Anarchist Rising
An Anarchist Perspective on the Role of the State in Indigenous Politics
6/5/22

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tempered the worst of the mass scale atrocities against Australia's First Nations peoples, but as the brief history covered above shows, there are limitations regardless of how much participation Indigenous voices are allowed within Parliament. There is no doubt that current reform prospects are a positive step forward, but the liberation of First Nations people will not and cannot come from the institutions of their oppressors. Like the feminist movement, the fight should ultimately result in the dismantling of white possession and white patriarchal power structures like the nation-state.

What comes after this, I, nor any other anarchist (let alone, in the case of Indigenous liberation, white anarchists) can offer no real prescription. Liberation is a continuous process, one which the progressive should never hope to see end as we strive to build a better world than the one we entered, and which we will undoubtedly learn more about from future generations (Bey, 2020). What the political landscape of Australia will look like if we reach this stage would be entirely alien to us today, but it would certainly not contain a white and patriarchal nation-state at its centre.

In the meantime, immediate reform is in front of us, with what is arguably the most progressive Parliament in Australia's history. Alongside urgent attention to Indigenous policies, the threat of climate change is being ignored by the major parties and Indigenous voices will be a vital part of all of our futures. From the anarchist perspective, to borrow Peter Marshall's analogy of the "river of anarchy", Indigenous liberation is one of many streams and tributaries that, in time, will inevitably flow "towards the great sea of freedom." (Marshall, 2010: 11). We all have a part to play.

Reference List

This essay was written for my Indigenous Politics and Policy course in response to the following question:

> Can contemporary settler states be reformed to serve Indigenous peoples, or is it necessary to explore political arrangements beyond the state?

I approached this from an anarchist perspective, suggesting that the white patriarchal nation-state, as described by Aileen Moreton-Robinson in *The White Possessive*, has limited potential for reform. Instead, Indigenous concerns, in my view, add another layer of reasoning for dismantling the current nation-state system. Reference list below.

There is much debate about what the relationship between indigenous populations and the State is and ought to be in Australia, internationally, and between indigenous peoples in different countries. A key myth that must be dispelled is that of viewing Australia's First Nations peoples as a monolith with a single vision of who they are and what their political future should be (Maddison, 2009). In Australia, this relationship has, since 1770, been "characterised by intimate entanglement that mixes support with destruction, care with brutal violence, and appreciation with shocking disregard." (Brigg & Graham, 2020a). One of the core questions that must be addressed is whether settler-colonial nation-states, like Australia, can be reformed in such a way that Indigenous peoples can be properly served by our democratic institutions, or if other avenues of political organisation beyond the nation-state must be explored.

What this essay will argue is that the nation-state is an unsuitable vehicle for achieving long-term positive political goals for indigenous peoples. This will be done by using indigenous scholarship and by applying an anarchist lens to critique the State as a hierarchical and abstract entity that is antithetical to the liberation of all people, including its role as a white possession to alienate

indigenous peoples from ownership of themselves and their land. Two important points must be made to preface this aim. The first is that I, as a white man who possesses the perspective and privilege inherent to that group, cannot speak for Indigenous peoples, nor can I claim to have or prescribe a particular solution to their struggle. The second is that by taking an anarchic approach to this topic, it is not my intention to attach the label of anarchism to it, nor, in the words of Marquis Bey, "absorb various thinkers into the fold of anarchism." (Bey, 2020).

Australia is a settler-colonial nation-state, a descriptor it shares with similar states such as Canada, the United States, Israel, and New Zealand. It is also a liberal democracy, combining individualist liberalism, an economic system comprising of capital accumulation and a free market, and democratic political representation. Social relations between atomic individuals and notions such as the common good are inextricably linked to abstract entities of state and capital, positioning the nation-state as the central body for political organisation and legitimacy. While there are contemporary debates about individualism and collectivism stemming from the social upheaval of colonisation, many Aboriginal people contend that the individualistic nature of liberalism is fundamentally at odds with the more collective and relational approach to social organisation in Indigenous political tradition (Brigg & Graham, 2020a; Maddison, 2009).

Brigg and Graham, however (despite asserting the current political order is "inadequate"), do not believe liberalism and Indigenous political concepts are incompatible. One of their examples is autonomy and self-hood, claiming that the difference between liberalism and Indigenous thought regarding the individual is not in opposition, but that the Indigenous conception is relational. One person's autonomy is relational and dependent on everyone else's autonomy, and the same applies to relations between different autonomous Indigenous nations and their respective Country (Brigg and Graham, 2020b). My contention with attempting to reconcile

outcomes for Indigenous communities. The Statement "stands as testament to Indigenous people's refusal to be the passive recipients of the decisions of the non-Indigenous political elite." (Fredericks & Bradfield, 2021). However, it is important to note that these changes "will only gain relevance with the socioeconomic applications of the changes and their influence on human life." (Fleay & Judd, 2019). While the Voice to Parliament allows active participation in advising legislation, it does not have any legislative or veto powers of its own.

It is a major step that should not be discounted, but it absolutely relies on the willingness of the white patriarchal nation-state to move on from the "hear but not listen" attitude of previous governments. It is also an Indigenous Voice held within the confines of a nation-state and Constitution that are inherently white possessions and that previously, and continues to, oppress and suppress them. Positive policy outcomes could result from its formation and activities in Parliament discussions, but like other liberation movements, there are limitations.

For instance, Jessa Crispin is extremely critical of certain aspects of the feminist movement (Crispin, 2017). Reform of the patriarchal state has improved conditions for some women, namely white women and those who manage to gain positions of power within inherently patriarchal structures, but it can only go so far for women on the margins, such as black women or those of low socioeconomic status. In my view, Crispin's call to abolish the patriarchy and dismantle its power structures and possession has a very anarchic flavour. She is careful to recognise, as some anarchist and libertarian thinkers are, the purpose of certain organisational structures and, similar to Chomsky (2013), believes new and more just relations and processes ought to be created and implemented (Crispin, 2017).

The same logic, in my opinion, applies to Moreton-Robinson and other's critique of the nation-state as a white possession. Reform and rights movements since the 1960s have somewhat

The election of the Rudd government changed little. While he did deliver an official Apology for the Stolen Generation, the Northern Territory Intervention remained relatively unchanged. While the budget for Indigenous affairs did grow, over half of it was spent in the Northern Territory while the majority of Indigenous people in similar socioeconomic realities across the country were left with the rest (Moreton-Robinson, 2015: 171). He also introduced the BasicsCard (predecessor to the cashless Debit Card, such as Indue which is currently undergoing trials), which Julia Gillard expanded along with an increase in regulations on Indigenous peoples' lives and access to welfare (Castan Centre). Indigenous Affairs Minister Jenny Macklin also moved for Australia to support the UN Declaration in 2009, but similarly kept reiterating that the document was "aspirational", and that self-determination and land rights were matters to be overseen by Australian law and courts, claiming the government welcomed "Indigenous people to fully participate in Australia's democracy." (Lightfoot, 2016: 102-103, my emphasis).

Subsequent Coalition governments saw a continued stalling and degradation of Indigenous policy, and an outright rejection of the Uluru Statement from the Heart in 2017 by then Prime Minister Malcolm Turnbull. Following the 2022 election, new Labor Prime Minister Anthony Albanese's victory speech committed the Labor Party to the Statement and to providing Indigenous peoples a Voice to Parliament enshrined in the Constitution. Given they have reached a majority of 77 seats in the House of Representatives and will likely have the support of the Greens plus one in the Senate, if the rhetoric turns into to action it would entail another Referendum for the Australian public to vote on.

But what would this look like if the result is yes?

Contrary to the dishonest framing of it as a "third chamber" of Parliament by Scott Morrison and Barnaby Joyce, a Voice to Parliament would simply be an advisory body disconnected from political ideologies and parties with the sole purpose of seeking better

these two positions is that the rights conferred under liberalism are universal in theory but are dictated and filtered through the State. In practice, this leaves those outside of the identity of the settler-colonial nation-state lacking or even stripped of these rights, on top of the rights lost as First Nations people through the imposition of the nation-state's sovereignty over their own.

I would argue that the relational and collective organisation of Indigenous nations are more akin to libertarian strands of socialism than to liberalism. For instance, Rocker's conception of anarchism is the "desire [for] a federation of free communities which shall be bound to one another by their common economic and social interests and shall arrange their affairs by mutual agreement and free contract." (Rocker, 2004). While he and many other "classical" anarchists like Bakunin or Kropotkin were focussed primarily on economic concerns in Europe, anarchist thought has since expanded to include all struggles for liberation and against hierarchical structures, including on racial and gender lines. As Chomsky (2013) puts it, "the anarchist asks those in power to prove their claims to authority – and argues that if their systems can't be justified then they ought to be dismantled and replaced by something more free and just." Chomsky is (perhaps intentionally) ambiguous about what constitutes "justified", but it can be assumed that, in the vast majority of cases, these systems cannot be justified. In the case of the State, there are multiple interwoven threads of critique.

In her book *The White Possessive*, Aileen Moreton-Robinson describes the modern settler-colonial nation-state as a white patriarchal construction and possession (Moreton-Robinson, 2015). Moreton-Robinson bases this assessment of the Australian nation-state on the relation between whiteness, power, property, and the law. The combination of an emerging class of white property owners from Europe and the "legal fiction of terra nullius (land belonging to no one)" created the conditions required for white men to claim the land as their property and impose their will and sovereignty (Moreton-Robinson, 2015: 66). Whiteness in

this context is both identity and property, granting status and privilege to those who possess it. Since the invasion by white colonial forces, much has been done to maintain and protect this possession from others who would infringe on these sacred property rights.

It is the nation-state, first through Empire and then Australia after Federation, that inflicted atrocities upon the Indigenous population that amounted to genocide. Violence, including massacres, sexual abuse, displacement and the taking of children to "civilise" them, was a central policy in White Australia. Regulation and control of populations on missions and elsewhere gave the white patriarchal state a very paternal role of possession over them, a process that continues today. The slow history of reform has also yielded limited results, with many "major" strides not only being more symbolic than practical, but also focussed entirely within the white-patriarchal framework.

For instance, the 1967 Referendum allowed the Commonwealth to make laws with respect to Indigenous peoples, but that does not imply that legislation would be positive (Maddison, 2009: 53). Walker wrote that the Referendum did not "benefit the black Australians though it eased the guilty conscience of white Australians in this country and overseas." (Walker, 2020). She believed it was a victory for white Australians who "demand" that black Australians adhere to the aims set by them without any regard for the actual interests of those they claim to support. Black reform was "unacceptable" to them, and "good" leaders were chosen by them.

Moreton-Robinson (2015: 80) explains that, while Australia has the Racial Discrimination Act 1975, it is limited to individual acts that acknowledge the existence of racism but downplays the significance and prevalence of it. It also acts to defend the Australian nation-state by not acknowledging the "advantages white people have because of the theft of Indigenous land." (Moreton-Robinson, 2015: 80). The Mabo decision and the Native Title Act 1993 were also both hailed as major advances, but in effect left Indigenous

people "trespassers in the land until they prove their native title", placing "the burden of proof on the Indigenous people to demonstrate to courts of law controlled predominantly by white men." The "criteria of proof and standards of credibility" were also set by the white patriarchal system, ignoring the strong oral tradition of Indigenous peoples in favour of written word.

After *Wik*, John Howard amended the Native Title Act following lobbying from the farming and mining industries to protect white property rights, essentially negating the Act in favour of white possession (Moreton-Robinson, 2015: 70-73). Howard then ignored the ensuing decisions and requests by the United Nation's Committee on the Elimination of Racial Discrimination (CERD) regarding the discriminatory and restrictive changes to Australia's common law (Moreton-Robinson, 2015: 73-76). His government later defunded and dismantled the Aboriginal and Torres Strait Island Commission after it began focussing on rights advocacy and, following the Bringing Them Home Report in 2004, refused to offer an official apology, claiming that past actions were lawful at the time and that white Australians would not "embroil themselves in an exercise of shame and guilt." (Moreton-Robinson, 2015: 151; Maddison, 2009: 12).

In June 2007, Howard undertook the Northern Territory Intervention, suspending the Racial Discrimination Act 1975 and initiated martial law, increasing police presence and micromanaging many aspects of Aboriginal lives, including their privacy, welfare, and health. This was under the moral pretence of protecting children from sexual abuse, which a later review identified a total of four cases (Moreton-Robinson, 2015). Two months later Australia refused to support the United Nations Declaration on the Rights of Indigenous Peoples, claiming, similar to the USA, Canada, and New Zealand that it would interfere with our constitutional democracy, concerns around self-determination and land rights, and that it was understood that the Declaration would be "aspirational", a moral but not legally binding agreement. (Lightfoot, 2016: 2, 98).