps ‘outside’ the law in order to invalidate targeted Indigenous people’s right to equal treatment under the law. He also cements his place within the law, as he assumes the “legal power to suspend” it (Agamben, 1998: 15). The passage of this legislation through both Houses of Parliament within just ten days demonstrates that many parliamentarians considered it within their rights to suspend Indigenous people’s human rights and permit their subjection to punitive, biopolitical measures. Similarly, in amending the Aboriginal Land Rights (Northern Territory) Act 1976 (Cth) Howard retracts many of its core principles. Aboriginal people’s right to own their land, their right to control access to and usage of their land and their right to refuse free market principles are revoked (Behrendt et al., 2009: 82).

Howard mobilises “symbolic and legislative borders” to fortify this state of exception: he attempts to nullify Indigenous people’s claims to sovereignty by rendering targeted Indigenous communities outside the bounds of the Australian nation-state and its laws (Palombo, 2009: 614). The announcement of the ‘Emergency Response’ casts this division from the outset, as he says: “I have called this news conference to announce a… national emergency in relation to the abuse of children in Indigenous communities in the Northern Territory” (2007a: para1). Here, Howard’s reference to the “abuse of children in Indigenous communities” compares targeted areas with the white populace. This continues in the phrases: “the grosser examples and more concentrated examples of [child sexual abuse] are to be found in the Aboriginal communities” and “we’ll require [an] intensive… clean up of communities to make them safer and healthier” (2007a: para7&27). The comparatives “grosser,” “more,” “safer,” and “healthier” implicitly measure Indigenous communities against the invisibilised (white) ‘Australian’ benchmark. They perform two roles. First, they “enable [the] differentiation and othering” of those demarcated in the camp (Moreton-Robinson, 2004b: 77). Second, they provide “a means of knowing and defining” the space outside the ‘camp’ as that of “safe,” ‘lawful’ and ‘white’ ‘Australia’ (Moreton-Robinson, 2004b: 87). Howard reinscribes the boundary between targeted Indigenous communities and ‘crown’ land as a racialised border between “a place that is… not Australia” and “Australia” (Perera, 2002: para1). As a resident of Bagot community told the Federal Government, “we Indigenous people say that we should be living together, one country, one Prime
Minister, and seeing each other and treating each other as equal. But nothing happens like that. You are dividing the nation into two… one for black and one for white” (This is What We Said, 2010: 13).

This border is carved into the landscape. Under the Government’s legislation, the entrances to prescribed communities are marked with large blue and white warning signs inscribed with the words “WARNING PRESCRIBED AREA NO LIQUOR NO PORNOGRAPHY,” a list of the penalties and fines for breaking the law and the image of wine and beer with a line through it. These signs, like his announcement, exploit the nuance of ‘safety’ to ensure targeted Aboriginal people are “truly… taken outside” the nation-state (Agamben, 1998: 18). This role is exposed in a powerful exchange between residents of Ampilatwatja, as they say:

“I think you can go to Canberra and you can buy even worse books [pornography]”

“Do they have blue signs there as well?” (This is What We Said, 2010: 45) As the speakers point out, these signs delineate between those with rights and those without. The absence of similar signs featuring this capitalised “WARNING” in other parts of Australia, such as Canberra, reinforces the biopolitical construction of Indigenous people as ‘unruly’ and dangerous bare life. Indigenous communities are normalised as combat zones within which human rights are revoked and “the ‘national’ is placed in suspension” (Perera, 2002: para12).

Howard extends this construction in order to further protect the illegitimate foundations of the nation-state. His announcement of the ‘Emergency Response’ not only renders Indigenous communities ‘camps’ ‘outside’ ‘Australia’ but also relegates each of them to foreign combat zones that can be invaded with impunity. In line with his decision to send the military into the Northern Territory, Howard’s repetitive use of the word ‘take’ (re)launches this military operation. It simultaneously expels targeted Aboriginal communities from ‘Australia’ and renders them ‘combat zones’ awaiting invasion. The phrases – “the Commonwealth Government will take control of townships through five year leases” and “taking … authority” – connote the ‘capture’ or ‘seizure’ of a foreign territory (2007a: para6&18). This discourse is compounded by Brough, as he continues “we’ll actually have our people on the ground, we’ll have additional police... we’ll have managers on the ground, we’ll have adequate policing on the ground as well” (2007b: para20&22). In line with Howard, his use of the pronouns “our” and “we” in this statement are used to exclusively refer to white ‘Australia.’ Most telling, however, is his repetitive use of the phrase “on the ground” to identify the targeted Indigenous communities. It cites military jargon in order to locate the Government’s actions in – using Brough’s words – “nothing less than a war zone” (2007a: para67). The Northern Territory News reiterates this discourse. The day after the Howard’s announcement, an image of two women is framed underneath the banner “BATTLEGROUNDTN” – the headline punctuated by the outline of a riflescope (Ravens, 2007: 21). This representation graphically marks Aboriginal residents and their land as the targets of the Emergency Response. Like the use of the term “hit list” in the headline “Aboriginal Hit List Drawn Up as Force Prepares to Move In,” the paper’s reference to both a “battleground” and a weapon that is designed to kill suggest Howard “speak[s] the language of pure force” (Fanon, 2001: 29; Karvelas, 2007: 1).
At the Government’s command, and under the guise of ‘protecting’ Indigenous children from sexual abuse, this exercise of “pure force” enables the continued invasion and dispossession of Aboriginal people’s land and lives to operate with absolute legitimacy. “Locked into a logic of war, protection, and the defence of (white) national sovereignty,” Howard’s discursive and biopolitical tactics ramify on the bodies of targeted Aboriginal people (Palombo, 2009: 622). Here, he goes beyond representation of the Aboriginal body as ‘uncivilised’ and animal to classify each Aboriginal person as non-human bare life: sanctioned casualties in the ongoing colonial war. His suspension of the RDA, local land rights legislation and relevant anti-discrimination laws and the ensuing revocation of basic human rights, speaks forcefully to Howard’s dismissal of Aboriginal people’s humanity. As Yananymul Mununggurr, a councillor in East Arnhem Shire, argues “there is certainly nothing dignified about losing your human rights as a human being, based on being an Aboriginal citizen” (This is What We Said, 2010: 60). The very rendering of Aboriginal communities as a ‘combat zone’ is equally telling. Howard’s use of the word “take” and Brough’s use of the phrase “on the ground” to identify their actions in Aboriginal communities, rather than other nouns such as ‘homeland’ or ‘town,’ not only denies the occupation of the land. It also denies the ownership, customs, culture and the humanity of those who live there. So too do the measures enforced by the police, military and officials. Income quarantining, compulsory medical examinations, the abolition of the permit system, the seizure of Aboriginal land and the dismissal of customary law, Irene Watson argues, are “tactics of disempowerment” that reject Aboriginal peoples’ autonomy in order to prevent self-determination both now and in the future (2009: 55). In describing a trip outside her community of Utopia – to the United Nations in Geneva – Rosaline Kunoth-Monks OAM, draws out the impact of living in a perpetual battleground in which human rights have been revoked, as she says: “at the end of that or during that visit, I also felt for the first time that I was indeed part of the human race. I have to go out of Australia to have that wonderful feeling and lack of control that was on me, in a different country a long, long way from home” (Us, 2011: 39). Howard’s tactics, then, further inscribe this continent with the asymmetries of power upon which violent colonial warfare operates. He and his Government exercise constant, punitive control over Aboriginal people and ‘foster life or disallow it to the point of death’ (Foucault, 1998: 138).

Stronger Futures in the Northern Territory?

As I write these concluding paragraphs, the Australian Federal Senate is holding hearings in targeted Aboriginal communities to evaluate the ‘next steps’ of the Emergency Response outlined in the Stronger Futures in the Northern Territory Bill 2011(2011). Based on a flawed consultation process (See Harris and McKenna, 2011), this legislation is set to ensure much of Howard’s policy continues in its punitive and paternal form for the next ten years. While many of its components remain unchanged, additional measures will join a catalogue of modifications made to the policy since it was ‘rolled out’ five years ago. The election of the Labor Party in late 2007, for instance, resulted in the extension of income quarantining and a three-month ‘consultation’ process designed to satisfy the Racial Discrimination Act. Yet the eventual reinstatement of this Act in 2010 did not overturn structural inequalities embedded in the policy, nor did it highlight the illegality of provisions such as the compulsory acquisition of Aboriginal land. It merely fulfilled an election promise (Calma, 2010). The Government’s latest proposals are also discriminatory and, if
passed, will ensure a portion of Aboriginal parents’ income is withheld if their children do not meet school attendance requirements, impose a more complex regulatory framework to community stores and make fines and prison sentences for alcohol possession more severe (Nicholson et al., 2012). The proposed legislation will also continue to withhold infrastructure funding from Aboriginal communities unless they sign their land over to the Crown on a forty to ninety-nine year lease.

With each metamorphosis of the Northern Territory Emergency Response, white race privilege loses none of its force. Howard’s announcement of this policy both enacts and extends Moreton-Robinson’s possessive logic of patriarchal white sovereignty. It not only naturalises this continent as a white possession but also deploys the Agambenian (1998) camp to construct white ‘Australians’ as the legitimate owners of this continent. While these acts of colonial warfare continue to manifest across the continent, I cannot offer any conclusions. The process of naming, challenging and breaking down the violent discursive, legal and material strategies that ‘protect’ the illegitimate foundations of this nation-state must continue.

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