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# Doing it for the Kids

By Elizabeth Povinelli

On the pretext of a child sexual abuse crisis in Australia's Northern Territory the Howard government passed emergency legislation and prepared a land invasion of aboriginal areas by police, doctors and the army. Elizabeth Povinelli locates this latest state of exception in a wider neoliberal project to impose work and austerity. Images and text box by Benedict Seymour

In July 2007 I was living in a small remote aboriginal community called Bulgul, on the coast of Anson Bay, Northern Territory, with a group of aboriginal men, women and children. Most of them were living in tents. These people had been driven out of their homes in another indigenous community called Belyuen located about 300 kilometres from Bulgul. Wielding axes, chainsaws, pickets, and rocks, other members of the community chased them into the scrub on 15 March. Then they ransacked their houses and stole their goods. Initially no one was charged. The police investigation seemed minimal at best. Without any prospect of housing in Darwin, and not wishing to live as part of the urban poor, these exiled people had been promised housing at Bulgul where they could live on land that belonged to their pre-colonial ancestors. Under Australian property law this land is currently defined as 'aboriginal freehold'. [1] Months later they are still living in tents, hauling water and firewood, while, just kilometres away, non-aboriginal people live in houses on aboriginal freehold.

The rainy season begins in November, then the monsoons arrive in December. Members of the federal and Territory government who want these families to go back to Belyuen can count on the weather to push them there. Already in July quite a few of these people had given up and gone to various severely overcrowded indigenous town camps in Darwin. These men and women had job skills in education, construction, and power and water management. In short, they were the kind of indigenous person that the government, given the appalling statistics on aboriginal health, employment, and education, would be interested in supporting. But the federal and Territory government continue to pressure the people living at Bulgul to return to Belyuen. They refuse to go, because they believe that if they return they will suffer either violent death or a corrosive life. Why do representatives of State governments and agencies want these people to take this risk?

[IMAGE]

## Bad Timing

Citizens within liberal democracies like Australia tell a certain story about themselves. It is a story about time. In this story, modern time broke with pre-modern time. The progressive time of history replaced the cyclical time of tradition, seasons, mythology, kingship, and tribalism. Modern time cut the circle of cyclical time and made it a straight line. For some this straight line points to a perfectible future. For others this line is going forward but to no particular future, perfect or otherwise. Most critical theorists acknowledge that our experience of time and space can vary under different conditions of state and capital. David Harvey, for instance, famously described the compression of space and time in postfordist capitalism. [2] Harvey notes that how we think about the time horizon affects the kinds of decisions we make. Not everyone can take advantage of the long term or the here and now in the same way. For those able to invest heavily in the financial markets, the here and now can produce massive profits as new communication technology and sophisticated financial instruments

allow for near instantaneous trading and profit taking. For most people, the ideology of the market continues to be oriented to a generational future horizon. The working poor and an increasingly large section of the middle class are told that if they work hard and save, their children will have a better life. My friends at Bulgul would seem to be an excellent example of this ideology of the future. They worked to raise their children's and their own life prospects even as they maintained hunting skills. It might seem surprising then that the State did not invest in their move.

Part of the problem was bad timing. Every so often this story of modern time is suspended. State and public pundits announce that society is now in an extraordinary time and state - a time of emergency and a state of exception - in which the progressive story of historical unfolding must be interrupted. The ordinary organisation of social life has been disrupted or cannot go on as it has been going on. So severe and so devastating have the problems of social life become that radical actions must be taken, rights restricted, new experiments in living begun. We must do something dramatic, here and now, or there will be no future, no there, no then. Unaware of the specific events at Belyuen and Bulgul, but seemingly aware of the general condition of violence in indigenous communities, on 21 June the Prime Minister John Howard announced

a national emergency in relation to the abuse of children in indigenous communities in the Northern Territory.

The politics of cultural recognition (the Australian strain of 'multiculturalism') had massively failed aboriginal people, he declared. Aboriginal people were as badly off in terms of their health, education, employment, and life expectancy as they had ever been. Further, on the basis of customary rights which allow senior indigenous men to claim pre-adolescent girls as their wives, older aboriginal men were supposedly raping their children.

In the name of this national emergency, Howard's government assumed broad and unprecedented powers over indigenous affairs in the Northern Territory including indigenous welfare, education, land tenure, and health. The sweetener was the promise of millions of dollars for indigenous health, education, and employment training. The federal government would send 'business managers' to take control of all Commonwealth programmes in indigenous town camps and rural communities with powers to control and direct all indigenous programmes and their assets. One of the first actions of these business managers would be to shift indigenous workers from the Community Development Employment Programme (CDEP) to welfare.

Such a shift from work to welfare was necessary because the federal government wished to control the wealth and spending of indigenous people in remote communities and town camps. Once all indigenous people were placed on welfare all welfare payments could be tied to school attendance and other behavioural indices; furthermore, 50 percent of payments would be allocated for spending in selected stores where they could only be used for the purchase of food and clothing. Aboriginal citizens would be banned from purchasing alcohol and pornography. Speaking to Leon Compton on Darwin ABC radio on 23 July, Minister for Families, Community Services and Indigenous Affairs, Mal Brough, made the link between welfare and social control explicit:

Compton: Are you saying that money from CDEP is the problem in child sexual abuse and alcoholism and violence?

Brough: Absolutely, there is no doubt that there is a contributing factor beyond the CDEP payments and because for all intents and purposes they are a welfare payment – it is the cash that is being used to buy the drugs and alcohol that have caused so many ... so much of the pain for these children. There is just no doubt about that.[3]

In addition to the paternalistic control of indigenous income, the federal government proposed that medical volunteers be flown to remote communities to conduct compulsory health checks on all children under the age of 16, focusing on physical and sexual abuse. Military police would be sent to remote communities to control violence and protect health workers. The federal government would take over aboriginal lease lands in townships such as Alice Springs, Katherine, and Pine Creek for five years. Although this represents about one percent of aboriginal land in the Northern Territory it represents nearly all of aboriginal land near white cities.

## **Sacred Lives**

Howard's announcement came in the wake of 'Little Children are Sacred', a report from the Northern Territory Board of Inquiry into the Protection of Aboriginal Children from Sex Abuse.[4]

'Little Children are Sacred' reported an 'epidemic of child sexual abuse' in remote aboriginal communities. It blamed this epidemic on cultural and economic isolation, boredom, substance abuse, and a general lack of hope among the indigenous, young and old. The report contained graphic descriptions of sexual abuse but did not quantify its frequency. Sexual abuse of children was simultaneously everywhere and nowhere. The report did discuss sexual traffic between white men and black women in and around the major towns, rural communities, and remote camps, its historical relation to colonialism and indigenous poverty. It also foregrounded several myths about indigenous sexual abuse including the claim that aboriginal men are the only offenders, that aboriginal law is responsible for sexual abuse, and that aboriginal culture accounts for its low reportage.

However, the report also emphasised - drawing on statistics gathered in indigenous contexts - that most child sexual abuse is committed by a family member or close friend.[5] And when the report circulated in the national press, it was this point — the abuse of children by their family based on traditional marriage laws — that received almost total attention. Conservative commentators rushed to claim their pyrrhic victory, indicting supporters of multiculturalism for their naive understanding of aboriginal customs. National media promoted the pro-market vision of the indigenous activist Noel Pearson.

Although Howard pegged his declaration of emergency to the release of the 'Little Children are Sacred' report, he did not restrict himself to its recommendations. Instead he endorsed minister for Indigenous Affairs Mal Brough's long standing call for a move beyond the politics of recognition and reconciliation with indigenous people to an enterprise approach to indigenous affairs. Indigenous people needed to stop worrying about their culture, move out of rural regions, and accept whatever jobs they could get in the cities. By September, the Howard government, which controls the federal parliament, had passed the Northern Territory National Emergency Response Act, 2007. The Act gave the federal government sweeping powers over indigenous land tenure, welfare, alcohol consumption, and education. Dumbfounded by the legislation, one of the authors of the 'Children are Sacred' report, Patricia Anderson, said that there was no relation between the report and the emergency powers claimed by the government.

Even as the state powers that Howard claimed to need to put these programmes in place became law, the actual programmes — immediate suspension of alcohol sales, deployment of the military into remote communities, mandatory sexual examinations, massive investment in policing, education, and medical care - were immediately scaled back because of constitutional problems including just terms of compensation for the seizure of property and racial discrimination.[6] In order to overcome the problem of racial discrimination, the Northern Territory National Emergency Response Act explicitly exempted the legislation from the Racial Discrimination Act, 1975. The funds promised were slashed

and all funds previously allocated to remote indigenous communities frozen. Indigenous people living in remote communities, or those like my friends who were promised housing in their traditional country, were told to move closer to the cities where infrastructural and service delivery costs were lower, even if their new neighbourhoods would endanger their lives.

[IMAGE]

[Link to full size image here](#)

### **Exceptional Times?**

Are we living through an exceptional moment? One immediate answer would have to be, no, insofar as today the exception has become the rule. The state of exception, and its tethering to moral panic, is a routinised form of state action. For the philosopher Giorgio Agamben, the state of exception is a constitutional means whereby the state declares the suspension of the ordinary constitutional order. For instance, parliaments can legally declare the suspension of the constitution conferring upon the executive body almost dictatorial power. New state security laws in the US, Britain, and Australia passed after 9/11 and 7/7 suspending habeas corpus and other once almost sacred constitutional protections are examples of this.

To declare a state of exception, a government must present society as on the brink of collapse; political life must be threatened to such an extent that people can be killed with impunity. States of exception do not necessarily depend on actual war being waged against a nation state. Moral panics, and sexual panics in particular, have been repeatedly deployed to create the conditions for states of emergency.

There is nothing exceptional about declaring a state of emergency, indeed the Howard government is prone to do so in the lead up to national elections. Howard's state of emergency in the Northern Territory effectively announced the arrival of the election cycle. In the lead up to the 2001 election Howard claimed that asylum seekers aboard the Tampa, a Norwegian cargo ship in distress off the coast of Indonesia, deliberately threw their children into the sea in a desperate attempt to be taken to Australia. A Senate select committee found this claim was untrue, and that there was good evidence that Howard knew this at the time. Nevertheless, he was able to mobilise national sentiment against asylum seekers and paint the Labor opposition as weak on immigration.

In a searing critique of Howard's latest panic policies, Labor MP Marion Scrymgour referred to the Northern Territory National Emergency Response Act, as 'the black kids' Tampa'. (Scrymgour is the first indigenous woman Minister in any Australian government and is Minister for Family and Community Services, and Environment and Heritage in the Northern Territory government).[7] Mal Brough immediately called for Scrymgour to resign. She refused.

Most aboriginal men and women living in the rural north see Howard's actions as part of a longer history of government mistreatment. They are used to being the locus of social experimentation, the nodal point of national anxiety. They are used to hearing government officials announce rivers of money and infrastructure that subsequently turn into a dirty trickle. They are used to hearing, 'Be patient, the future will be better.'

### **Hegemonising Speech**

Howard's announcement was not merely the first tick of the election clock, however. The state of emergency also allowed the government to dominate the political discussion in a way that critics found difficult to oppose. Agamben has noted that states of emergency allow governments to reduce citizens to 'bare life', stripping them of all political rights. Without political existence, the subject of the exception can be treated as mere flesh. But governments can also use the spectre of bare life to justify states of exception and the domestic social experiments they allow. Howard used the black child, abused by her family and culture, to radically reorganise the play of power between conservatives and progressives inside and outside indigenous communities. The articulatory scheme Howard deployed had three major parts: The children must be saved from a problem that lies within aboriginal communities/being/culture; To do this we must declare a state of exception for indigenous people, pass laws that racially discriminate, suspend property rights, and militarise social life; Anyone who disagrees cares more about their left cultural ideologies and their failed policies than the actual fate of indigenous children.

The hegemonising force of Howard's speech act, and subsequent legislation internally split indigenous activists roughly into supporters of state intervention such as land rights activist and lawyer Noel Pearson, and critics claiming that the Act was a land grab, a new form of paternalism, and the beginning of a second 'Stolen Generation'[8]

However, these critics were continually asked the rhetorical question: 'What about the children?' The charge of sexual abuse could not be dismissed. It had to be answered, countered, and debated. This is why sex panics have been so important during large-scale political and economic transformations. They are the equivalent of screaming 'Fire!' in a movie theatre; no one is going to stop to ask: What's going on here?

Have Australia's multiculturalist politics of recognition failed? And if they have, why? To answer this question we must dwell for a moment on the location of the state interventions — rural Australia and indigenous slums bordering Northern Territory townships. The state of exception was declared in rural Australia, even as the government was assuming ownership of aboriginal land in and around towns. The isolation of the towns is considered a key problem which Howard proposed to address by doing away with the permit system — itself one of the pillars of the policy of respect and recognition for the indigenous. Under the permit system, aboriginal land is deemed private, neither belonging to the public nor the state; visitors are legally required to obtain a permit if they want to visit, drive through, or work on aboriginal land.

Now, it is perfectly true that indigenous poverty is stubborn in rural areas. But indigenous poverty, isolation, and racism are pretty bad in urban areas too, as is substance abuse. Why then the focus on rural Australia, rural communities, rural crisis? Why should indigenous poverty, which has for a long time been considered 'normal', now require emergency measures?

The corporeally corrosive nature of poverty is ordinary. What is necessary is to shake this ordinariness, to make the ordinary nature of life (sores, malnutrition, sanitation, poverty) appear unusual even as it surrounds everyone like air. By characterising the problem as the sexual assault of children in the rural aboriginal world the Howard government was able to link its conservative programme to certain progressive romances of the culturally robust rural aboriginal person. Howard basically agreed that customary law was still vibrant in rural areas, but that this customary law sanctioned child abuse. Focusing on the spectacular issue of abuse the Howard government was able to bracket off, for example, the relationship between indigenous poverty and rural white-owned grocery stores and pubs, that profit from indigenous addiction to alcohol.

[IMAGE]

## Ordinary Poverty and Sores

The motivation and source for the state of exception does not lie within indigenous society, it is rather internal to Australian nationalism, and it is two pronged:

– A general collapse of the multicultural compromise in the wake of 9/11. This includes the specific assault waged by the Howard governments on indigenous organisations, but also the stubborn tenacity of structural poverty; its debilitating work on health, the incoherence of property rights (remember, at Bulgul, a white family with a house on aboriginal land where aboriginal families displaced by violence are living in tents), and the co-dependency of alcoholism in rural economies (white owned shops and black customers). These problems have prevailed for years, deepening with each subsequent generation. Murdoch-owned national daily *The Australian's* editorial attacks on multiculturalism were correct in one sense: the foundational dream of the last 30-plus years of the self-reparative aboriginal subject, nurtured almost entirely by the image of cultural difference and recognition, has been, if not shattered, then severely battered.[9] Embracing the recognition of the worth of cultural difference has not been the magic ticket to a better life.

– The extension of the neoliberal state into every aspect of social life, thus creating a crisis of responsibility and accountability in dealing with aboriginal emiseration. This crisis allows the government to enact the suspension of ordinary law and to experiment with indigenous life, to racially discriminate, to suspend property rights, and to militarise social life. Take for example the rhetoric of failure that we are now hearing, which began with Howard's assault on the Australian government body, ATSIC, set up in 1990 by Labor Prime Minister Bob Hawke which had formally given Aboriginal Australians and Torres Strait Islanders a voice in the processes of government affecting their lives.[10]

We might ask, what has failed? As we ask, though, we must remember the increasing separation of classes as a neoliberal regime takes hold. For an example of social welfare failure we can take the local policy in many indigenous communities of not treating staphylococcal and streptococcal infections until a person has at least six active infections on their body. There have been several reasons given to me why this policy is in place in poor indigenous communities. One reason given is that health officials have to assess the risk of creating a drug resistant form of staphylococci or streptococci as opposed to the value of clearing a person of infection. Since indigenous persons living in indigenous communities will be constantly re-exposed to staphylococci and streptococci, their bodies should be allowed to fight off the infection until antibiotics are absolutely necessary. This risk analysis might make sense if it were not for the fact that these infections are rarely if ever cultured and that their treatment has not changed over the course of the last 20 years.

When I first began living in indigenous communities in North Australia 22 years ago, amoxicillin or penicillin would quickly cure the infections I had. Presently, doctors on indigenous communities say that these drugs continue to do so. Doctors in the US say they don't and prescribe amoxicillin-clav (Augmentin). On amoxicillin-clav my infections recede within a week. On amoxicillin or penicillin they can persist for months and then re-emerge — the same is the case for my indigenous friends in Australia. How much would it cost to culture the various sores infesting indigenous Australians? How much to treat them with the proper antibiotics?

Why aren't we doing this? Why, cost of course. Because as much as we hear that these are extraordinary times, they are also ordinary times, the same time it's always been for the radically poor and black. The bottom line is the bottom line: What kind of life is worth what kind of investment? Such questions need not be asked or answered when we are dreaming of future worlds in which no one has these sores or these life expectancies (even as others are never impeded in their quest to accumulate as much wealth as possible). But the actual cost-benefit analysis occurring is not the balance between the risk of untreated staphylococci or streptococci versus the risk of developing a drug resistant form, but the risk of untreated staphylococci or streptococci within certain populations and the cost of investing in poverty-stricken communities for the short or long term.

The presupposition underlying the treatment of infections in indigenous communities is that the communities themselves will remain fetid. And, within a neoliberal state, any social investment that does not have a clear end — a projectable moment when input values (money, services, care) can be replaced by output value — is not merely economically but morally suspect, no matter what the life-enhancing nature of the investment. Take, for instance, a quite effective programme on rural indigenous communities, The Community Development Employment Project (CDEP). As Jon Altman and M.C. Gray note, CDEP has been described as 'a labor market programme, an alternative income support scheme and a community development scheme', but whatever it is CDEP has raised the personal income of rural indigenous men and women.[11] This basic fact, that a state run social programme increased the quality of life for the most disadvantaged, was judged a failure, however, because it did not project its own end — the movement of indigenous workers out of the programme and into the market. As a result, the Howard government has radically cut back positions available in the programme and increased the reporting requirements for receiving social welfare.

Why isn't the cancellation of this support of life seen as a form of state killing — a form of the death sentence? On the contrary, withdrawing this life support is considered 'a national moral and economic good even though the presence or absence of the CDEP makes little difference to the overall economic vitality of the nation.'

Here, we must remember that Failure, Normality, and Success are not Kantian ideas floating in space but ways of measuring the social world, norms for what is fair or not. Because they are making buckets loads of money, Native Americans able to exploit their sovereignty to establish casinos are considered not to be playing fair. Neoliberal discourse has transformed the organisation of responsibility and accountability. Anything larger than the individual is seen as an impediment to the enterprise subject. Social groups and collectivities as well as long standing federal and state commitments to indigenous social welfare are said to be the cause of poverty. When indigenous people cease to see their social worlds from the perspective of local cultural sense or as related to state-backed social welfare then they will, it is said, emerge from poverty and with this emergence gain the health that all other Australians have.

Once this new regime is in place, we begin to hear once again the reassuring story of modern time, the progressive time of history replacing the cyclical time of tradition and tribalism, etc. But this time round, the measure of the better life is the withdrawal of the state's support for life.

### **Postscript**

On 26 November, the Howard government was soundly defeated in federal elections. In addition to losing the elections, Howard lost his parliamentary seat as did Mal Brough. The new Labor minister for Indigenous Affairs, Jenny Macklin, has, however, refused to condemn the Howard Intervention. Instead she is investigating how the Intervention could be expanded to the other Australian states.

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## Footnotes

[1] The Northern Territory Government describes Aboriginal freehold as ‘a type of freehold tenure applying to land granted under the Aboriginal Land Rights Act (NT) 1976. Though simply recorded in the Land Titles Register as “Freehold”, land held under Aboriginal freehold title cannot be dealt with as normal freehold as the title vests in the community rather than in individuals.’  
<http://www.nt.gov.au/lands/lingo.shtml>

[2] David Harvey, *The Condition of Postmodernity*, London: Blackwell, 1990, p. 202, but also Part 3.

[3] [http://blogs.usyd.edu.au/elac/2007/07/ploughing\\_salt\\_into\\_the\\_ruins\\_1.html](http://blogs.usyd.edu.au/elac/2007/07/ploughing_salt_into_the_ruins_1.html)

[4] [http://www.nt.gov.au/dcm/inquirysaac/pdf/bipacsa\\_final\\_report.pdf](http://www.nt.gov.au/dcm/inquirysaac/pdf/bipacsa_final_report.pdf)

[5] ‘Little Children are Sacred’, Report of the Northern Territory Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse, 2007.

[6] At the beginning of November 2007, the Bawinanga Aboriginal Corporation and Reggie Wurrdjaj, traditional owners of lands on and surrounding the Manigrida Community filed a legal challenge against key elements of the Federal Government’s Northern Territory Intervention including unjustly compensated property seizure.

[7] Marion Scrymgour, ‘Whose National Emergency Caboolture and Kirribili or Milikapiti and Multijulu?’ Charles Perkins Oration, 27 October 2007,  
<http://abc.net.au/rn/awaye/stories/2007/2068672.htm>; Jennifer Martiniello, ‘Howard’s New Tampa - Aboriginal Children Overboard’, *Asian Tribune*, 28 July 2007,  
<http://www.asiantribune.com/index.php?q=node/6307>

[8] The Stolen Generation (or Stolen Generations) is a term used to describe the Australian Aboriginal and Torres Strait Islander children, usually of mixed descent who were removed from their families, under the rationale of protecting their interests, by Australian government agencies and church missions, under various state acts of parliament, denying the rights of parents and making all Aboriginal children wards of the state, between approximately 1869 and (officially) 1969. The policy typically involved the removal of children into internment camps, orphanages and other institutions.  
[http://en.wikipedia.org/wiki/Stolen\\_Generation](http://en.wikipedia.org/wiki/Stolen_Generation)

[9] *The Australian* is published by News Corporation and recent editorials have attacked, on the one hand, Islamic radicals and on the other, the politics of cultural difference.

[10] ATSIC, Aboriginal and Torres Strait Islander Commission, was abolished in 2005 after a series of controversies. See <http://en.wikipedia.org/wiki/ATSIC>

[11] Altman and Gray; see also, Jon Altman 'The "national emergency" and land rights reform: Separating fact from fiction' Centre for Aboriginal Policy Research, *Topical Issue* No. 12, 2007, <http://www.anu.edu.au/caeper>