Using theory to ‘speak back’ to neoliberal performativity: the Northern Territory Intervention and the inventing of a neoliberal subject as a case in point

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Abstract

The paper reflects on the Northern Territory Intervention as a neoliberal regime governing the conduct of Australia’s Aboriginal population in the Northern Territory. In doing so, it only provides a critical commentary and is formative in its reflection, rather than providing an in-depth substantiation of the theoretical propositions put forward. It is divided into three parts. First, the paper reflects on the critical scholarship analysing the Northern Territory Intervention as a neoliberal phenomenon, discussing broadly the contributions of such theoretical accounts. Second, it adds to this scholarship, which aims to decolonise the discursive dimensions of neoliberal performativity, by briefly considering performativity in the context of failure and exposing the pernicious effects of neoliberal performativity, as well as engaging Aboriginal voices to invert failure. As such, its role is to continue the discussion about (and make a small contribution to this discussion of) how critical scholars are engaging with the theoretical tools of poststructuralism, postcolonialism, critical whiteness studies and a governmentality approach, for example, to ‘speak back’ to the Northern Territory Intervention as a neoliberal phenomenon.

Keywords: Northern Territory Intervention, neoliberalism, poststructuralism, governmentality, critical whiteness studies, and postcolonialism

Introduction

Within the social science disciplines, such as sociology, critical scholars are engaging the tools of poststructuralism, postcolonialism, critical whiteness studies and a governmentality approach to analyse and critique the Northern Territory Intervention as a neoliberal phenomenon and the knowledge claims of neoliberalism in the context of Aboriginal peoples, demonstrating the political efficacy of such approaches (Kelly 2007 & 2010; Stringer 2007; Howard-Wagner 2007, 2010a, 2010b & 2012; Moreton-Robinson 2009; Watson 2009; Altman 2010; Walter 2010; Howard-Wagner & Kelly 2011; Hinkson 2011; and McCallum 2011).

To borrow from the vernacular of critical whiteness studies, this scholarship on
neoliberalism and the Northern Territory Intervention, separately and as a body of work, is exposing what are rendered in political and media discourses as neutral policies and practices, as problematic, as well as disrupting and exposing the oppressive and pernicious effects of neoliberalism in the context of Aboriginal people.

This work can be described as contributing to the recently identified sub-field of Critical Indigenous Theory also known as Indigenous Critical Theory. Similar to critical race theory and critical whiteness studies, it takes as its starting point epistemological tools that are used to challenge and expose the ongoing colonial endeavours of the settler colonial state, for instance. Critical Indigenous Theory has a decolonising agenda, and achieves this end by drawing on, for example, critical whiteness studies, postcolonial studies, settler colonial studies, key poststructuralists, such as Foucault, and a governmentality approach. To demonstrate, the different approaches have been engaged to analyse dominant discourses and practices and identify what kind of subjects such discourses and practices bring into being and what kind of inventions and rationalities they hide or mask. From an Indigenous standpoint, Aileen Moreton-Robinson (2009: 11) notes that, ‘critical Indigenous studies as a mode of analysis can offer accounts of the contemporary world of Indigenous peoples that centre our ways of knowing and theorising’. From this standpoint too, Irene Watson (2009: 45) demonstrates how theory can be engaged to expose how ‘the foundation of the Australian colonial project lies within an “originary violence”, in which the state retains a vested interest in maintaining the founding order of things’ and how this has been re-enacted through, for example, the Northern Territory Intervention.

Alongside and sometimes overlapping this is the growing body of work exploring the neoliberal intent of the Northern Territory Intervention within the framework of critical whiteness studies. Elaine Kelly (2007: 1), for example, again from an Indigenous standpoint, examines how ‘contemporary forms of liberalism are concerned with reconsolidating the group rights of whites to the exclusion of Indigenous sovereignty’. In a later article, Kelly (2010) also provides an analysis of the Northern Territory Intervention as a reassertion of white sovereignty, particularly in relation to land.

Drawing on critical whiteness theory, postcolonial studies, settler colonial studies, a governmentality approach and Foucault, Ben Kelly and I consider ‘the enduring social structures and knowledges of colonialism …[and expose how] settler colonialism is a continuing process that underlies the contemporary governance of Indigenous affairs, and that settler colonial practices are inextricably linked with modern state building’, for instance (Howard-Wagner & Kelly 2011: 104). Within my own work, postcolonial theory has been applied alongside a governmentality approach to understand the effect of neoliberal governance and how neoliberal rationalities and technologies of governing operate to invent and constitute new Aboriginal citizens, assimilating them into the neoliberal body politic (Howard-Wagner 2010b, Howard-Wagner & Kelly 2011 and Howard-Wagner 2012).

In evidencing the influence of Foucault and emphasising postcolonial studies and a governmentality approach, Kelly and I, for example, ‘make visible the persistence of the
colonial in the concrete and material conditions of everyday life, unpacking not only the settler colonial practices circulating through the Northern Territory Intervention, but connecting them to the long history of normalisation, discipline and regulation of Indigenous subjects’ (Howard-Wagner and Kelly 2011: 103). In doing so, we demonstrate how ‘neoliberalism works through interventionism as a biopolitical mode of governing that centres on the capacity of individual Indigenous citizens and Indigenous land as living resources that can be harnessed and managed’ (Howard-Wagner and Kelly 2011: 116-117). Contemporary settler colonial rationality differs from that of the early 20th century, however, in that the state now situates the debate about such issues within the logic of market driven politics of neoliberalism or market fundamentalism (Howard-Wagner & Kelly 2011: 116-117). Furthermore, Kelly and I evidence how the paternalism of a settler colonial whiteness has persevered throughout Australian history from protectionism through to neoliberal interventionism (Howard-Wagner & Kelly 2011: 120).

Critical Indigenous Theory has also been valuable in re-instating agency and re-centering the Aboriginal subject as ‘agentive speaking subjects’ (Fairclough 2006: 36). This has been achieved by recovering Aboriginal discourses and standpoints and privileging the voices of Aboriginal people within such work, and discussing how Aboriginal people are resisting and speaking back to dominant neoliberal discourses and practices (Yashar 1998; Postero 2005; Bargh 2007; Jackson 2007). For example, Ben Kelly and I (Howard-Wagner and Kelly 2011) expose the normalising, disciplining, and regulating intent of neoliberalism, particularly in the context of the effects of neoliberal laws and policies are having on Aboriginal homelands in the Northern Territory. However, we also draw on Aboriginal voices, for example, homeland residents contesting, criticising and resisting the discursive and material practices of a neoliberalism as a contemporary manifestation of settler colonialism, giving expression to the ongoing existence of Aboriginal agency and living systems.

While formative, both in providing this background context and taking this project forward, the overall purpose of this paper is to make a further contribution to my own, and the sociological, and broader social science, scholarship in three ways. First and above, the paper reflects on the scholarship forming a body of work, broadly described as Critical Indigenous Theory, analysing the Northern Territory Intervention as a neoliberal phenomenon, and where my own work sits in relation to this, discussing broadly the contributions of such theoretical accounts. Second, it adds to this scholarship, which aims to decolonise the discursive dimensions of neoliberal performativity, by briefly considering performativity in the context of failure and exposing the pernicious effects of neoliberal performativity. Finally, it contributes to my broader project of re-centering the Aboriginal subject (Harvey 2006: 27) and privileging the voices of Aboriginal people in sociology scholarship by demonstrating how Aboriginal people are resisting and speaking back to neoliberal performativity, while at the same time, turning the rhetoric of failure back onto Australian governments.

First though, I wish to take the reader back into the world of the Northern Territory Intervention and re-expose and disrupt its neoliberal intent.
Failure as a discursive tactic of neoliberal performativity

Within about two weeks of the release of Ampe Akelyernemane Meke Mekarle “Little Children Are Sacred” – a report on the prevalence of Indigenous child abuse and neglect in communities and townships in Australia’s Northern Territory – the Australian federal government declared a state of emergency in Aboriginal townships and town camps in July 2007. The framing of its intervention as a national emergency response contributed to a sense of devastation and crisis reported in the media (Howard 2007:3). Troops and police were sent in ‘to stabilise the situation’, allowing for particular strategies to be developed hastily in response to the crisis in Aboriginal communities. As I note elsewhere, ‘Indigenous “failure” validated the setting aside of a normal state of affairs. A zone of exception was established’ (Howard-Wagner 2010a: 218).

Underlying what appeared as an extremely reactionary intervention was marked by profound antipathy to welfarism, autonomy and self-determination at the federal level (Garland 2001:98). This is evidenced in the fact that the Northern Territory National Emergency Response (‘NTNER’) laws went beyond banning the sale and consumption of alcohol, installing filters onto computers to control access to pornography, increasing policing numbers and other law and order mechanisms, allowing health checks, scrapping permit systems, assuming control of Indigenous land, and instituting welfare reform measures, more generally. The representation of ‘failure’ and ‘crisis’ and pressing ‘urgency’ of humanitarian intervention thus operated to mask the more menacing civilising settler colonial intentions of the state, validating the setting aside of the normal state of affairs in ‘prescribed areas’ and allowing for a legalised reforming of Indigenous spaces and practices within those ‘prescribed areas’; this was furthered in the NTNER amendments in 2010 and maintained in the current Stronger Futures Bill presently before federal parliament.

For example, The NTNER laws included measures ‘for income management arrangements to apply for parents who fail to ensure the enrolment, or sufficient school attendance, of their children’ (Explanatory Memorandum 2007: 4). The correlation between ‘school non-attendance and under-achievement at school, criminal activity, poverty, unemployment and homelessness’ was drawn on to support the move toward income payment management to force school enrolments and attendance relating to five or more unexplained absences (Brough 2007:13). The federal government’s discursive construction of failure is evident too in references to Aboriginal townships and town camps being conceptualized as dysfunctional spaces (Howard 2007) and likened to ‘a refugee camp or a war zone’ (Macklin 2009) where ‘the basic human right to a safe and healthy life is simply absent’ (Macklin 2009). The Aboriginal body too has been racialised and marked as socially and economically dysfunctional and the Aboriginal subject has been again rendered child-like and unable to care for oneself, which is a revisiting of protectionist rationalities.

While the initial state of emergency was about Aboriginal child abuse and neglect, the
emerging federal government discourses linked the *national emergency* to the *failure* of Aboriginal communities to maintain basic standards of law and order and behaviour; one in which women and children were unsafe. Such discourses are both constitutive and regulative. The intent of this discourse of Aboriginal societal failure was to draw the nation’s attention to both Aboriginal child abuse and neglect and the breakdown of social order in Aboriginal communities of the Northern Territory and ontologically represent and constitute both in a specific way. Violence and child sexual abuse were attributed in part to the fact that ‘no natural social order of production and distribution’ existed in Aboriginal communities and, as such, ‘grog, pornography and gambling often filled the void’ (Brough 2007 in Howard-Wagner 2010a). By way of example, social control and social order, as opposed to addressing child abuse and neglect has been one of the three central features of the Northern Territory Intervention. Aboriginal people have been constructed as socially deficient within *NTNER* laws and more recent Stronger Futures laws. As noted above, social disorder and dysfunction were a key premise for the *NTNER* laws.

For instance, in relation to my earlier point about complementarity, it is possible to use both Foucault’s (2009) and Lyotard’s (1984) discussions of performativity in a combined way to enhance our analysis of neoliberal performativity as not only a political rationality, but also a technology of power that traps Aboriginal people in a cycle of surveillance procedures, such as income management, which in turn have the objective of re-constituting the Aboriginal subject into a meaningful neoliberal subject.

I discuss elsewhere how in the Foucauldian sense such discourses operate to constitute Aboriginal people into governable neoliberal subjects (Howard-Wagner 2010a & 2010b), and in the words of Foucault set out ‘to make visible precisely what is visible, that is to say, to make evident what is so close, so immediate, so intimately linked to us, that because of that we do not perceive it’ (Foucault 2009: 540-541). As such, I make visible the neoliberal intent of the *NTNER* laws.

Thus, once failure has been established, one can counter failure with market-based solutions, which theoretically is meant to create a level playing field within the market. So, this neoliberal rationality discursively constitutes Aboriginal people in the Northern Territory into governable individual entrepreneurial subjects, and market based solutions are not applied to materially empower Aboriginal people but rather incorporate them into the market economy. Neoliberalism is therefore a specific project of development and modernity (Peck & Tickell 1994: 292). So, while presented as a benign initiative aimed at restoring social order in Aboriginal communities, what underpins the Northern Territory Intervention is a modernising logic of Aboriginal economic development that takes as its neoliberal agenda the objective of incorporating Aboriginal people of the Northern Territory into market society and conquering Aboriginal land and restructuring it to render it economically viable (Howard-Wagner 2010a & 2010b). Neoliberal performativity produces, rather than simply oppresses.
Neoliberal performativity as part of the problem, not part of the solution

What has been central to this neoliberal agenda is what Lyotard (1984) refers to as a metanarrative of neoliberal performativity (Lyotard 1984). This language game has endeavoured to legitimate neoliberal governance.

In discussing neoliberalism as relational to performativity, Connell (2012: 13) notes, ‘competitive markets require visible metrics of success and failure’. Increasingly since the 1980s and the rise of neoliberalism, corporations, governments, private sector, the media and various other institutions have devoted energy to documenting inefficiencies, disappointments, failures and scandals (Bovens, Hart and Peters 2001:8), which is associated with the neoliberal obsession with performativity.

Over the last 16 years, federal Aboriginal affairs exemplifies the obsession with performativity in the Australian context (also seen in the context of Australian universities, but manifesting in different ways). The propensity for neoliberal policy metrics to be applied to Aboriginal communities and organisations has been evident since 1996 when the Howard government came into power and has underpinned the federal governance of Aboriginal affairs in Australia since. The energy devoted to critiquing Aboriginal policy, governance and institutions epitomises a neoliberal obsession with finding fault and what Bovens, Hart and Peters (2001: 9) refer to as the ‘cataloguing of failure’ – couched in such neoliberal rhetoric ATSIC, Aboriginal Affairs, Aboriginal organisations and Aboriginal communities, townships and homelands in the Northern Territory, were all deemed to have failed. ATSIC was abolished and the various federal Aboriginal affairs policies and programs were mainstreamed, Aboriginal organisations were over-audited and Aboriginal communities, townships and homelands in the Northern Territory experienced an Intervention. Alongside this, there has been an increasing obsession with practical outcomes and success stories. Closing the Gap is aimed at facilitating success in changing statistical indicators across seven building blocks of overcoming disadvantage and promoting wellbeing. Moreover, neoliberal performativity is about a particular type of economic market efficiency across the whole social system and in this context is about subsuming and assimilating a separate Aboriginal social system into the mainstream social system, which is no better evidenced than in the Northern Territory Intervention and Closing the Gap.

Yet, as Bovens, Hart and Peters (2001: 10) remind us, ‘the assessment of success and failure is a political judgement… these political evaluations do not necessarily square with the actual performance of a program or a policy’. This dichotomy of success/failure is used to measure Aboriginal community development. Similar to governments themselves, Aboriginal communities and organisations ‘bear the responsibility of failures while not having control over many of the factors that have produced the problems’ (Bovens, Hart and Peters 2001: 12). Governing is not an autonomous project – Aboriginal communities and organisations may depend initially or continuously on government funding and government funding has strings attached and/or funding may be
directed at particular policy initiatives. It is not surprising now that the NT Intervention itself is now being rendered a failure.

In this neoliberal climate too, success is measured according to certain economic and related social indicators, which privileges a certain model of economic and social development and, if it comes down to the propensity to rely on statistical indicators as neoliberal governance is prone to do, the Northern Territory Intervention has failed after five years to even make an indent in the statistical differences between Aboriginal and non-Aboriginal people in areas of employment, housing, health, education, child protection and crime – let alone make any inroads in incorporating Aboriginal people into the market economy.

Moving beyond the success/failure model – the great disasters or the exemplary administrators – Bovens, Hart and Peters (2001) take as their starting point the types of concrete challenges to governance and argue that focus should be on the actors who bear the burden of both success and failure.

**Speaking back to and resisting the neoliberal burden**

The people making the laws, taking over our communities, don’t know anything about us Walpíri people. They think the best thing is to change our communities into towns for White people and change our children into English speaking children. We have already changed a lot, from living in humpies to houses, from men having two or three wives to one wife. We have no more forced promised marriages, and much less violence at sorry time. But we want to hold on to our language and important things in our culture. We were getting on alright changing slowly and keeping our language and our knowledge strong. (Warlpirí people of Yuendumu, 2012: 4)

We fear for their future, for their ability to learn to walk in two worlds, to obtain an education and a job. We fear for their health and their general well-being. But most of all, we fear that these recent changes [the NTER legislation] will lead to the loss of our land, our culture and our language. (Djapirri Mununggirritj and Kathy Guthadjaka 2008)

In speaking back to the Northern Territory Intervention, Yolgnu people are clearly demonstrating that they are not being materially empowered by it, and that it is the federal and Northern Territory governments that are failing Aboriginal people by bringing into effect the laws and policies that both undermine Aboriginal communal systems of land and Aboriginal knowledge systems, as well as failure of democratic processes to achieve what they set out to and that it had failed to improve Aboriginal peoples’ wellbeing, according to Yolgnu definitions of wellbeing.

In the first quote above, for example, the modernising logic of this utilitarian neoliberal approach endeavours to undermine Walpíri culture and languages, contradicting other
policies such as Closing the Gap, which sets out that it ‘seeks to draw on the strengths of Indigenous culture …as a valuable basis for potential economic development and for improving the wellbeing and capacity of individuals and communities’ (Australian Federal Government 2009: 5).

Walpiri voices assert the importance of Aboriginal knowledge, language and cultural identity to the Walpiri peoples. Yet, while this neoliberal modernising agenda has the potential to erase local culture and language, Yolngu people of the Northern Territory are resisting the modernising logic of neoliberalism, as evidenced in the above statement by Warlpiri people of Yuendumu. In speaking back to such laws and policies, Aboriginal people are thus resisting neoliberal performativity.

Aboriginal people are committed to the epistemic/discursive resistance via the reactivation and circulation of Indigenous knowledge discourses, as well as Aboriginal language and cultural recovery projects (Harvey 2006: 27). For example, in responding to a Senate Committee Inquiry into the Stronger Futures Bill, of particular concern to Aboriginal people in the Northern Territory is the loss of bilingual programs in schools, for example the loss of the Yuendumu bilingual program in the local school commenced in 1974, which taught Walpiri children both the English and Walpiri languages. In their submission to the recent Senate Committee Inquiry, 71 Yuendumu parents, grandparents and carers signed a submission objecting to the decision to remove bilingual programs from schools in Aboriginal communities under the Stronger Futures initiative.

More widely, Yolngu people are speaking back to neoliberal discourses and opposing the modernising logic of neoliberal project of the Northern Territory Intervention as they have with settler colonial endeavours that came before. So, while neoliberalism endeavours to constrain Aboriginal agency, undermine Aboriginal economic, social and cultural systems, and reconstruct Aboriginal people into individualised entrepreneurial subjects, and the neoliberal project may well have become embodied in the discourses of a limited number of Aboriginal people such as Noel Pearson and others, Aboriginal peoples and communities are not accepting this neoliberal rationality of ‘failure’. Instead, they invert the concept of failure and provide innumerable accounts of how governments and their laws, policies and programs that they have imposed on the Aboriginal people and communities of the Northern Territory have failed both.

**Conclusion**

The paper has endeavoured to add to the literature on the Northern Territory Intervention as a neoliberal regime. First, it reflected on the critical scholarship analysing the Northern Territory Intervention as a neoliberal phenomenon, discussing broadly the contributions of such theoretical accounts. Then, it explored how the Aboriginal subject is constructed through neoliberal discourses and practices as structures of power and knowledge. Its aim is to continue to contribute to the decolonising project of critiquing neoliberalism and its silencing and marginalising effects. It did so by focusing on the rhetoric of failure as an example of the discursive dimensions of neoliberal performativity, demonstrating how
the imposition of neoliberalism as a modernising logic is made possible via the discursive production of failure. It is a discursive logic that normalises and privileges neoliberal rationalities while representing Aboriginal communities as failed enclaves within society, and one that allows for intervention. Finally, it contributed to this scholarship by decolonising the discursive dimensions of neoliberal performativity particularly in the context of failure and exposing its pernicious effects, as well as engaging Aboriginal voices to invert failure.

Endnotes

1 Foucault features prominently in this work. This is a separate issue to be taken up in a longer version of this paper, as too a longer version of this paper will address this as a decolonising project, which poststructuralism and postcolonialism are often critiqued for.

References


