

## ***An outstanding debt: Noel Pearson's *A Rightful Place*. Race, Recognition and a more complete Commonwealth***

**Zoë Carney-Chapus**

'A Rightful Place' by Aboriginal lawyer and activist Noel Pearson traverses the contentious spheres of racial distinction and the psychology of anthropological categorisation with estimable fortitude. His historical and sociopolitical analysis highlights the parameters of 'race' within the Australian federal constitution and the distorting effect this has had on Indigenous Australians since its inception. Fiercely emotive language and personal narration is used to examine our troublesome history and the national scars created in the wake of western influence and British colonisation. We have deep reparations to account for - and it's time to pay up.

The discursive construction of race, 'imbricated within the discourses of orientalism', is inherently dependent on western hegemonies that serves to not only distinguish but dehumanise (Gillen & Ghosh 2007, p. 158). Pearson discusses at length his abhorrence of race remaining a system of categorisation and the source of a prolonged sense of alienation experienced by Indigenous Australian people. The ever present racial domination of 'epistemologies' (Moreton-Robinson 2004) that Pearson alludes to, is an integral aspect of the threat to Indigenous communication and integrity within societal contexts. This is laid bare in our constitutional foundations and problematic contemporary reality, 'this cannot be a fair nation, without the proper inclusion of that 3 per cent...who, when belatedly acknowledged in 1967, were included on the fatefully wrong basis of race' (Pearson 2014, p. 72). He argues with compelling determination and idealism the profound historical, psychological and practical implications a unifying amendment to our system of governance would have on our national identity: 'the day we come to regard ourselves as people with a distinct heritage, with distinct cultures and languages but not of a distinct race will be a day of psychological liberation' (Pearson 2014, p. 52). Therein lies an undeniable truth; we cannot characterise Australia as inclusive until we abolish systematically racist legislation and attitudes of discrimination from our national psyche. 'The legacy of race, our indigenous identity and our extreme minority status is a predicament of feeble democratic participation at best and exclusion at worst' (Pearson 2014, p. 39).

Pearson plays with elements of rhetoric, underlining the abstraction of communication and its connection with the human condition (Barnett Pearce 1989). Highly emotive language is used to communicate the scope of life and death that lies at the core of Indigenous spirituality and by



Copyright 2018 by the author. This is an Open Access article distributed under the terms of the Creative Commons Attribution 4.0 Unported (CC BY 4.0) License (<https://creativecommons.org/licenses/by/4.0/>), allowing third parties to copy and redistribute the material in any medium or format and to remix, transform, and build upon the material for any purpose, even commercially, provided the original work is properly cited and states its license.

extension, customary law. 'Before we have the abstraction of law, we have things that are real. The law is not the origin. It is the ancestral bones in the land that is the source. It is the dust of the ancestors mixed with the dust of the land' (Pearson 2014, p. 60). He imbues personal anecdotes, painting his ancestral lineage and shared love of popular culture and literature with his children. In doing so he manifests an eerie reflection on H.G. Wells' 'War of the Worlds', written as an echo of the 'extirpation of the original Tasmanians' (Pearson 2014, p. 9). This dissection of western literature and its progression of scientific racism throughout the nineteenth and twentieth century comments on beliefs of indigenous inferiority held by those writing the books we read as children or read to our own children 'I expected Charles Darwin. But I didn't expect Charles Dickens' (Pearson 2014, p. 10). Pearson thus has a way of captivating his readership with emotional authority, however he is quick to dispel romantic digressions, drawing attention to the wider linguistics and societal inadequacies central to his argument. Within constitutional reform, symbolism and poetic gestures are one thing, 'substantive change' to the climate of indigenous affairs is another (Pearson 2014, p. 65).

The literature culminates in the concept of layered identities, the threat posed to holistic recognition being the system of exclusivity within the hegemony of race. Pearson champions the great traditions of political philosophy with near dogmatism, stemming from the entrenched understanding that 'fundamentalism is antipathetic to our commonwealth' (Pearson 2014, p. 33). The reoccurring narrative of supporting individual and collective capabilities infuses a distinctly social democratic quality to the essay, which complements Pearson's liberalist notions of self-guided equality. However, it is in the doctrine of conservatism that Pearson lays both his faith and concerns. The values of conservatism have allowed for the cultivation of Indigenous history, memory and tradition, seen in the initiatives of self-proclaimed conservative Aboriginal leaders such as Galarrwuy Yunupingu and Rachel Perkins to preserve both ancient songlines and orthodox cultural practises (Yunupingu 2016). However, the assurance within contemporary narratives and legislation that the West remains at the 'centre of the discourse of civilisation, colonialism and ultimately modernity' is at the heart of traditional societies and conservative thought. This political philosophy will nevertheless continue to explicitly deny Indigenous access to western modernity (Russell & McNiven, 1998, p.285).

The 'Declaration of Recognition' by lawyers and constitutional conservatives Julian Leeser and Damien Freeman deems the constitution a sacred charter of the power relationships between the Commonwealth and the states. Leeser and Freeman actively resist the fusion of cultural aspirations and symbolism within our constitution proper, finding a declaration of exulted status that runs parallel to our law a more viable course of action. Since the publication of his essay, Pearson has publicly endorsed this course of recognition, despite asserting 'the rulebook should be amended' (Pearson 2014, p.66), his original stance derived from the legislative absence of a national power relationship between Indigenous people and their own affairs and agency. This meandering of constitutional reform within Australia can be attributed to our established sociopolitical structures wherein change 'cannot just be for a progressive cause: it has to be a liberal...conservative cause if you want amendment' (Person 2014, p. 71). His argument thus necessitates a system of government wherein Aboriginal people are integral to the creation of laws and policies that directly affect them, 'without compromising the supremacy of parliament' (Pearson 2014, p. 66). This inconsistency in beliefs by Pearson may be attributed to the aforementioned concept of layered identities and how

liberalism and conservatism in relation to individual political freedom may go hand-in-hand.

The influence polygenic developmental psychology has had on institutional racism and ultimately the laws we live by each day as Australians is profound. In 'A Rightful Place' a discourse unfolds surrounding the ways in which Australian identities emerge, are disturbed or disciplined by communicative mechanisms and invariable legislatures (Wood 2004). The centralisation of historical, political and obligingly personal methodologies in Pearson's work is a testament to his intellect and grit. What he offers us is a call to arms, a powerful manifesto to both incite constitutional reform and ultimately nurture structures in place within our democratic institutions that afford Indigenous people their own power. A newfound optimism stirs amidst the recognition of our past - a strengthened appreciation of an ancient, living culture and a chance at genuine equality.

## References

Barnett Pearce, W. 1989, *Communication and the Human Condition*, Southern Illinois University Press, Illinois.

Freeman, D. & Leeser, J. 2014, *The Australian Declaration of Recognition, Capturing the Nation's Aspirations by Recognising Indigenous Australians*, pamphlet, Canberra, accessed 18 April 2017. <<http://damienfreeman.com/wp-content/uploads/2014/11/DTF-14.pdf>>

Gillen, P. and Ghosh, D. 2007, 'Race' in *Colonialism and Modernity*, UNSW Press, pp. 156-177.

Moreton-Robinson, A. 2004, 'Whiteness, Epistemology and Indigenous Representation', in *Whitening Race: Essays in Social and Cultural Criticism*, Aboriginal Studies Press, Canberra, ACT, pp. 75-88.

Pearson, N. 2014, *A rightful place: Race, recognition and a more complete Commonwealth*, Quarterly Essay, Black Inc., Issue 55, pp. 1-72.

Russell, L. & McNiven, I. 1998, 'Monumental Colonialism: Megaliths and the Appropriation of Australia's Aboriginal Past', *Journal of Material Culture*, Vol. 3, pp. 283-299. <https://doi.org/10.1177/135918359800300302>

Wood, J. 2004, 'Foreword: Entering into Dialogue', in R. Anderson, L. Baxter, K. Cissna (eds.), *Dialogue, Theorizing Difference in Communication Studies*, Sage Publications, California, pp. 15-23. <https://doi.org/10.4135/9781483328683>

Yunupingu. G. 2016, ROM WATANGU: The Law of The Land, *The Monthly*, Issue 124, July, Melbourne, Schwartz Publishing Pty. Ltd.



© 2018 by the author. This article is distributed under the terms and conditions of the Creative Commons Attribution license (<http://creativecommons.org/licenses/by-nd/4.0/>).