

Does History Matter? Making and Debating Citizenship, Immigration and Refugee Policy in Australia and New Zealand. Edited by Klaus Neumann and Gwenda Tavan (with a forward by Malcolm Fraser). ANU ePress, 2009, pp.153+xvii. Aust price: \$24.95. ISBN: 9781921536946 (pbk); 9781921536953 (pdf).

THESE SEVEN ESSAYS show how historical knowledge has been deployed selectively in public reasoning about citizenship, immigration and refugee policies in Australia and New Zealand. The exclusion of historical knowledge is just as interesting as its inclusion, in some of the studies. But how should we characterize the absence, from policy apologetics, of a certain account of policy heritage that the writer thinks is important? Is 'forget' the right verb?

Glenn Nicholls compares episodes in which Australian governments have deported certain categories of people; he asks to what extent has policy, on each occasion, allowed for exceptions (such as length of residence) to the general deportation order? Pacific Islanders, after protest in 1905–6, won exceptions from the Deakin government. Non-British aliens, under the Chifley Labor government, were not so favoured, and the High Court confirmed the Commonwealth's powers. When the Hawke government renewed deportation in 1989, its policy was more consistent with the Chifley than with the Deakin approach: unsympathetic to 'exceptions'. Nicholls wavers on whether the Hawke government 'turned its back' (p.17) on the Deakin precedent or 'forgot' it (pp.19, 20). Though the 'forget' explanation is intuitively less plausible (to me), Nicholls evidently prefers it, as he writes of the Howard government also 'forgetting', in its neglect to countenance 'exceptions', that governments have mechanisms for appealing or tempering executive powers. Nicholls implies that an Australian tendency not to hold Ministerial power accountable continues, at least partly, because of a lack of historical awareness of policy alternatives. He underrates, in my view, both the intelligence and the authoritarianism of the Australian political elite.

Gwen Tavan reports on the Howard government's 2007 policy of testing would-be citizens on their knowledge of Australian customs and values. This was, in effect, a revival of a cultural-racial model of Australian citizenship. She writes that the Howard government 'failed to invoke an institutional memory, forgetting or ignoring' (p.137) that after migrants in the 1950s and 1960s had been reluctant to become citizens, the government relaxed the cultural-racial model of citizenship, in a successful effort to lift the rate at which eligible migrants applied. The quoted words equivocate on the nature of 'forgetting'. The essay nonetheless makes sense of Howard's test as post 9/11 anxiety. Some values presented as essential to *Australian* citizenship were common to liberal democracies. The test itself was the point, Tavan suggests, whatever its content, and the principal consumers of this ritual were Australians who needed reassurance that their sense of the imagined community and its values remained authoritative.

Some essays illustrate that the past is, perhaps, too fecund a resource to be 'forgotten'. In 1975, when the Whitlam government resisted accepting refugees from South Vietnam, policy-makers falsely said or implied that Australia had no tradition of accepting refugees. Klaus Neumann suggests that fear of invasion from the north overwhelmed policy-makers, though his evidence suggests that the more relevant feeling (fearful or contemptuous) seems to have been Whitlam's disdain for the erstwhile Vietnamese allies of the United States. More recently, some MPs critical of the Howard government's hostile policies towards 'unauthorised arrivals' have invoked a heritage of refugee hospitality and respect for human rights to shame the government. Howard drew on the same version of history when accusing asylum-seekers of exploiting Australia's 'decency'.

New Zealand also has many useable pasts, evident in the ways that refugees are imagined as a specific object of government. Many have taken pride in a New Zealand policy heritage of compassion (accentuated by comparison with Australia) that Ann Beaglehole considers partly justified. Yet another memory is that New Zealanders were once exclusive in their

treatment of Chinese and are now, after apologizing, inclusive of them (but apprehensive of any demand for compensation). There is a recently fostered and influential collective memory, she tells us, in which New Zealand is entirely (including Maori) a multi-cultural nation of immigrants. Her own view seems to be that the agenda of New Zealand politics is fundamentally bi-cultural and that refugees ought to be considered a specific instance of people coming to a polity ordered by the Treaty. Beaglehole's paper illustrates that policies dealing with diversity cannot help but invoke history and that more than one plausible past is available.

Some of the authors exhibit strong views about how Indigenous Australians, Maori, immigrants and refugees have been treated, and this affects how they themselves use 'history'. In her essay on Australia's immigration detention camps, Amy Nethery quotes critics who likened Australia's detention centres to Nazi concentration camps. For many writers of letters to newspapers, the worth of Australian policy boiled down to whether this analogy was accurate or misleading. She endorses the likeness, falsely claiming that migrants to Australia have been incarcerated 'not because of what they had done, but because of who they were' (p.77). Approve Australian policy or not, the legal status of detained migrants surely rests on what they have done (or neglected or were unable to do). Nethery argues that migrant detention camps are an item in an Australian carceral tradition of Aboriginal reserves, quarantine stations and alien internment camps: they each 'regulate the entry of people into Australia and the membership of people who already live here' (p.77). She is mistaken in her belief that all reserves for Aborigines were lock-ups: many reserves in remote regions were large tracts of land, on which stood missions or settlements to which Aborigines were *not* confined.

Roderic Pitty asks 'whether a political use of history constrains or facilitates adequate public policy' (p.26). By 'adequate' he means that 'genuine equality requires substantial citizenship, not cultural uniformity' (p.29). The puzzle for Pitty is that while Kevin Rudd made appropriate references to history in his February 2008 apology to the Stolen Generations, he nonetheless continued Howard government policies that Pitty considers 'paternalistic'. It is as if Rudd shared Howard's account of Australian history, in which governments have long done their best in the face of intransigent continuing features of Aboriginal society and in which the Commonwealth is under no constitutional obligation to discriminate *in favour of* Aborigines. Pitty's account thus implies that we should not assume consistency between a government's policies and its invocation of history. Pitty does not examine whether New Zealand similarly exhibits this disconnection. That is, he does not compare Labour and National in respect of their uses of history and their actual policies; he simply describes, in critical terms, Don Brash's reading of the Treaty of Waitangi as attesting Maori consent to the idea that New Zealanders are all 'one people'. With what account of New Zealand history did Helen Clark's government legitimize its approach to Treaty obligations? Pitty does not mention the Clark government as having a view of New Zealand history. Content to attack Brash and neglecting the Clark government, he fails to complete his potentially interesting trans-Tasman comparison.

J. Olaf Kleist gives examples of competing invocations of community and shared history by critics and supporters of Australia's response to the SS *Tampa's* rescue of sea-borne asylum-seekers in 2001. The policy of 'deterrence by force' called for an emphatic assertion of state power. Kleist distinguishes three references to the past in subsequent debates about refugee policy: to state power (refugees as objects of government action), to citizenship (of civil action) and to universal rights (of humanitarian action). His illustrations show these indeed to be three 'ideal types'; that is, his quotations from debates are not univocal in respect of his typology. His assertions about gross changes in Australians' perceptions seem indebted to his typology, however, and they lack supporting evidence. Kleist is concerned not only with popular perception and memory but also with the quality of policy itself. He declares Howard's *Tampa* response 'an impossible policy of pure force' (p.100). Indeed,

after enduring the chest-thumping indignities of the Pacific Solution, the *Tampa* refugees were subsequently processed, some were declared *bona fide* refugees, and some now live in Australia. In my sad, silly country, to own up to the civilities that we practise is believed to be a green light to people-smugglers.

This very uneven collection exhibits a variety of approaches to the study of the use of history in the shaping and justification of policies. As some contributors' equivocations about 'forgetting' demonstrate, the editors have not been theoretically demanding. However, there are useful essays on the recent past of Australia and New Zealand (by Beaglehole, Nicholls, Neumann and Tavan) to be found here.

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Possession: Batman's Treaty and the Matter of History. By Bain Attwood with Helen Doyle. The Miegunyah Press, Melbourne, 2009. 415pp. Aust price: \$54.99. ISBN 978-0-522-85114-4.

BAIN ATTWOOD'S EXPLORATION of John Batman's role in Australian history, his treaty and his place in settler histories of Melbourne is a monumental book, appropriate for a work which is concerned with monument as history and history as monument. It is certainly a beautiful book, superbly illustrated, designed and printed, thanks to the financial support of the Miegunyah fund. But, far more than this, Attwood largely fulfils the pretensions of the book's title in discussing the matter of history. He does this by expanding a particular event in Australian history into a much grander discussion of the way that history in that settler society has played an important part in the dispossession of Australia's indigenous inhabitants and its repossession by European migrants.

The treaty Batman supposedly negotiated between a group of Australian speculators and the headmen of the Kulin people in June 1835 has always stood out as an anomaly in the history of Australian settlers' relationships with Australian indigenous peoples. Whatever sins Batman might be accused of — and there have been many — at least he and his partners recognized that Aboriginal people had a title to the land. At the same time, many other Australians were starting the great land rush for New Zealand, hoping to buy their estates off their Maori owners. Batman and his speculators had their claims rejected by the British and colonial governments, whereas the New Zealand 'old land' claimants were rewarded limited grants.

However, Batman had another history. A note in his journal, following a boat trip up the Yarra River, stated that: 'This will be the place for a village'. This became for many of those taking possession of Melbourne the prophetic inspiration for Marvellous Melbourne, granting Batman the role, although contested, of founder of the city. The history of Batman's treaty was largely ignored, other than to show Aboriginal society giving way to European superiority, while his role in advancing the heroic possession of the land for civilization and Australian progress became paramount. Troubling details in both histories could be left out or explained away. Batman was a convict, a drunk and a womanizer. He died painfully of syphilitic complications. He probably was not even on the boat going up the Yarra and the treaty he negotiated claimed far more than anything he could have bargained for in the time available.

Concepts of possession and forgetting adapted from anthropology together provide the unifying framework for a consideration of how Batman's treaty and expedition were conceived and their later use to legitimate European claims to land ownership according to European law. Attwood explores the mixed motivations behind the treaty negotiations, showing the influence of 1830s humanitarianism and William Penn's North American treaties. He draws on a finely detailed understanding of the contingencies of Colonial Office