

# THE AUSTRALIAN

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## Noel Pearson's vision for reconciling the nation

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**There is a dream of a reconciled Australia, a nation with a newly balanced Constitution and a new engagement between indigenous and mainstream citizens of all backgrounds — and the chief architect of this dream is Cape York reformer Noel Pearson, the Aboriginal advocate most admired by the nation's establishment and intelligentsia. Pearson's most concerted bid to shape and guide the swelling public conversation under way about constitutional reform is contained in his new Quarterly Essay, excerpted in this edition of The Weekend Australian. It is a document that repays close reading, analytical consideration and biographical decoding. Pearson is seeking at once to craft a new, centrist argument in support of constitutional change and to resolve the perennial challenge that sits before him and other indigenous leaders. How to find a viable strategy for Aboriginal people in modern Australia; how to make a pathway into the future for a small, variegated, geographically dispersed and economically disadvantaged minority? An extreme minority, 3 per cent of the Australian population, seeking to gain influence in a democracy where weight of numbers carries all.**

Pearson gives his essay the telling title *A Rightful Place* and he marshals a range of arguments, historical, legal, moral and philosophical, in support of his great contention. He wants more than mere recognition of indigenous Australians in the Constitution. He wants a country where they would feel fully at home. What he dreams of, and hopes for, and sees as eminently achievable is a new understanding of Australia: as a "triune nation", braided from three components: the indigenous peoples who were its first inhabitants; the incoming settler society established in the first two centuries of modern Australia; and the multicultural realm of more recent times. Rather than a nation traversed by rivalries and oppositions, this would be an Australia nourished and strengthened by a reverence for its multiplicit elements. Just as Australians of indigenous background have come to integrate the wider nation and its culture into their world, Pearson would like to see a country where indigenous song-cycles and traditions are broadly known and appreciated. This country would accept and understand its own history: all its chapters, not just the sunnier pages.

Pearson's essay makes repeated reference to his own life story, and the lives of his family's ancestors on Cape York. In these pages he is summarising the thought journey that led him to his new conclusions about Australia and its prospects. As a young activist he helped set up a land council for the Cape: his frame of reference then was local and regional. As a legal thinker in the years following the High Court's Mabo decision he turned his attentions to defining and negotiating the scope of native title, and to mastering and extending the English tradition of the common law. This experience left him with the conviction that the two worlds of the Australian commonwealth and the indigenous continent could mesh, and treat profitably with each other: that resistance could be tempered by negotiation, conversation, dialogue.

For the past decade and a half, Pearson's gaze has been turned back on his own country, and on the surrounding communities of the Cape. From the late 1990s onwards he immersed himself in a grassroots study of Aboriginal life and the pathologies of passive welfare, alcohol dependency, family breakdown and educational collapse. He described the details of the welfare trap imprisoning his people: "Welfare is not freedom or choice." He devised an escape strategy of

sorts, a reform project. It has been implemented in an extended trial since 2008 in four Cape communities. This local welfare reform has had national impact — it served as the template for the commonwealth's "emergency response" intervention in the Northern Territory, and its blueprint lies behind the broadbrush welfare changes now being advanced by philanthropist Andrew Forrest. At the heart of the welfare reform package in place on the Cape is Pearson's primary school "Academy", which teaches its pupils on three campuses a version of the American-devised "direct instruction" system. DI is rote learning, but it has something in common with the mission education that was in place once at Pearson's home community of Hope Vale: it is race-neutral, it assumes that all children are equally educable. But the Cape's DI curriculum has been carefully expanded to include a "culture" component that teaches community children about their own heritage.

The universal and the particular hand in hand — for Pearson has a strong belief that indigenous Australians should be "bicultural", the possessors of their own heritage as well as sharers in a pan-Australian identity.

The sediment of all these various ideas and policies and programs can be traced in his new Quarterly Essay. It is Pearson's gift in words to Australia: the gift of a man who is at his best on the page, and whose volcanic personality can sometimes impede the progress of his ideas. He sees an Australia of the future. It is a nation no longer obsessed by, and defined and divided by, race but one whose specific human provinces are toned and shaded by their distinctive freight of culture. Thus he advocates not merely striking out the long-obsolete race-based clauses surviving in our present Constitution but doing away with the outmoded notion of race in public discourse altogether — a removal that would set Australians free to rethink themselves and their relationships with their fellow citizens. Pearson is explicit here, in the key practical sections of his text, about the purpose of this proposed change: this revolutionary shift of words. It is the concept of race itself that must go, and be replaced by an idea of identity linked to culture, not biology. "Today we understand there are no distinctions to be made among peoples on the basis of race. We are a human race." And here is Pearson's key manoeuvre, one that helps clear the way for a straightforward referendum proposal that could prove acceptable to the general voting public. Without race in the frame, the world changes. There is no longer any need for anti-discrimination clauses that may spark conservative opposition. The very idea of race can be banished from the Constitution — and from all proposals to reform it as well.

Crucially, this reconceptualisation of the nation and its peoples depends on a subtle set of arguments about place. Down the cycling generations, non-indigenous Australians inevitably become indigenous to the landscape; Australians of Aboriginal descent retain their ties to land and their traditions in permanence, land being the source of our nurturing identity. This is a deeply conservative strand of thought, as is much in Pearson's exposition. It is a stance that rhymes with the ordered, traditional thought-world of the old Aboriginal society that he looks back to in his mind's eye. It also gives him a mode of address to mainstream Australia. His positioning is crafted to appeal not to his home ground among the knowledge classes of the nation, who can reliably be counted as backers of the cause of constitutional recognition. No: he wishes to allay the anxieties of those who fear being downgraded by the acknowledgment of Aboriginal priority, who find it psychologically challenging to accept that this nation-state is founded on an act of dispossession, and that residual rights in land remain with the descendants of an original people. As Pearson knows well, and explains in detail, changing the Constitution and recognising the special place of indigenous people in Australia will require a broad church of backing: "Any successful case must transcend the natural political and cultural polarities of Australian society, and seek and receive political bipartisanship. This can only happen if

Australians faced with a constitutional proposition are led by the better angels of our nature.”

The goal here is not mere symbolic change. The stakes are far, far higher, and Pearson sketches them with tact, but in their full import. Here, in summary, is his position: Aboriginal Australians today face a drama of cultural survival. They have never had a true avenue towards self-determination. Whether they have been missionised, or relocated, or protected, or aided, it has always been an operation performed by outsiders upon them. Pearson wants constitutional change that will address this: that will give his tiny minority, his 3 per cent, the ability to have a say about the actions the nation-state performs affecting them.

He is vague about the form such a provision in the Constitution might take, or the precise mechanism that could be devised, though Greg Craven in his article elsewhere in this edition puts forward intriguing possible models. But Pearson makes the ground point plainly enough.

There is a need to craft the right constitutional “hook” that would help indigenous people to regain a degree of liberty — “a mechanism to ensure that indigenous people can take more responsibility for our own lives within the democratic institutions already established”. This proposition opens up a path towards winning the argument for change. Special rights and provisions can be justified when the need for them is overarching. Of course myriad problems still attend these ideas. Who represents Aboriginal Australians, how, and with what degree of authority and veto power? But at last the debate is in the province of the real, and the outlines of a case for constitutional change most Australians may accept can be discerned.

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