

Dutton should rule out separate constitutional voice on principle

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Peter Dutton is the right choice to lead the Liberal Party. This is certainly a time for a pragmatic conservative. However, as leader there are some questions of principle he and his party should not dodge.

Perhaps the most important this term is that they should oppose, in principle, the move to establish in the Constitution an elected voice to parliament exclusively for Indigenous people. Dutton is right to wait for the details of Labor's proposal, but people should make the in-principle argument against racial classifications in the Constitution or a bad and emotional decision will be made.

The main reason to oppose the voice is not conservative but liberal, the basic principle that race and ethnicity should have no place in civic status.

This is part of the tradition of Christian universalism, that race and ethnicity cannot establish any kind of religious hierarchy. St Paul declared: "There is neither Jew nor Greek, slave nor free, male and female, but you are all one in Christ Jesus." That was a religious statement with profound civic consequences. No race, no social status, no sexuality, had favour with God compared with anyone else. The individual, not the group, has an immortal relationship with God.

This universalism became the heart of Western liberalism and the basis for human equality. It goes without saying that no nation has fully lived up to the universalism and non-discrimination that is true liberalism.

In Australia, Aboriginal people were dispossessed and suffered terrible ongoing discrimination and disadvantage. I have benefited from the wisdom of Aboriginal friends. I admire and esteem Aboriginal cultures. I wish Aboriginal people every advancement and success. But I do not want racial categories added to the Constitution. There are already racial clauses in the Constitution but they do not allow discrimination, or they are not acted on at all.

The argument that First Nations status is about culture, not race, is disingenuous. If it were true, then anyone could gain First Nations status by adopting the culture and anyone could lose it by abandoning the culture. That's nuts, of course. This ghastly proposal will mean governments will have to define citizens' racial or cultural background to determine their eligibility to vote.

One of the most unattractive aspects of this debate is the way advocates intimidate opponents into silence by accusing them of racism, a lack of empathy or a range of lesser sins. No one, but no one, enjoys being accused of racism by a voice advocate. It's an extremely career-

limiting experience. Yet many advocates of this supposed mechanism of harmony will fling the vilest labels at people who simply have the temerity to disagree with them.

So let's be clear about a founding principle. It cannot be racist to insist that there be no racial distinctions in civic status, and it is entirely possible to operate from goodwill, and with full knowledge, and still disagree with the constitutional proposal.

There are two categories of argument, one symbolic, one practical. Symbolic ambition is misplaced with our Constitution. Australians don't look to their Constitution for active symbolic leadership. It contains plenty of anachronisms, but it also contains the world's best system of government. Therefore, rightly, we seldom change it.

We already live in a society rich in symbolic recognition of Indigenous heritage. When I was a kid, civic functions often began with a prayer or, if a meal, grace. Now, routinely, on aeroplane flights, at official meetings, business and other functions, we start by acknowledging the traditional custodians etc. Like saying grace 50 years ago, part of the purpose is to show how pious and religious you are. Just a different religion.

The practical argument is even weaker. As Malcolm Turnbull points out in his memoir, the biggest population of Aboriginal people lives in western Sydney. So how is it that someone identifying as Indigenous who lives in, say, Parramatta should be meaningfully consulted about policy specifically directed towards a remote Aboriginal community in Arnhem Land?

Consultation with local communities is immensely important. Value in the type of grandstanding a voice would go in for is much less clear. If there is any real practical benefit in it, set one up outside the Constitution and see how useful it is. Because it would not affect anyone's civic status, it would not import racial classifications into citizenship in the way a constitutionally mandated voice would.

It is in the nature of all modern identity politics that the symbolism is never complete, the apology never sufficient. Acts of atonement for history become performative, endless and ever more demanding. Next on the agenda will be treaties, acknowledgments of dual or multiple sovereignty, veto rights in certain policy areas and who knows what else.

The mess we are in on this partly arises from the characteristic way the Morrison government refused to deal with contentious issues. It neither did anything nor said anything. When the voice proposal was raised, then prime minister Turnbull and his cabinet considered it and rightly ruled it out on principle. The Morrison government, in characteristic intellectual abdication, never seriously took a position on it, while millions of dollars of taxpayer money was spent building support for the idea. If we get a referendum and it is defeated, the nation and history will look poorly on Scott Morrison's failure to rule a referendum out, in principle, right from the start.

It is worth revisiting Turnbull's memoirs for a fine, crisp statement of the principles that should rule out a constitutionally mandated voice. Turnbull wrote that he wasn't "comfortable with the Constitution establishing a national assembly open only to the members of one race".

He recalled his statement after the cabinet decision: “Our democracy is built on the foundation of all Australian citizens having equal civic rights – all being able to vote for, stand for and serve in either of two chambers in our national parliament ...

“A constitutionally enshrined additional representative assembly for which only Indigenous Australians could vote for or serve in is inconsistent with this fundamental principle.”

The reason to oppose the voice is not conservative at all. Certain types of conservatives might well accept the idea of different races negotiating with each other. The reason to reject it is profoundly liberal. No human being is defined by, or limited by, race. Citizenship is colourblind and the only civic status that should count. Making these changes at the height of contemporary identity politics madness is deeply ill-advised.

If Dutton can get his party to argue energetically for colourblind civic equality in the Constitution, he will have done his nation a service.

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