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# REPRESENTING INDIGENOUS AUSTRALIAN CHILDHOODS

by Sana Nakata

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## INTRODUCTION

In Australia, political controversies centred on children have been many: the 1997 *Bringing them Home* report highlighted the decades-long practice of separating Aboriginal children from their mothers and families; in 2001 the children overboard affair dramatically reshaped public debate about Australia's immigration policy; the 2008 photography exhibition of artist Bill Henson gained national attention for its depiction of naked girls on the cusp of adolescence; and the 2008 Northern Territory Emergency Response ('NTER') to the *Little Children are Sacred* report was highly criticised for its political interventions in Indigenous communities. More recently, there has been the Australian Human Rights Commission's *Forgotten Children* report on children in immigration detention, and the Royal Commission into Institutional Responses to Child Sex Abuse continues to hold public and private hearings around the country. And then there have been the deaths: the many children who have died at the hands of adults, some named and others not, such as the eight Torres Strait Islander children stabbed to death by their mother and aunt. Australia's political landscape is frequently punctuated by the appearance of children, but across these controversies the child is most often anonymous and obscured from view.

This article presents a brief survey of contemporary children's rights scholarship and argues that it is currently dominated by empirical approaches that ask questions about *who children are* and normative approaches that ask questions about *what childhood ought to be*. This was reflected somewhat in research that followed the 2008 NTER, but critical scholarship also highlighted the need for an incisive analysis of how Indigenous Australians and, more specifically, Indigenous Australian children in that controversy were being represented in broader political debate.

## CONCEPTUALISING CHILDREN'S SOCIAL AND POLITICAL STATUS

Since the 1970s, a coherent discourse of children's rights has emerged which has seen children and childhood become a critical site of social and political inquiry.<sup>1</sup> This included early arguments

that children are political actors who ought to possess the full gamut of civil and political rights that adults have. These arguments have proved difficult to sustain in light of substantial empirical evidence that children are not developmentally equipped for political citizenship and has resulted in more nuanced claims in recent years.<sup>2</sup> Since the turn of the 21st century, a more critical scholarship has emerged around children and childhood that departs from the well-established rights discourses in order to engage explicitly with the relationship between children and politics in a number of political contexts. This includes Judith Bessant's critique of youth participation approaches in Australia;<sup>3</sup> Anastasia Powell's sociological examination of how young people negotiate sex and consent;<sup>4</sup> Anna Holzschietler's discourse analysis of children in international politics;<sup>5</sup> Joanne Faulkner's analysis of innocence (as embodied by the child) in Australian politics;<sup>6</sup> and Bronwyn Hayward's study of children's experiences of citizenship and sense of justice in relation to the environment.<sup>7</sup> These critical perspectives create space in which to ask new kinds of questions about children that are explicitly political in focus, without demanding recognition of children as political actors. Instead, they allow us to view, for example, the anonymous, blurry vision of an Aboriginal child in a dusty landscape as a person whose life is embedded within and affected by complex social, legal and policy settings irrespective of whether that child has any capacity to critically and actively engage with those settings.

## REPRESENTING THE SOCIAL AND POLITICAL LIVES OF CHILDREN

Drawing on theories of democratic representation, it is possible to study representative claims about *who children are* (empirical claims) and *what childhood ought to be* (normative claims) and move beyond debates within and between each of these two approaches. Such a study de-emphasises the need to know who that anonymous child is, what their capacities are, and what sort of childhood he or she, his or her family or community desires. By studying representative claims, we are able to pose questions that are less preoccupied with the supposed truths of childhood, and instead focus upon making adult representatives accountable for

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the claims they make and the effect those claims have on Australia's political landscape and the children that punctuate it. It becomes possible to ask questions such as: How do we represent children in Australian political debates? And to what effect on children's interests? According to Michael Saward, a representative claim is a claim to represent, or know what represents, a person or thing (in this case, children and childhood).<sup>8</sup> Such an approach provides an analysis of how children appear in contemporary political controversies and their impact on the political and policy decisions that affect their lives; it serves to hold not only decision-makers responsible for their actions but also representatives accountable for their claims. Representation broadly means that 'an individual or a collective stands for, speaks for, or acts for, another'.<sup>9</sup> This definition of representation provides for a 'representative' and 'the represented', but Saward argues that a much fuller definition is required; one that acknowledges that representation is not a passive one-way exchange but also involves the 'making and receiving, accepting and rejecting' of claims. Saward is less interested in what representation 'is' than what it 'does'.<sup>10</sup>

Daniel Bray describes this in terms of 'constitutive effects', which reveals the 'partial or incomplete' conception of an object, which is subsequently used as the basis for representative activity.<sup>11</sup> That is, representative claims concern more than the act of representation; they produce power relations by constituting the content, value and meaning of the represented. In short, representative claims are intended to have certain effects on politics. By drawing attention to these claims, it is possible to design an alternative to the rights framework for analysing the relationship between children and politics. It departs from empirical scholarship focused upon children's capacity for political action, and from the normatively oriented scholarship concerning children's political participation. Instead, it looks to the modes of power and truth production that are employed when adults represent children in Australian politics. For Indigenous Australian children, such an approach may not provide a mechanism to speak back to the modes of power and truth production that frame them, but it does provide a promising opportunity for revealing a politics of Indigenous Australian childhood.

## EMPIRICAL AND NORMATIVE DIMENSIONS OF PARTICIPATION

The international rights framework surrounding children situates representation as a function of children's social and political participation. Article 12 of the *United Nations Convention on the Rights of the Child* ('CRC') provides children with the right to be heard in all matters affecting them, either directly or 'through a representative or appropriate body'. This provides a rights-based approach for thinking about children's participation in social and

political life and offers a normative foundation for researching children's social and political status. However, this foundation also presents challenges because it assumes that children have the capacities to participate in society. Andrew Rehfeld observes that the emphasis on children's welfare elsewhere in the CRC undermines Article 12 and participation claims. He observes that 'children are, by nature, an at-risk population, and their inclusion as political citizens, must rank behind their basic security'.<sup>12</sup> In this representative claim, Rehfeld reverts to an understanding of childhood as 'natural' rather than socially constructed. Further, he argues that democratic participation is at odds with children's (natural) vulnerability. Importantly, he does not make these claims to argue that children *should not* participate, but rather uses them as a basis for a more developmental approach to the acquisition of democratic capacities, one that serves a dual role involving: 'the promotion of children's capacity as politically mature citizens and the mitigation of harms that their political immaturity would cause them and the polity'.<sup>13</sup> Here, the right of children to participate is transformed from a mechanism allowing *children to represent children's interests* to a mechanism that teaches children how to be 'politically mature citizens'.<sup>14</sup> This dilution of participation rights from a mechanism of political representation to a process of education is a difficult problem faced by children's rights approaches.

In Australia, Judith Bessant has identified three problems in the rhetoric of youth participation and its practice in Australia. First, she claims that 'there is considerable talk about democratic practice, but a failure to acknowledge the existing barriers' such as the denial of a right to vote, schools as undemocratic institutions, restrictions on movement, speech and assembly (such as youth curfews in some places), and economic injustice through wage restrictions. Second, she argues that the rhetoric of youth participation fails to engage fully with what democratic participation actually requires (such as the representation of interests, through voting or otherwise). Consequently, her third argument is that youth participation is theorised in a way that is inconsistent with theories of democratic participation.<sup>15</sup> Bessant clearly demonstrates the ways in which the normative ideal of children's participation is at odds with a set of empirical claims that preclude children from public and political life.

These approaches therefore contain a profound disjuncture between empirical claims about children's capabilities and normative ideals of children's social and political participation, which inevitably frustrates attempts to conceptualise the political lives of children. As such, this article contends that in the liberal rights tradition children are rendered unintelligible in politics: they can only be made sense of as apolitical or pre-political creatures. This reinforces representations of children as already anonymous and out-of-focus individuals. However, children do appear in politics

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through a series of representative claims made by politicians, policy-makers, NGOs, media commentators, religious figures and victims. When these representations are at odds with one another—presenting competing claims about children, their rights and their interests—a political contest occurs. This political contest becomes a controversy (rather than politics-as-usual) when it erupts into widespread public debate and challenges common-sense understandings of children's lives. It is through these controversies that we can go beyond the rights discourse and develop a political account of childhood.

## PROTECTING INDIGENOUS AUSTRALIAN CHILDREN, OR THEIR RIGHTS?

The NTER was a clear example of such a controversy and it prompted responses from across the disciplines of law, human rights, children's rights and politics. Rebecca Stringer offered an early response to the intervention, characterising it as neo-colonial with its actual purpose being one of assimilatory neo-liberation, rather than its official purpose for addressing widespread child sex abuse in remote Indigenous communities.<sup>16</sup> Irene Watson similarly challenged the distance between the media emphasis on child sex abuse and the effect of the intervention in perpetuating colonial violence, describing the rhetoric around child sex abuse as 'certainly coincidental'.<sup>17</sup> Melissa Lovell has also offered a similar critique using settler-colonial studies to do so.<sup>18</sup> Alison Vivian and Ben Schokman addressed the murky legality of the NTER, in particular the suspension of the *Racial Discrimination Act* based on inadequate foundations of 'special measures'.<sup>19</sup> All these arguments revealed the large and uneasy gap between very serious allegations of systemic child sex abuse in some remote communities and the legal and political processes that facilitated the NTER policies.

However, this gap also demonstrates how children's rights risk coming to be *at odds* with Indigenous rights. Hence, Louise Pounder's polemical article title declares: *Never Mind Human Rights, Let's Save the Children*. Pounder argues that the inadequacy of the NTER to 'save' children, even within the terms of children's rights and that the NTER hinged on 'constructions of Indigenous children, their caregivers and the state which are founded in a 'child-saving' welfare model rather than a rights-based approach'.<sup>20</sup> In discourses about children, protection is often represented as being at odds with broader rights agendas. Nicole Watson takes the view that, historically, interventions in Indigenous communities have always served to render the rights of Indigenous women (and children) invisible, while subjecting them to further regulation.<sup>21</sup> There is a difficult tension at play across this literature: an explicitly children's rights issue (systemic child sex abuse) is transformed into an Indigenous rights issue, as though the two are necessarily independent and in conflict with one another. This results in a

dichotomisation of a choice between 'protecting' Indigenous children or 'protecting' Indigenous rights, a dichotomy well recognised in broader children's rights scholarship. Presented with this enduring tension, it becomes necessary to look beyond these arguments in order to bring into focus the representative claims made about children and childhood and their policy effects, rather than reproducing this traditional 'problem' of children's rights. This is a significant and important shift in how children's rights issues are engaged. As Professor Marcia Langton argued in 2007:

The crisis in Aboriginal society is a public spectacle, played out in a vast reality show through the media, parliaments, civil service and Aboriginal world. This obscene and pornographic spectacle deploys a special mode of dehumanising abuse and parody, and ultimately shifts our attention away from the everyday crises that Aboriginal people endure, or don't endure, dying as they do at excessive rates.<sup>22</sup>

## CONCLUSION

Conceiving this debate as a public spectacle, and not just an intellectual contest over rights claims and policy options, shifts the focus away from a protection-versus-rights dichotomy toward a problematisation and reframing of the debate itself. Melinda Hinkson has offered a compelling and illuminating analysis of representations of remote Aboriginal Australia and their residents. She observes that 'the majority of Australians take hold of Aboriginal Australia primarily through media images' and takes leave from Langton's work on 'icons of Aboriginality' to critique this process.<sup>23</sup> It is in this more critical space attentive to the discursive representations of Australia's Aboriginal and Torres Strait Islander children that further scholarship must contribute. If we cannot give these children a voice, or a political status that facilitates their participation in matters than affect them, if we cannot bring their blurry faces into focus, and if we cannot even name them in their death, then instead we must look to ourselves and interrogate the kinds of claims we dare to make on their behalf.

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#### Yampurriparri and Tapalinga, 2014

Karina Coombes

Acrylic on linen, 1200mm x 800mm

These paintings depict the Tiwi story of the shooting star, or Yampurriparri. Yampurriparri are viewed by Tiwi people as a very bad omen, a type of demon similar to a vampire. The custom on the Tiwi Islands when a shooting star is observed is to spit several times on the ground to mitigate potential bad luck. Tapalinga is the general Tiwi term for a star, or group of stars in the night sky.

