

The fifth Annual Hawke Lecture was delivered by Noel Pearson at the Adelaide Town Hall on Sunday 3 November 2002.

This text has been downloaded from www.capeyorkpartnerships.com
It is not copyright and the interested reader is free to reproduce and distribute it in any format.

Thank you Vice Chancellor for your most kind introduction. To the indigenous people of Adelaide: I thank them for their welcome and I bring greetings from my people in Cape York Peninsula. I am particularly honoured by the presence of Her Excellency, Governor Marjorie Jackson-Nelson, the Chancellor of the University of South Australia, David Klingberg, Patron of the Bob Hawke Prime Ministerial Centre, Dr Lowitja O'Donoghue, and its Director, Elizabeth Ho.

Before I proceed to discuss the situation of indigenous peoples in Cape York in relation to our social and cultural predicament, I want to take the opportunity to reiterate the importance of the opportunity of the Mabo decision on 3 June 1992. In recent years I have been attacking the social, economic and cultural problems we face as a people, but in that rethinking about our policies in relation to Aboriginal disadvantage and suffering I have never repudiated the importance of Land Rights as a cornerstone for reconciliation.

The High Court told us on 3 June 1992 that our understanding of our legal history was incorrect. The true history, according to the High Court, was that at the moment of sovereignty in 1788 when the British Crown unilaterally assumed sovereignty over the antipodean continent, the Aboriginal peoples in truth became subjects of the British Crown.

At the moment of sovereignty, as subjects of the British Crown in occupation of their traditional homelands and entitled to the protection of the new land law brought on the shoulders of the settlers from England, the indigenous peoples became in British law no less comprehensive owners of the entire continent. Native Title existed wherever Aboriginal people held traditional connections with their homelands. The High Court told us that their dispossession of those titles occurred over the next 204 years through a process of parcel by parcel extinguishment.

This legal truth about the foundations of the country was obscured for two centuries and that obfuscation of the legal truth resulted in the dispossession and removal and suffering and death of numerous Aboriginal peoples. Coming to determine the question of whether the Aboriginal people had rights to land under the law of England imported here in 1788, the High Court had to reconcile two realities, the reality of English law and its respect for the position of indigenous peoples who became subjects of the British Crown upon sovereign acquisition, and the reality of 204 years of history where numerous tribes and peoples have been dislocated and dispossessed and indeed, in some cases, completely annihilated.

The problem facing our seven High Court Judges when they came to determine the Mabo decision was: how was this country going to reconcile the truth of its English legal traditions with the realities of history and all of the accumulated title that had taken place over two centuries. The High Court articulated in Mabo two important principles of Native Title Law which really form the corners of compromise, the corners of a proposed settlement put before us by our judicial elders.

The first part of that compromise, if we are truthful, was the most unequivocal. The first part of the compromise said that the titles accumulated over the last two centuries inhering in the settlers and their descendants could not now be disturbed. Those titles were now indefeasible. Even if those titles were gained in circumstances of regret and denial of right, the Court said that the accumulation of these many millions of titles over two centuries could not now be disturbed.

The first limb of Native Title Law in this country is to confirm the privileges and titles of the settlers and their descendants. If we were certain about anything in the wake of the Mabo decision we were certain of that fact, that the Courts in this country and the Common Law of this country would not allow us to derogate from those accumulated privileges.

The second principle of Native Title Law articulated by the Court is very simple also. It proposed that all of those lands that remained after 204 years unalienated were the legal right of the traditional owners. In the most settled parts of the country, these lands are few and far between indeed. If you want to find unalienated Crown land on the east coast of Australia you would need to go down near the mangroves and find a block of unallocated state land or down near the dump or some inhospitable wedge of land in some remote corner of the countryside and of course most generously in the most deserted regions of our continent.

That was what was proposed by the High Court in the Mabo decision. Let me put it colloquially: the whitefellas get to keep everything they have accumulated, the blackfellas should now belatedly be entitled to whatever is left over. The imperative flowing from the Mabo decision in 1992 was the swiftest unambiguous and ungrudging delivery of that remainder to the indigenous peoples entitled to that belated recognition. In some of our states we have yet to get one hectare, we are yet to get one acre, we are yet to get one square metre of land under a Native Title determination after 10 years.

The third part of Native Title Law, the third part of the compromise was put forward by the Court in 1996 in the Wik decision. It said that there are some large areas of land covered by pastoral leases and national parks where Native Title may coexist with the Crown Title. The Court ruled by a majority of four to three that in that coexistence the Crown Title prevails over the Native Title if there is any inconsistency.

So those are the three limbs of Native Title Law as articulated by our High Court in this country. The whitefellas keep all that is now theirs, the blackfellas get whatever is left over, and there are some categories of land where there is coexistence and in the coexistence the Crown Title always prevails over the Native Title. That is the proposition put forward to us as Australians by our judicial elders for our consideration, to see whether as a people we would embrace those terms as a just compromise 204 years after the initial failure of recognition.

Have we as Australians embraced the corners of that compromise? Have we delivered on the justice of that compromise? Have we been faithful, given the opportunity we have under our civilised institutions, our constitution and our Common Law heritage, have we lived up to that opportunity? Because it seems to me it will fall upon us as a generation, the question will fall upon us as a generation as to whether we showed fidelity to the terms of that compromise or we wasted the once-in-a-nation's-lifetime opportunity to settle a question of fundamental grievance, a question that plagues too many nations and societies right across the globe, as long as the questions remain unfulfilled and unanswered. I leave you with that question here this afternoon.

Let me now turn to Bob Hawke's service to Australia and his party's future. My views will of course be influenced by the cultural, social and economic predicament confronting my people in Cape York Peninsula and I believe people across indigenous Australia as an underclass.

I am bestowed many wonderful opportunities and undeserved honours in my life. To have been asked by the man whose legacy is honoured by this Centre to deliver the Fifth Annual Hawke Lecture, is a true privilege.

Before I proceed any further, let me first take the opportunity to thank and honour him for his service to the people of Australia during his long prime ministership from 1983 to 1991. The economic and political transformations undertaken under the Prime Ministership of Bob Hawke, were profound. Bob Hawke presided over what Paul Kelly called “the end of certainty”, the most difficult transition in the Australian economy since the foundations of the Australian settlement were laid by Deakin at Federation.

The challenges confronted and the reforms effected during this critical period of Australia's history eventually confronted all western economies. The changes in the economic and political order in Australia and other western countries, in my view, spelt out one fundamental reality: the decline of collectivism. Increasingly, the leverage of organised labour in the economy—and therefore society—is receding. Organised labour will continue to be a force for good in politics, but the good things which the organised labour movement secured for the common good during the heyday of the Australian egalitarian prosperity can no longer rely upon the power of organised labour.

Not only has the role of organised labour in the economy been diminished by the demise of manufacturing and the ascendancy of knowledge workers and skilled contractors (who don't see the benefit of collectivism, preferring to bargain their own individual solutions), but the interest that the owners of capital have in ensuring the education, health and welfare of workers, is also diminishing. There is no longer any reason for large sections of the owners of capital to support many aspects of the worker welfare state, constructed in Australia during the twentieth century.

The implications of this decline in the necessity for, and in the power of, collectivism, for the preservation of the Australian social contract, will not all be played out in the short term. The Australian welfare state will continue with many of the institutions and provisionings that were put in place during the Australian settlement.

However, I predict that the following phenomena will increase in the future:

- There will continue to be political support amongst the middle classes for redistribution, but increasingly this will be for forms of middle class welfare.
- Resentment for redistribution for working and underclass welfare will grow in the future and declining political support will result in declining economic provisioning.
- The position of large sections of the lower middle class will decline; and they will at all times of insecurity focus their social and electoral envy and resentment downwards.
- The working and underclasses will become increasingly socially dysfunctional and unable to participate effectively in society, the economy or in organised politics in ways that are advantageous to their struggle. Except for a decreasing number of individuals their capacity for social mobility as a class will have been destroyed.

I have chosen this opening discussion for two reasons. Firstly to allow me to express my conviction that the people of Australia should be profoundly grateful that the internationalisation of the Australian economy was presided over by successive Hawke Labor Governments from 1983. These Hawke Governments led the country through fundamental and difficult changes, but they ameliorated the social and economic consequences of internationalisation for the Australian people. If you accept the arguments in favour of the reforms that were effected during

the 1980s, then the helm could not have been in more diligent hands than those of the Hawke Labor Government in partnership with the Australian Council of Trade Unions.

Though a fringe-dweller when it concerns the Australian Labor Party, I am not immune to its hero cults. Bob Hawke, Paul Keating and Bill Kelty are in my view the true heroes of the Australian economic reform story at the end of the twentieth century. All that has been claimed by their successors must in all justice be properly accorded these leaders from working Australia. It is not hard to imagine how much harsher the impact of these changes could have been and it is not hard to imagine where we might have been today, had the Hawke Government not confronted the challenges facing the country in 1983.

The second reason for my opening discussion is to give a context to what I really want to discuss in my lecture today: the revitalisation of the Australian Labor Party and the challenges which it faces. That the great party is in trouble is obvious to all of us.

In the handbook of contemporary political practice in two party democracies—other than seeking product differentiation (which Simon Crean sees as his challenge and difficulty in these fearful times) or seeking to be a small target (which Kim Beazley pursued before the last election, and at which John Howard succeeded in the lead-up to the 1996 election) and waiting for the “it's time” factor to deliver government—there are two bold methods of seizing or holding onto power.

The first method is the wedge and it was given its most ruthless definition by Pat Buchanan in his advice to Richard Nixon in the early seventies when he told the President: “Let's split this country in two and we'll pick up the bigger half”. The Republicans in the United States developed and perfected the wedge in modern politics, and they devised ruthless and clever methods for driving wedges between the broad coalition of constituencies that, in the absence of divisions between them, constituted a majority of the electorate that was susceptible to voting for the Democrats.

During the 1996 poll I gave an address to The Sydney Institute where I charged the Coalition with importing wedge politics from the United States into Australian Federal politics. In fairness to Howard, he also used the second method available to those seeking political office: he triangulated the Labor Party at the beginning of the campaign on what was supposed to be a Labor forte, the environment. His announcement of their Natural Heritage Trust, replete with ringing endorsements from environmental groups seeking to incite a bidding war on the environment, left a positive impression of a progressive party committed to the environment. Howard had stepped to the left of the Labor Party, or at least, given the impression that he had done so. The political consultant and one-time collaborator of President Bill Clinton, Dick Morris, calls this second method triangulation: “Have solutions to issues which are normally the forte of the other side of politics”.

The wedge is a negative tool and I suspect that it can only be used by the right side of politics. As well as splitting up the broad coalition of people who support the left by finding points of division between them, it also splits off left voters from left leaders. It is not possible for the left side of politics to use the wedge. Triangulation on the other hand is a strategy that can be used by left or right. It involves moving in the opposite and forward direction to one's political party (towards one's opponents but forward to a more sophisticated position—the so-called “radical centre”). It is not just a matter of moving in the other direction. For the left it's about using opposite-side measures to achieve your-side objectives. For the right it's about using your-side measures to achieve opposite-side objectives.

In his book *Behind the Oval Office* Dick Morris explains how he came to conceptualise triangulation as a strategy. With the Clinton presidency in serious trouble after the Republican landslide in the 1994 Congressional elections, Newt Gingrich and his young Republican troops were on the front foot, armed with a comprehensive program that included a hard rightwing assault on welfare, the environment, lower taxation, massive expenditure cuts and a balanced budget, et cetera. Their program was set out in Gingrich's manifesto *Republican Contract with America* (which the wits quickly dubbed the *Contract on America*). Dick Morris was convinced (and his polls confirmed) that the traditional Democratic counter-positions to the Republican agenda were not working and would not work with the public. On welfare for example, the public was in favour of reform and the traditional Democratic positions were not cutting with them.

Morris argues that triangulation is not just an opportunistic strategy:

Triangulation is much misunderstood. It is not merely splitting the difference between left and right. Clinton's objective was to combine the best theme from each side: "opportunity" from the left and "responsibility" from the right. And he rejected the worst of each: the tendency of conservatives to ignore the problems of the less privileged, and the liberals tendency to be naïve. This "third way" rises above the other two and forms a triangle.

Triangulation is the political or tactical strategy that complements the Third Way as a political program or philosophy (if it can be called a political philosophy). Superficially we in Cape York appear to be disciples and evangelists for the Third Way. Many people on the left, because they associate us with Mark Latham in the Australian political scene—and with other friends in the "social entrepreneurs" movement—see us as Third Wayists. In terms of political strategy and policy thinking, there is considerable common ground between what we are trying to do and the Third Way which is associated with Tony Blair and Bill Clinton (and with Latham, who has been the only explicit advocate for the Third Way in the Australian Labor Party). But we in Cape York are not Third Wayists in the generally understood sense.

I will just make two observations about the Third Way politics as articulated by Latham and by Dick Morris. Firstly, it professes to eschew ideology—preferring to be pragmatic and acting on "evidence", including the basic common sense and goodwill of the public which (in Morris's view) can be accurately and must necessarily be ascertained through polling. In particular it rejects class theory and class-based politics, if for no more reason than they do not work electorally.

Secondly, contrary to the critics, Third Way politics is driven by (micro) policy flexibility and inventiveness. The Clintons, in the American parlance, were the consummate "policy wonks"—possessing great knowledge and expertise in policy ideas and practice—and throughout Morris's book there is a constant policy entrepreneurialism: you can see how (poll-tested) micro-policies drove Clinton's electoral comeback strategy. Of course, the Third Way allows for greater flexibility because it is unconstrained by the traditional left—right boundaries: the Third Way is prepared to use right wing methods to achieve left wing objectives, and this affords a great flexibility and agility to the strategies than can be employed in the pursuit of leftist goals.

After his visit with us to Cape York last year, Robert Manne wrote that our thinking had genuinely "moved beyond left and right". However, we are not Third Wayists, because the analytical framework that underpins our thinking and our strategies is consistent with the analysis of the early international labour movement. An outline of our thinking is set out in my

Light on the Hill: Ben Chifley Memorial Lecture in 2000. So ours is an old left analysis—but we separate the analysis from the policy response to that analysis; we are not necessarily socialists.

Our difficulty is that the outlook of the left today is not the outlook of the left of the early international labour movement. The left today would be unrecognisable to the original left. And the old left critique of political economy provides an explanation of why many of the policies of the official left today are in objective fact obstructive of social progress on the part of the lower stratum of society. Much of their thinking and work is in the service and perpetuation of stratification, contrary to what they believe and think.

So our position may be understood as follows: our intellectual and analytical framework is an old left analysis, but our policies and strategies must contend with our current political and cultural predicaments. In a world of ideological confusion, declining collectivism and heightening stratification, our people must pursue strategies that aim to improve our position in a society where our people reside in the most miserable underclass and there are structural reasons why this is so and there are structural impediments to our people rising out of this underclass. As one of the elders from Cape York said after we had discussed the impediments that keep our people down: “we have to zig zag past the snakes, and scramble up the ladders”.

In working out how to “zig zag” past the intellectual and cultural impediments facing our people in Cape York, I have had to argue some perspectives that have been quite bracing for the left of Australian politics. It is never my intention to narrowly criticise the Labor Party. In my efforts to facilitate a change for the better in Cape York Peninsula, I have come to the conclusion that there are fundamental and general problems with the modern progressive and liberal Australian intellectual and political culture. What has prompted my reorientation over the last years is that, as the social disintegration among my people in Cape York Peninsula accelerated, no intellectual and political response emerged among Australia's political and intellectual elites—the journalists and commentators, the anthropologists and other academics, the progressive politicians.

The policy areas that currently are most often mentioned in connection with me—passive welfare and substance abuse—have occupied my mind for a long time. I became known to the Australian public as a Land Rights advocate in the early 1990s, but the core of the thinking behind the initiatives in Cape York Peninsula which have attracted attention in the last years was expressed already in a paper I wrote together with my late friend Mervyn Gibson, fifteen years ago in 1987.

Whilst I became involved in the fight for Land Rights, I left the questions surrounding our social and cultural breakdown to the anthropologists and other academics, who had much more knowledge. I literally hung out to read some insightful explanation for our deteriorating condition as a people and what we needed to do to turn things around. I waited and waited. Then I realised that we Aboriginal people had to do it ourselves.

I also realised the problem was not only a lack of theory dealing with the social disintegration among my people. It was also a set of ideas that seemed to travel together in the minds of liberal and progressive Australians and form a complex of automatic responses to the indications of how bad things were. There was a tendency to always interpret substance abuse as a symptom of circumstances, in our case dispossession, rather than as a causal factor in its own right. There was a belief in the ability of welfare payments to sustain people that led to a lack of interest in the social effects of passive welfare on indigenous Australians compared to the social effects of historical factors such as dislocation and separation of people from their families. There was a tendency to think of enforcement of social order as an unsophisticated rightist approach that didn't deal with the underlying issues. There was a great interest in Land Rights and historical

injustices, and a focus on lack of funding and infrastructure as the explanations for bad health, disadvantage and violence.

I think the inability to reverse the destruction of Aboriginal society initiated by dispossession, and the application of measures that often made things worse, were indicative of a general inability of modern Australian cultural and intellectual life to deal with social disintegration and instability. This is indicative of ways of thinking that have influenced most people on the left or left-liberal side of politics, including many people in the Liberal Party and myself.

According to the polls, Labor has lost its traditional lead over the Coalition in social policy areas. Indigenous affairs could be a starting point for a discussion about what needs to be done if Federal Labor is to win back the electorate.

Outlining one's thoughts about the revitalisation of Federal Labor is currently not a very original topic. The public has for a long time been bombarded with conflicting messages for the future of the Federal Labor Party that include:

- returning to the party's blue collar traditions and core groups of workers and putting less emphasis on the issues championed by the progressive middle class such as Aboriginal rights
- differentiating Labor policies from those of the coalition by embracing riskier policies and policies allowing for more state intervention
- reducing the influence of unions
- reducing the importance of the factional system
- attracting the so-called aspirational voters
- competing with the greens for the “socially progressive” voters.

Based on my experiences, I think Labor needs to challenge the cultural left. This may not sound original, there has been much talk about the “chattering classes”, the middle-class “chardonnay left” and so on. I differ in that I would like to launch this criticism from the left rather than from the right as is usually done.

First I want to explain what I mean by the “cultural left”. Those who declare themselves to be left-of-centre advocate many genuine socialist and social democratic ideas. By genuine socialist and democratic ideas and policies I mean that they are the result of the thinking and struggle of ordinary working people and progressive intellectuals, and that they serve the interests of the unprivileged. These ideas include universal education and other aspects of the welfare state.

But progressive policies that do not change in response to the real outcomes become “progressivism”, championed by a “cultural left” rather than a real left. The phrase “cultural left” has a double meaning. Firstly, the people who carry this tradition mainly belong to the cultural sphere—academia, journalism, the arts and so on. The Australian Financial Review uses the word “cultural” in this broad sense when they publish their yearly list of the culturally most powerful Australians. Secondly, this label emphasises that it is a tribal culture, a self-contained way of thinking.

I say that I criticise from the left because I have espoused some of the original ideas of the nineteenth century international labour movement that now are very unfashionable. I have talked about class and that there is an element of unjustified stratification in our society, and that many aspects of our cultural and intellectual superstructure seem to have the objective function of maintaining social inequality.

In my Ben Chifley “Light on the Hill” lecture 2000 I explained why I think that the cultural left is objectively reactionary. My conclusion was that they are (unwittingly) the defenders of the worst kind of market economy, a society where people are intellectually crippled and formatted, distracted by unnecessary drug abuse epidemics, criminality and irrational social tensions (ethnic and other), preoccupied with useless ideas and useless books, if they make any attempt to read or think, and so on. All in the interest of the unworthy sectors of the privileged classes and the destructive aspects of our stratified society.

My ideas that there is a class society, and that there is cultural structure maintaining class society, might seem eccentric nowadays, but they are not far from thoughts expressed by Mark Latham. In the recent debate about civility in politics, he said: “For the establishment, civility is a way of preserving the social pecking order. It helps the ruling class to avoid public scrutiny and accountability.”

I have not abandoned the defence of the welfare state or berated organised labour. Indeed, I recognise the role that organised labour has played in making our society a civilised and relatively egalitarian one throughout our history.

However, because of my experiences I have formed a prejudiced judgement that the cultural left is in many ways objectively reactionary, preserving obstacles for the lower classes and the underclass—including Aboriginal people—to advance.

Let me return to some comments by Mark Latham. About the kind of criticism I levelled against current thinking and policies in indigenous affairs last year, Latham said in Parliament that “I [Mark Latham] have seen some of these problems in my own electorate, particularly in public housing estates... We can provide advanced health services, but they are not likely to be of any use to people ruttled into socially pervasive addictions. The mainstream debate in Aboriginal affairs is concentrated on questions of native title, education, health, housing and even parliamentary apologies. In reality, these are second or third order issues... What sort of system pays money to a pregnant girl to drink at the canteen all day, passing on foetal alcohol syndrome to her unborn child?”

He also wrote about what he called “Symbolic Australia, a class of politicians and media commentators who talk the language of symbolic change, a language full of rights, entitlements and apologies... symbolic change... [that] never changes the way in which poor people live... Symbolic Australia sees itself as well intentioned, worldly and even morally superior. In practice... it is more part of the problem than the solution. Symbolic change acts as a veil on the cruel reality of welfare dependency. After a 30-year debate on Aboriginal rights, for instance, the political class is only just discovering the true extent of domestic violence and drug abuse in Aboriginal communities.”

These comments are close to things I have said. Mark Latham has also said that:

“[i]n the 1970s... a new group of influential people emerged... the progressive establishment, led by academics, artists and other cultural producers.”

“Howard's strategy is to demonise...those associated with the rise of progressive politics over the past 30 years. Howard uses issues such as refugees and reconciliation as a proxy for his side of the culture war”, “setting inner-city activists against the suburban working class.”

“In the suburbs, [q]uestions of social responsibility and service delivery are all-important.”

“[E]lectoral contest will [increasingly] be determined by social values.”

“Increasingly, I get the feeling that all politics is cultural.”

Latham went on to say:

“For the left, this is unfamiliar territory...Labor parties won the votes of working people on the basis of economic issues. Now we are losing them in the values debate. This is not because our values are wrong. Far from it; the ideals of a more cooperative and cohesive society have never been more relevant.”

I think that Latham glosses over the fact that the problem for Labor is not just that the Coalition is tactically clever. Many ordinary people are sceptical towards Labor because they feel that many of the attitudes of the cultural left, which people associate with Labor, undermine the “ideals of a more cooperative and cohesive society”.

Latham was correct that “[i]f [Labor] is to win elections, [Labor] must be competitive in the culture war.”

But he avoided the logical conclusion that if you are lagging badly you must change something fundamental about yourself to become competitive. Labor is vulnerable in the culture war because of the influence of the cultural left. Latham said that “[t]he culture war is there to be won. It is just waiting for the Labor movement to mobilise.”

In my view it is not just a matter of the Labor Party in its current shape mobilising. It must understand the barrier that cultural left policies are between them and the great majority of Australians.

In order to win power, the Labor Party must win ordinary Australians who vote Coalition without being theoretically committed to economic liberalism, anti-unionism, or against state intervention. Labor needs to win back those who want social and economic stability, everybody in work, no crime, no drugs tolerated, no welfare bludging and education that teaches fundamental skills. Win back those who vote for the Coalition but are not xenophobic, are not uninterested in the wellbeing of indigenous people, addicts, or people in need of financial assistance. People who want legality and social order. These people will not come back to Labor as long as the party allows the cultural left too much influence.

In closing I would like to make a final point which Federal Labor should think about and take heart from. Whilst Tony Blair and Bill Clinton championed The Third Way during the 1990s and apparatchiks like Dick Morris came to articulate triangulation as a political strategy, in fact the originators of the Third Way triangulation (particularly in economic policy) were the Hawke Governments of the 1980s, supported in four elections, and able to carry the confidence of the Australian people through a period of bracing economic reform. Prime Minister Bob Hawke championed economic policy reform in the 1980s. Social policy reform is the new agenda in this new millennium. Thank you.