Colonial Mechanisms for Repudiating Indigenous Sovereignties in Australia: A Foucauldian-Genealogical Exploration of Australia Day

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Abstract

A Foucauldian genealogical approach was used to explore the historical context surrounding Australia Day social tensions. Historic Indigenous-settler relations appear central to Australia Day events. Australia Day social contestation suggests unsettlement surrounding the ways in which Australian nationhood is predicated on colonial-settler privilege and exploitation of Aboriginal and Torres Strait Islander sovereignties. While modalities of colonial-settler power are identified, so too are Indigenous forms of resistance that serve to disrupt settler privileges. The findings indicate that settler determination of Australia Day acts to preserve settler sovereignty within the national mythscape as a mechanism in the colonial project and repudiation of Indigenous sovereignties in Australia. However, Indigenous forms of resistance challenge settler constructions of the Australian mythscape and nationhood.

Keywords


Aboriginal and Torres Strait Islander peoples are known for maintaining one of the longest continuing cultures in the world and have inhabited the continent of Australia for 60,000 years or more. The colonial project of Australia was initiated in the late 18th century as an extension of British occupation (Macintyre, 2016). Australia Day is a national public holiday celebrated on January 26th – a date inextricably linked to colonisation of Australia’s First peoples (Kleist, 2017) and loss of their sovereignties (Calma, 2015). For this reason, Australia Day has recently become increasingly contested in public, academic, and political arenas. In this research, a Foucauldian genealogy of Australia Day is conducted to provide a contextual analysis to facilitate an understanding of current Australia Day social tensions.

Australia Day Contestation

Contestation surrounding Australia Day reflects the ever-changing ways a nation’s people come to regard particular expressions of culture and nationhood (McCrone & McPherson, 2009a). The central attributes of contestation revolve around Australia’s colonial history and, consequently, the injustices that impact Aboriginal and Torres Strait Islander Peoples (Busbridge & Chou, 2022). However, Calma (2015) suggests that the Australia Day tensions are an extension of the contemporary challenges with racism and social inclusion that Australia’s First people experience. Furthermore, concern is raised about whether the hegemony surrounding Australia Day practices reinforces White-settler privilege (Farrugia et al., 2018) and assimilation ideology that marginalises cultural minorities (Fozdar et al., 2015).
Like other traditions, national days are commemorative devices that reinforce national identity (McCrone & McPherson, 2009b). Australia Day operates as a commemorative linchpin to construct Australian history and identity in ways that disproportionately favours dominant settler narratives (Kleist, 2009; Lipscombe et al., 2019). This is indicative of the colonial project by which colonialism “turns its attention to the past of the colonised people and distorts it, disfigures it, and destroys it” (Fanon, 2004, p. 149), whereby “settlers’ power, their privilege, their history is vested in their legacy as colonisers” (Smith, 2012, p. 7). This is to suggest that dominant-colonial writing of history serves settlers – galvanising settler power and privilege within a society and culture of their creation.

Selvanathan et al. (2023) contend that contestation surrounding Australia Day and its celebration is embedded in how the past is perceived and rendered in connection to the present. Farrugia et al. (2018) suggest that such social constructions of Australian history and identity perpetuate Aboriginal and Torres Strait Islander oppression. For example, Farrugia et al. (2018) found that assimilation ideology was seen to underpin settler perspectives on the ‘solution’ to historical Indigenous inequalities that continue to the present-day. Simultaneously, settlers predominantly overlooked how historic injustices endowed settlers with privileges, which they personally benefit from in the present (Farrugia et al., 2018). Similarly, Lipscombe et al. (2019) found that people demonstrated a tendency to discount Indigenous perspectives and the historical oppression of Indigenous peoples, which was indicative of a fragile Australian identity and construction of history, that depends upon exiling its constituent Indigenous proponents to places of invisibility.

The research by Busbridge and Chou in its various forms (Busbridge, 2023; Busbridge & Chou, 2022; Chou & Busbridge, 2019) illuminates Australia Day social contestation as a complex intersection of power operations between public-community ideologies and systemic regulatory power dynamics between Australian’s three-tiered political governance systems (federal, state, and local). This dynamic of community members’ perspectives and systemic gatekeeping on how Australia Day is constructed within a historical and political mythscape is observed in other research. For example, Fransen-Taylor and Narayan (2018) found the National Museum of Australia’s time capsule for Australia Day and its categorisation of social media data to be (i) systematically biased toward settler narratives and (ii) omitted alternative-dissenting narratives from the collection, despite there being a substantial overlap between relevant social media handles (#AustraliaDay, #SurvivalDay, and #InvasionDay). Fransen-Taylor and Narayan (2018) conclude that Australia Day narratives that diverged from the dominant construction were omitted and erased from the mainstream mythscape via not being represented in official curated archival data.

Research Positionality

We – the authors of this paper – comprise three cis-gendered Anglo-settler women, a cis-gendered Anglo-settler man, and a cis-gendered Torres Strait Islander man. We work across cultural and community psychology, social work, and Indigenous health domains. We and this research are situated on Wadjak Nyungar Boodjar (country) within Western Australia. This locus of positionality is bounded by unconscious colonial episteme, meaning that colonialism is at the heart of our dominant cultural frames of reference, and its omnipresence ensnares knowledge, thought, and ways of being in the world (Alcoff, 2007; Smith, 2012). Like much decolonial work, we reckon with the inevitable tension of working within the colonial project for emancipation from it. We attempt to organise ourselves in ways and design our praxis to promote an ongoing critical dialogue around decoloniality and resistance to imperial modes of power (see Lipscombe et al., 2021). For this, we operate via a relational frame of reference, with an integrative reflexive relationship to one another, dialogue, discourses, and surroundings (Lipscombe et al., 2021), which allows us to contend with the omnipresent colonial unconscious. This practice enables us to operate from a cultural interface, whereby things are not clearly ‘black’ or ‘white’, Indigenous or Western (Nakata, 2007).

Methodology and Methods

We aim to explore the historical context surrounding Australia Day social tensions, using a Foucauldian genealogical approach. This approach explicates the ways in which a given phenomenon is historically contingent, which is achieved by identifying and deconstructing historical occurrences of systemic power and subjugation (Foucault, 1977, 1981).
Foucault’s genealogical analysis (1977) concerns exploring how a given object of preoccupation has become such. In this research, ‘Australia Day’ is the object of social preoccupation for which our analysis will explicate its historical contingencies. In this genealogy, we contend with discursive and pre-discursive realms to permit a contextual analysis of Australia Day to facilitate our understanding of present-day social tensions.

**Research Design**

Foucault’s genealogical methodology (Foucault, 1977, 1981, 1982, 1989) was applied to a historical research design (Lundy, 2008). For this, the researchers began by familiarising themselves with the methodology and the phenomena of interest. Once a substantive understanding of these was achieved, Foucauldian concepts and principles were applied to further guide data collection, analysis praxis, and sense-making of the phenomena (Foucault, 1981, 1982, 1989). Foucault’s principles of herkunft (descent) and entstehung (emergence) are henceforth embedded throughout subsequent sections of this paper.

**Constituent Data**

Archival data are socially, culturally, and historically bound artefacts that provide information about a given society in context (Ventresca & Mohr, 2017). Data comprised primary and secondary archival sources: primary sources being artifacts created at a specific point in time and by peoples directly involved in the respective historical events, and secondary sources being artifacts of historical events that were created after the events that the source describes (i.e. secondary sources are not created at the period of time of interest or by someone with a first-hand account of those times or events of interest) (Lundy, 2008). There were 143 instances of archival data: 71 primary and 72 secondary cases. Materials included: artifacts (e.g. letters of correspondence, cabinet proceedings, legislation, political speeches, and Aboriginal protest and petition materials); newspaper articles; books and journal articles; websites; and documents within Indigenous and Government collections. Data eligibility for collection and analysis was determined by the overarching research aim (Jones, 2010): to explicate the historical context surrounding Australia Day social tensions.

Data were purposively collected and selected per the National Archives of Australia’s (2019) advice. The Foucauldian framework (Foucault, 1989) was dialectically applied to data canvassing throughout the collection process, promoting an iterative sense-making process of the emergent events and objects of discourse. Background reading permitted an initial conceptualisation of Australia Day history to assist in generating initial search terms. From initial sources, relevant events and dates were audited and coded to generate a concept-search strategy. Data subsequently sought was scoped and sourced according to data saturation – meaning, data collation ends at the point in which emergent and novel events/categories/codes cease to emerge (Charmaz, 2014). Data scoping and coding focused on discursive and pre-discursive events, and attention was paid to their interrelationship (Foucault, 1989).

**Procedure**

The National Archives of Australia (2019) guide for researchers guided the data scoping and collection process. Firstly, background reading allowed for canvassing and collecting initial information on Australia Day and Australian history. Secondly, sourcing where data might be located (e.g. archival databases, books, journals, websites, etc.). Thirdly, searching various record collections for primary sources. Fourthly, reviewing search results and data. The aforementioned steps were conducted iteratively to comprehensively explore new emerging events/codes. Herkunft and entstehung instruments were principally adopted in integrating Foucauldian methodology due to an apparent pragmatic fit with the substantive domain and emergent data available (Foucault, 1989). We simultaneously applied a reflexive decolonial lens throughout to problematise colonial operations and take a strengths-based approach to Indigenous resilience.

Foucault’s (1977) principle of herkunft was applied, which concerned identifying and coding the dispersion of events related to Australia Day development and social tensions, and further identifying varying characteristics and qualities of discursive fields across the data. The principle of entstehung was applied, which entailed identifying and coding the play of forces, specifically regarding instances of confrontation and contestation (Foucault, 1977). Furthermore, to honour a decolonial intention, the confluence of Indigenous-settler relations was prioritised in our orientation to...
the data, with further intention to explicate the power dynamics of settlers with regard to Australia Day hegemony. Pre-discursive occurrences, events, social movements, and discursive objects (Foucault, 1982) related to Australia Day were identified. The discursive objects and events identified provided direction for further exploration of Australia Day’s historical context – to uncover how those discourses, objects, and events resonated more broadly within the Australian cultural context. Herein, identified objects, events, and relevant dates were audited, coded iteratively, and used to further purposively search and sample various online sources for relevant data.

**Data Analysis**

The intention of analysis is to allude to the conditions in which discourse, power, and knowledge depend and which come to shape how the object of interest comes to be known and understood (Foucault, 1977, 1981). Analysis began with general familiarisation of the historical context via background reading and notetaking for initial impressions (Wiggins & Riley, 2010), which was further discussed amongst the research team and insights generated. Data was scoped to identify the historical occurrences and relations of discursive and pre/non-discursive events related to the object of interest: social structures, events, and cultural practices (Foucault, 1977, 1989).

The principle of herkunft was applied, which concerned surveying and identifying the dispersion of events that relate to the phenomena and associations between those events (Foucault, 1977). It can be characterised as a descriptive exploration; sorting out the various traits of the substantive domain in terms of apparent qualities, assets, and privileges (Foucault, 1977). This principle required identifying and categorizing historical events that are endowed features of regularity within society (Foucault, 1977). The principle of entstehung was applied, which concerned explicating the play of forces, specifically in terms of instances of confrontation and contestation (Foucault, 1977). In this way, emergence allows for identifying technologies (technologies being the techniques, processes, and system(s)) that govern people through explicit classification, objectification, and subjectification processes. Here, entstehung focuses on the relationship between things – players, events, and discourses (Foucault, 1977). An additional protocol was to question the apparent discursive happenings in terms of ‘whose will does this represent’ and ‘who benefits and how’.

**Findings**

The Foucauldian-genealogical approach taken is presented as a re-telling of history that interrogates the otherwise naturalised social ‘order of things’. Findings are presented as themes in line with their respective analytic principles – herkunft and entstehung. Each theme comprises its own independent macro chronology of related events. Together, the themes illuminate interrelated and varying social movements and discourses associated with Australia Day and related social tensions.

**Herkunft: Dispersion of Australia Day Performances**

_Herkunft_ concerned tracing the everchanging characteristics and contours of discourses to explore the background of something in terms of the transmission of qualities, assets, and privileges (Foucault, 1977). This disrupts the presupposed – illuminating the complex and ever-changing nature of power relations, discourses, and knowing (Foucault, 1977). Herein, the dispersion of Australia Day performances and related events are presented.

**A White Initiative**

First journeying from Portsmouth, England, the ‘First Fleet’ sailed to Sydney Cove on January 25, and reached Port Jackson in New South Wales (NSW) on January 26, 1788. Upon arrival, Captain Phillip formally announced the settlement of the penal colony with a landing ceremony. The typical proclamation to sovereignty occurred, in which Captain Philip raised the Union Jack flag and lay Crown claim to a vast aspect of the eastern continent. Out of the many
days of significance in Australia, the date commemorating the first British settlement and proclamation of sovereignty – January 26 – was transformed into what is currently known as ‘Australia Day’.

Initially, the date emerged as a mark to recognise and commemorate the anniversary of the British settlement of the NSW colony. Accordingly, the date was referred to as First Landing Day and Foundation Day, and marked the official settlement of the penal colony in NSW. Over time, some of the British subjects who had been prisoners were liberated and, with the new freedoms, could play new social roles within the colonies. Commemorations of January 26, therefore, also represented new-found freedoms for new settlers of the NSW colony and liberated convicts.

At the approach of the centenary of British occupation in Australia, a pivotal and influential political group was formed – the Australian Natives’ Association (ANA). A primary focus for the group was national unity. The group championed the agenda of uniting the British colonies in Australia, for which commemorations of January 26 were appropriated. The marker of British settlement in NSW was reconstructed for national relevance such that January 26 emerged to represent a marker of British occupation in Australia. January 26 was hence recognised as Anniversary Day, Foundation Day, and for a brief period of time, ANA Day.

The ANA championed the movement for a united Australia, and national unity was instrumental in the federation of the six distinct colonies in 1901 to form the Commonwealth of Australia. The ANA membership was comprised solely of Australian-born men of European descent, and their initiatives serviced a narrow vision of unity. The ANA was concerned with keeping Australia White and correspondingly championed the Immigration Restriction Act 1901 (a policy comprising the greater White Australia policies). The Act allowed controlled immigration – setting up preferential treatment of migrants from Britain and the United Kingdom, and sought to disqualify non-White peoples from entering Australia. The ANA continued campaigning for January 26 as a national holiday and named Australia Day, particularly at the approach of the sesquicentennial of British occupation (January 26, 1938). With burgeoning national unity and emerging Australian identity, January 26 was concretised as Australia Day and constructed to commemorate the White-colonial advancement of a young nation.

In 1946, the ANA transformed into the Australia Day Councils that function today. Each state/territory ANA division corresponds with a respective Australia Day Council, which went on to inform Australia Day celebrations. In 1980, these state/territory branches were made official as government designation and incorporated to form the Federal Government’s National Australia Day Committee. The principal agenda of the Australia Day Councils/Committees was to educate the public about the significance of Australia Day and promote its celebration of nationhood.

Ex/Inclusion and Multiculturalism

Australia Day celebrations (and the other forms of commemorating January 26) began as events exclusive to British subjects and subsequently to European descendants born in Australia. Seemingly, there was little to no regard for Indigenous peoples and their potential for inclusion. The little inclusion experienced by Indigenous peoples was within historical reconstructions to mark the advancement of British occupation in Australia. For example, across the centenary and sesquicentennial celebrations, Aboriginal representations appeared as part of a larger historical depiction of a land ‘discovered’, ‘conquered’, and ‘tamed’ by British settlers. Across this span of time, most Indigenous people rejected participating in any events related to January 26. For example, at the time of the 1938 celebration in NSW, the official ceremony included a re-enactment of Captain Philip’s landing – which was a typical aspect of the tradition at that time. The re-enactment depicted Aboriginal people fleeing from British settlers. Aboriginal peoples from the Sydney area had either rejected participating or were deemed unsuitable. Consequently, a group of 25 Aboriginal men from the Menindee and Brewarrina reservations were used – they were transported to Sydney, confined to the Redfern Police Barracks stables until their performance, and were not paid for their involvement. The men were also prevented from interacting with local Aboriginal people and organisations.

There is suggestion that Australia Day and its celebration became relatively dormant politically and publicly between the 1940s to the 1980s. It was not until 1979 that a national Australia Day committee was established, with the

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1) The First Fleet consisted of 11 ships of 582 male convicts, 193 female convicts, and 14 child convicts, to become a British penal settlement in NSW under governance of The Crown via marine officials.
intention to shape and coordinate Australia Day events and celebrations. Multiculturalism became a central theme of the bicentenary celebration of January 26 in 1988. The theme, 'Living together' was designed to reflect multiculturalism and the emerging diversity within a changing population.

The White Australia dream headed by the ANA was slowly eroded and dismantled with the shifting political landscape. Firstly, the Australian population had begun to diversify after the Second World War. Post-war, Australia was seemingly in a precarious economic position due to its small population, significant workforce shortages, and vulnerability associated with its geographic isolation. Migration, therefore, became necessary for Australia’s prosperity – in this way, immigration discourse shifted from ‘White Australia’ to ‘populate or perish’. Accordingly, the Immigration Minister attempted to circumvent the Immigration Restriction Act, permitting European persons displaced by the war to migrate to Australia. However, an apparent political concern was prioritising migrants that would be likely to assimilate into the population, meaning passing as similar enough not to be ostracised by the Australian community based upon appearances. Initially, migrants resembled the fair-skinned beauty of Australian ideals – referred to as the ‘Beautiful Balts’ (displaced from the Baltic States). In the decades following, migration from Southern and Eastern European countries increased. In the 1970s, the White Australia Policy was rescinded, and there were increasingly more prospects for non-Europeans to migrate to Australia. Following, Australia saw mass migration: initially from Northern and Western Europe; thereafter from Italy, Greece, Lebanon, Turkey; and the Balkan region; and increasingly from Southeast Asian countries from the 1970s onwards.

It was no longer tenable for Australia Day celebrations to represent a British-Australia culture or White ideology exclusively. Multiculturalism became an object of the discourse of inclusion, compelling people to be increasingly tolerant of peoples from diverse cultural backgrounds and ethnic representations. For example, multicultural festivities occurred in the form of music and dance performances – viewed as having origins outside British-Australian culture – to be spectated upon. Additionally, focus increased around Australia Day citizenship ceremonies for migrants, with councils affirming their numbers of ‘new citizens’ entering the community.

Furthermore, newspapers and the government endorsed and encouraged eligible migrants to assume Australian citizenship as a significant status within the Australian community. People from diverse cultural backgrounds and on the margins of dominant Australian culture were invited to be publicly represented, thereby increasing their visibility in Australian society. During the 1988 bicentenary celebration, performances of multiculturalism were at tension with the pre-existing White cultural hegemony; ‘multiculturalism’ rhetoric was constructed as unfairly privileged ‘new Australians’. The aforementioned circumstances reflected underlying conflict regarding: wrestling with ideologies of ‘unity’ in a time of growing diversity and growing uncertainty of what it meant to be ‘Australian’. Similarly, the Australian Bicentenary Association attempted to include Aboriginal representation by presenting the Aboriginal flag on the Tall Ships fleet. This initially provided a forum for critical voices on Aboriginal inclusion on Australia Day. The Aboriginal community raised concerns about the lack of consultation to use the flag, and Aboriginal inclusion was disbanded due to it being too ‘politically loaded’.

Resistance for Indigenous Rights

Australia Day was found to be a lightning rod for Indigenous resistance, practically since Australia Day began to achieve national acknowledgement and relevance. In 1938, January 26 had only just become recognised as Australia Day nationwide. Additionally, the date had only then become a national marker of British occupation in Australia. The ANA had made a great effort in this regard to advertise January 26, 1938, as the sesquicentennial of British occupation and conquest. At the same time, Aboriginal resistance was expanding. For example, the Australian Aboriginal Progressive Association and the Australian Aborigines’ League were both political groups comprised of Aboriginal peoples concerned with advancing Aboriginal rights.

2) The Tall Ships were a sanitised rebranding of the First Fleet re-enactments – sanitised by the omission of the traditional Landing Ceremony performances, and the inclusions ‘multi-cultural’ representation in the form of international flags on the ships.

3) The Australian Aborigines League was founded in 1932 by William Cooper, an Aboriginal man from the Yorta Yorta nation.
The Aboriginal Progressive Association and the Australian Aborigines’ League coordinated their efforts to instigate protests on and surrounding the sesquicentennial Australia Day celebration. ‘A Day of Mourning’ was held with the intention to provoke insight within the dominant culture that colonisation resulted in harm and oppression for Indigenous peoples. This presented an alternative construction of Australia Day from celebratory to an event recognising loss, sorrow for the hardships, and inequality experienced by Aboriginal peoples due to British colonisation and ‘advancement’. The protest attempted to articulate that due to European settlement, Aboriginal peoples mourned the loss of their countries, freedoms, and sovereignty, as well as their callous treatment and deaths of their kin. An additional agenda of the demonstration was to appeal to the Australian nation to instate new laws and policies to ensure full citizen status, access to education, and equality within the community.

Reference to callous treatment and full citizenship rights reflected a range of oppressive practices and human rights violations\(^4\). Aboriginal and Torres Strait Islander peoples had not received any (formal or informal) citizenship rights upon their nations being annexed by the British while also being subject to British Crown rule. Frontier wars and massacres of Indigenous peoples began in 1794 and continued into the 1960s. Some estimates suggest that the Indigenous populations were decimated by as much as 90% between 1788 and 1900 from various causes (including the introduction of disease). In 1804 and 1816, Martial Laws were instated to sanction the shooting of Indigenous persons, meaning that settlers could kill Aboriginal people with little reason or provocation other than their appearing close to settlers’ land. Then, the Aboriginal Witness Act 1844 prevented Indigenous persons’ testimony and evidence from being admissible in court. From 1869, a series of policies were established that resulted in increased control and regulation of Aboriginal peoples by the state. As a result of the policies, many children were removed and displaced from their families, and placed in institutions – now referred to as the Stolen Generations. These policies functionally acted to use Indigenous children and adults as a slave class to European settlers. In essence, these were the circumstances and treatments that ‘The Day of Mourning’ attempted to challenge.

Aboriginal resistance on Australia Day remained relatively dormant thereafter, until the 1970s. However, advances in Indigenous rights increased momentum throughout the 1960s following the international anti-apartheid campaign. While there is some complexity and ambiguity on when Indigenous peoples were able to vote in federal elections, due to State and Territory based differences, Indigenous voting rights were concretised in 1962. Then in 1967, a national referendum resulted in constitutional reform\(^5\), endowing provisions for: (i) the Federal Government to make laws specific to Aboriginal peoples rather than these being governed by States and Territories individually; and (ii) that Aboriginal peoples would be counted in national censuses. In 1969, the government repealed Stolen Generations legislation that explicitly sanctioned the forcible removal of Aboriginal children from their families. These events are seen as markers of initial changes in the citizenship status of Indigenous peoples. Also in the 60s, Indigenous Land Rights emerged in political discourses and were a point of contestation. Land Rights concerned endowing Indigenous Australians’ rights to claim ownership back over vacant Crown land or rights to compensation – another topic that ignited Australia Day protest.

On January 26, 1972, a protest for Indigenous Land Rights took shape in the form of the Aboriginal Tent Embassy. This started with a small, organised group of Aboriginal people meeting in Sydney to plan a protest for Indigenous Land Rights, and resulted in the group driving down to Canberra to camp-out on the lawns across from Parliament.
House. The catalysts for this protest were rising tensions surrounding Land Rights. In particular, the then Prime Minister’s policy announcement rejected Indigenous Land Rights in favour of 50-year pastoral leases, which occurred on January 25. The Aboriginal campsite on Parliament lawn was termed ‘embassy’ to reflect that Indigenous peoples were effectively refugees within their own lands – lands that they were displaced from and dispossessed of. Activists argued the aesthetics of the protest to represent the living conditions of Aboriginal peoples, and raise awareness about the disparities in social wellbeing, health, and life expectancy. And while the protest began as small, the number of activists increased substantially. While there was no legal precedence, Parliament passed legislation prohibiting the Tent Embassy form from occupying the Parliament law space. On the same day, the ‘Tent Embassy was violently disbanded by police in July 1972’. The Aboriginal Tent Embassy activism brought about much visibility on the issues of Land Rights, and paved part of the way for some advancement in the ongoing contestation of sovereignty and land.

In 1988, the bicentenary celebration of Australia Day provided a conduit between British settlement and the systemic injustices experienced by Aboriginal peoples. Acknowledging 200 years of White settlement meant also acknowledging Indigenous peoples’ experiences of colonisation, which in turn permitted a platform for Aboriginal resistance. Indigenous-led protests opposing the bicentennial occasion saw the terms ‘Survival Day’ and ‘Invasion Day’ emerge. This offered a counter-narrative of Australia Day in terms of loss, mourning, and acknowledgement of dispossession, while simultaneously acknowledging Aboriginal and Torres Strait Islander peoples’ strength and resilience – much like the earlier Day of Mourning. For example, the 1988 ‘White Australia has a Black history’ campaign culminated in an all-night ‘survival’ vigil on January 26. Over 40,000 Aboriginal and non-Indigenous peoples from across the country congregated in the Sydney streets to stage the then-largest protest. Moreover, the extent of non-Indigenous presence at and in support of the protests suggested a growing solidarity with Indigenous peoples.

Demonstrations also occurred in Britain, where the bicentennial was also being celebrated with a re-enactment of the First Fleet launch in Portsmouth. The Aboriginal Land Rights Support Group prepared leaflets encouraging people to boycott the bicentennial in support of Aboriginal peoples. Partisans and London Greenpeace distributed flyers to those attending the re-enactment. Another symbolic demonstration was performed by Aboriginal activist and writer Burnum Burnum. He stood at Folkestone Beach in England, planted the Aboriginal flag in the soil, and announced a claim over the British Isles for his demonstration: “In claiming this colonial outpost, we wish no harm to your natives, but assure you that we are here to bring you good manners, refinement and an opportunity to make a ‘koompartoo’ – a fresh start” (as cited in Crawford, 2008, p. 1078). The demonstration attempted to illustrate the absurdity of the historic British claim to sovereignty in Australia.

Changing Solidarity

The initial events of Indigenous resistance were exclusively performed by Indigenous peoples. For example, attendance for the 1938 Day of Mourning was advertised as being exclusively for Aboriginal people and persons of Aboriginal blood. Only four non-Indigenous people attended the conference: two police officers, a photographer, and a reporter. Reports indicate that 100 or more Indigenous people from NSW, Queensland, and Victoria participated in the Day of Mourning conference, and over 1,000 Aboriginal people and supporters engaged in a silent march in protest following re-enactments of the First Fleet. However, this movement received some opposition from within the Aboriginal community, with David Unaipon receiving notoriety for his ‘opposition’.

Mr Unaipon wrote to the Minister for the Interior regarding the Day of Mourning protest:

This day of mourning is a huge mistake, because it is of political character. The movement is largely an emotional one, sponsored by sympathetic white people and half-casts in order to call

6) There were apparent discrepancies across secondary archival sources in respect to the past Prime Minister Gough Whitlam’s statement; some suggesting that this was in fact an Australia Day address on January 26, and others lacking in clarity. Purposive searching for primary sources confirmed that this speech was made the day preceding Australia Day and was a revealed policy announcement.

7) From this time, the Embassy has intermittently existed across from Parliament, with many attempts to have it removed. Then in 1995 the site was recognised by the Australian Heritage Commission as a significant sight to Aboriginal and Torres Strait Islander peoples, and became a permanent structure.
attention to native grievances. But the 50,000 full-blooded aboriginals will have very little part in this matter. These will stoically and silently await the coming of a new day...

And

As a representative of the race, I would like to urge that the 150th anniversary of Australia should be celebrated by the inauguration of a new programme, by which all the privileges of the dominant race should be given to blacks. The time is past to talk of segregation. Let my people come more fully into the national family... (as cited in Attwood & Markus, 2004, pp. 86–87).

Dominant media seemingly appropriated the statement to construct an essentialised form of opposition to the Day of Mourning that propagated colonial ideals. Newspapers constructed Mr Unaipon as an authority, naming him an ‘educated Aboriginal’ and ‘Aboriginal prince’ who criticised the protest for being ‘too emotional’ and ‘too political’ and having consequences for Australia’s public image abroad. Little attention was paid to the ways in which the statement advocated for the end of segregation, equality of social privileges, and acceptance of Indigenous people by the dominant Australian society.

By the 1970s, the social landscape had changed significantly, such that Indigenous resistance comprised partnership and support with non-Indigenous people. For example, while Aboriginal activists initiated the 1972 Aboriginal Tent Embassy, it attracted Indigenous and non-Indigenous supporters who joined in the efforts to advocate for Indigenous land rights. In addition to protesting, students from the Australian National University assisted with Embassy billeting and opened a bank account for the Embassy. Then, the Australia Day bicentennial saw mass collaboration between Indigenous and non-Indigenous people in a march to protest ’Invasion Day’ – i.e., opposing the Australia Day celebration itself.

Opposition to dominant constructions of Australia Day appeared as grassroots movements, primarily championed by Indigenous people, with growing support from Indigenous and non-Indigenous communities. Arguably, such movements impacted the social discourse with unanticipated change at a local community-government level in the vein of cultural sensitivity and inclusion – explicitly referencing the challenging nature Australia Day celebrations pose to Indigenous inclusion and participation. For example, in November of 2013, the Flinders Island Council of Tasmania, in conjunction with local businesses, conferred to discontinue its official January 26 Australia Day celebrations and commence supporting the Furneaux Island Festival in its place – a three-day event in January that Flinders Island Aboriginal Association Incorporated organised. Celebration of the Furneaux Island Festival commenced from 2014 onwards. These changes, however, received little national visibility at the time.

In 2016, the City of Fremantle Council consulted with local Indigenous Elders and the community about the contention surrounding Australia Day. The council decided to forgo the traditional Australia Day fireworks out of respect for the local Noongar community and in recognition of changing attitudes surrounding celebrating January 26. In addition, the Fremantle Council commenced the celebration of ’One Day in Fremantle’ as a culturally inclusive alternative to Australia Day, held on a January weekend. In the wake of Fremantle’s movement to hold an alternative celebration, there was a stark rise in the social and political contestation surrounding Australia Day and its date. This was broadly constructed in public discourse as the ‘Change the Date’ campaign and the opposition being ‘Save the Date’ of Australia Day. In the subsequent years, various councils moved to change the date in: Yarra City, Moreland, and Darebin of Victoria; Inner West, and Byron Shire of NSW; Launceston of Tasmania. While there is suggestion that some councils consulted with their local Indigenous communities with regard the decisions to abstain from traditional January 26 Australia Day celebrations, the extent of consultation is unclear. This suggests that people are becoming increasingly concerned with demonstrating solidarity with Aboriginal and Torres Strait Islander people with respect to contending with historical oppression and continuing inequalities. As such, the celebration of Australia Day on January 26 has become increasingly untenable for many – both Indigenous and non-Indigenous.
Entstehung: Australian Cultural Unsettlement and Contestation

*Entstehung* concerns explicating the play of forces; the analyst is concerned with bringing to light events and sites of confrontation and contestation (*Foucault, 1977*). Cultural unsettlement and contestation surrounding Australia Day are explored herein.

Repositioning the Day of Mourning

Following the first Day of Mourning protest in 1938, annual commemorative protests continued; however, named ‘Aborigines Day’. For this, in 1939, William Cooper – as secretary of the Australian Aborigines League – engaged the National Missionary Council of Australia to promote the Sunday before Australia Day to observe the Day of Mourning8, predominantly in church services. By 1940, the annual event was promoted as ‘Aborigines Sunday’, but later transformed into National Aborigines Day. In conjunction with the Australian Aborigines League, the promotion of Aborigines Day was a joint undertaking of the Australian Board of Missions9 and the Church Missionary throughout 1940-1950. The commemorative Day of Mourning was observed on the Sunday before Australia Day from 1940 to 1955. In 1955, the event underwent reconstruction, under the pretence that the occasion should not be solely about protest and to include the celebration of Aboriginal peoples and culture. Accordingly, the date surrounding January 26 was emerging as inappropriate as disconnection from a date of mourning was required for celebration, and Aborigines Day was moved to be held annually in July.

In 1956, the National Aborigines Day Observance Committee (NADOC) was formed to promote and oversee the celebration of Aborigines Day. Notably, the NADOC (later transforming into the National Aborigines and Islander Day Observation Committee, NAIDOC, in 1991) was predominantly comprised of non-Indigenous people from religious and government designations10. The National Missionary Council’s intention behind some of the changes to Aborigines Day was to broaden the reach/relevance of the event from beyond Aboriginal participation to the White Australian community. At the time, NADOC was framed as transforming Aborigines Day to be in line with national assimilation policies and as providing a strategy for conditioning the White community on their obligations to ‘receive the Aborigine’. Concurrently, the Federal Government provided some financial backing for the events and initiated promotion that sought to educate the non-Indigenous community on Aboriginal people – ‘education’ was primarily constructed from an anthropological standpoint and intended to incite assimilation ideology.

Despite the assimilationist agenda of National Aborigines Day, Indigenous activism leveraged this stage for their own causes, providing a national platform for Indigenous people to raise awareness over the mistreatment of Aboriginal and Torres Strait Islander peoples. Speeches addressed issues of Indigenous citizenship, racial discrimination and segregation; and the inconsistencies between the mistreatment of Indigenous peoples and Australia’s alignment with the Universal Declaration of Human Rights. NADOC led to initial relationship building between Indigenous and non-Indigenous community members throughout the 1950s and 1960s. Indigenous campaigning at these events was seemingly instrumental in the growing awareness of the dominant Australian public on the inequality and marginalisation experienced by Indigenous Australians. Accordingly, Indigenous participation throughout the 1950s and 1960s was influential in advocating for constitutional change and foundational to the 1967 referendum.

While NADOC literature often reflects the origin of the event as beginning with The Day of Mourning and Aboriginal rights activism of January 26, 1938, literature on Australia Day rarely demonstrates its relationship with historic Aboriginal activism. While NADOC events have assisted in furthering Indigenous interests on a national scale, its origins and association with protests on Australia Day are rarely considered. Furthermore, settler agendas and political governance underpinned the transformation of ‘Aborigines Day’ to NADOC and has fostered a disconnection

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8) The first Aborigines Day having been announced by Mr Cooper to be observed on the Sunday before the first Day of Mourning.

9) Established by the then Church of England in Australia; active between 1850-1995, thereafter known as the Anglican Board of Missions – Australia. The aim of the Australian Board of Mission was to support the material, social, and spiritual needs of Indigenous peoples.

10) It wasn’t until 1974 that the NADOC committee comprised solely of Aboriginal members for the first time. In the following year, the event was transformed from a single day to span a week – first to second Sunday in July – to better promote Indigenous culture, traditions, and achievements. In 1984, NADOC put forward that National Aborigines Day be made into a national public holiday, which has not been supported.
of Aboriginal resistance as juxtapositioned to Australia Day. The repositioning of The Day of Mourning and Aborigines Day from its original tether to Australia Day seemingly functions to delegitimise contemporary Indigenous resistance and counter-narratives directly related to Australia Day.

A Seat at the Table

In 2017, delegates from the First Nations National Constitutional Convention released the Uluru Statement from the Heart11, which recommended that First Nations voices be constitutionally enshrined. The implications being that this would permit Indigenous representation and voice in Commonwealth Parliament that would advise Parliament on legislation relating to Indigenous Australians, as historically and systemically such decisions have been governed by settlers and settler interests. The then Prime Minister, rejected the recommendations made and Indigenous sovereignty. Advocacy for First Nations voice in Parliament has been an enduring tenet of Indigenous activism. For example, the 1938 Day of Mourning protest was an extension of a greater performance of Indigenous resistance. Prior to this, the Australian Aborigines League had been advocating Parliament for Aboriginal representation at State and Federal Parliament levels, which could be elected by the Indigenous population for the purposes of influencing the decisions and legislations that would impact Indigenous peoples. This campaign commenced as early as 1933; however, it was met with dismissal by the Commonwealth Government at various points of Cooper’s political engagement. This seemingly incited Cooper to pursue a petition to The Crown in the vein of Indigenous voice in Parliament.

The September 1937 petition was submitted to the then Prime Minister for transmission to the King. Parliament rejected the petition, stating that the constitution precluded the Commonwealth from making legislative provisions to permit Indigenous representation in Parliament. Two months after submitting the petition, Cooper in cooperation with the Aborigines Progressive Association, announced the Day of Mourning protest. By March 1938, the Government rejected the petition and forwarded it to the King. The Australian Aborigines League continued correspondence on the topic of Indigenous rights and government representation with Parliament into the late 1940s, to little avail. Similarly, issues of Indigenous sovereignty were again raised during the 1972 Aboriginal Tent Embassy protest.

Australian Identity

Australian identity presents as an ever-changing object caught up in the performances of Australia Day. Initially, the date and emerging celebrations of Australia Day were reflective of the First Fleet landing in NSW. When the ANA came to appropriate January 26 for intentions of national unity, other States and Territories initially regarded the occasion as only significant for NSW. The convict origin of the NSW colony was resented by other colonies and seen as shameful. From the centenary onward, convict representation in the origin narrative of Australia was omitted and erased in favour of constructions of British-Australian ‘advancement’, ‘achievement’, and ‘progress’. This corresponds to a construction of making or ‘birthing a nation’, of which the subjugation of Indigenous peoples was represented as an extension of or necessity.

The cultivation of January 26 for national significance ignited national relevance for Indigenous people in Australia, and Indigenous resistance for national civil rights was inspired. This simultaneously represents a challenge to the dominant construction of White Australia, with advocacy for Indigenous inclusion into nationhood. However, those efforts of Indigenous voice on Australian identity were incidentally deferred and silenced by the partnership with White church groups, whose inclusion fostered the repositioning of the Day of Mourning ceremonies.

Nationhood and Australian identity continued to transform amongst a background of global change and migration. Following the World War II migration program (commencing in 1945), Australian citizenship was created; its development being intertwined with immigration since Australia’s Federation. Prior to this, the people of Australia constituted British subjects. The Nationality and Citizenship Act came into effect on January 26 of 1949 formalising provisions for Australian citizenship. Subsequently, British subjects were encouraged to take up Australian citizenship. And in this way, an Australian identity more distal to the British origin was fostered.

11) Over a six-month period, 16 Indigenous and non-Indigenous, appointed by the government and opposition, engaged with over 1,800 Aboriginal and Torres Strait Islander peoples throughout Australia, to arrive consensus detailed in the Statement.
At the approach of the bicentenary, a litany of changes regarding Australian identity appears. A British-centric identity was increasingly eroded. For example, in 1984 Australian citizens were no longer regarded as British subjects, and the national anthem was changed from ‘God Save the Queen’ to ‘Advance Australia Fair’. Additionally, political policies and discourses advocating for multiculturalism emerged while previous discriminatory restrictions on immigration were dismantled. However, assimilatory mechanisms appear deep to the litany of progressive multiculturalism. For example, at the bicentenary celebration of Australia Day, it was decided that the traditional re-enactment of Captain Philip’s landing was unsavoury in the context of fostering Indigenous inclusion in the event, and as such, was omitted from the formal ceremony. The ‘First Fleet’ is repackaged as ‘Tall Ships’ to represent increasing migration from all over the world.

The multiculturalism movement received opposition at the time, and at the approach of the twenty-first century, the rise of multiculturalism in Australia re-emerged as a threat to nationhood. Multiculturalism was constructed as a threat to national unity. To manage the increasing cultural-ethnic diversity of Australia, the Howard government propagated an assimilatory agenda, as the then Prime Minister stated:

Well, there’s every reason to try and assimilate, and I unapologetically use that word, a section of the community, a tiny minority of whose members have caused concern and after all once somebody’s become a citizen of this country the best thing we can do is to absorb them into the mainstream. (as cited by Koleth, 2010, p. 34).

A part of this agenda was the introduction of a compulsory citizenship test, interview, and essential readings, as well as changes to the requirements of candidates eligible for citizenship. For example, increasing the number of years one had to maintain permanent residence status. The test comprised 30 questions to assess knowledge of Australian history, culture, and values. The English language was deemed essential for migrants’ participation in Australian society, and as such, the test was only based on English to assess this. The successive government sought to reduce some of the barriers to citizenship with regard to citizenship testing; however, the results bared minor (yet also meaningful) changes, such as: changing some of the testable content; reading and testing materials being written in lay speech, and testing exemptions for those suffering from significant trauma prior to arriving in Australia. Ceremony is held whereby ‘new Australians’ make their citizenship pledge to the country and are welcomed into the Australian community – the most predominant day for citizenship ceremony being Australia Day.

Citizenship ceremonies and ‘new Australians’ appear to be markers of diversity and multiculturalism in dominant Australian culture. The ritual of performing citizenship ceremonies on January 26 commenced in 1949 and continues into present-day Australia Day proceedings. January 26 is just one date that many councils choose to hold one of several citizenship ceremonies throughout the year. However, the citizenship ceremonies have become a mechanism for governance that seemingly aims to maintain a monoculture of Australia Day traditions. For example, political backlash attempting to quash the ‘Change the Date’ of Australia Day movement resulted in the former Prime Minister Malcolm Turnbull removing the ability for several councils to officiate citizenship ceremonies in response to the changes that those councils made (for example, the alternative or non-celebration of Australia Day). Following this, in 2019, the Immigration Minister updated the policy that dictates how citizenship ceremonies are conducted. The Immigration Minister noted, “at the moment there is no requirement for councils to hold citizenship ceremonies on Australia Day” (Dalzell, 2019, para. 6), which the policy sought to amend. The Prime Minister stated on the release of the policy, “I think people want Australia Day to be Australia Day, it’s for all Australians” (Dalzell, 2019, para. 10). The policy legally sanctions the Federal Government’s right to strip councils of their rights to hold citizenship ceremonies if the council does not perform ceremonies on Australia Day, January 26.

Discussion

This contextual analysis on the history of Australia Day illuminated significant psycho-social barriers embedded within Australian society that serve to maintain settler privilege and repudiate Indigenous sovereignties. The contestation of Australia Day reflects antinomy between Indigenous and settler sovereignties. From these findings, we reason that
setter sovereignties are galvanised by dominant Australia Day activities and rhetorically function to deny Indigenous sovereignties within the Australian mythscape. These tensions are elaborated upon below.

The Australian Mythscape and Construction of Settler Sovereignties

Australia Day has underpinned the continuing reconstruction of the Australian mythscape, that functions to maintain settler privilege as penultimate to ‘Australian-settler sovereignty’. Colonial modalities are apparent within how Australia Day has been instrumental in asserting settler sovereignty over the continent of Australia. This is illustrated by the date and remembrance of Australia Day being directly related to the British assertion of sovereignty and the non-recognition of existing Aboriginal and Torres Strait Islander nations. Thereafter, Australia Day was instrumental in uniting the colonies and constructing nationhood; however, this was based within a White patriarchal ideology of nationation. Additionally, citizenship and ‘citizenship ceremonies’ were linked to Australia Day for a commodification of ‘Australianness’ that functions to compound nationalism and settler sovereignties throughout threats of social change. Furthermore, upon social change and increasing recognition of the colonial impacts on Aboriginal and Torres Strait Islander peoples, Australia Day has been reconstructed in sanitised forms to further a myth of a ‘peaceful’ settlement and ‘nation-making’ of Australia.

Continuation of Australia Day in the face of ongoing Aboriginal appeals for changes is indicative of ‘motivated forgetting’, whereby information that is potentially embarrassing, threatening, or painful is avoided and disremembered (Rotella & Richeson, 2013). Colonial techniques for disremembering are evident in repositioning the Day of Mourning to be disconnected from Australia Day. It is evident that past and contemporary impacts of colonisation are predominantly disremembered in the Australian collective psyche. To this end, Australia Day has historically been imbued with rhetoric that concretises settler agendas, privileges, and sovereignties, while justifying and minimising the harm inflicted upon Aboriginal and Torres Strait Islander peoples for the colonial project. Furthermore, multiculturalism and inclusion discourses surrounding Australia Day seemingly operate as an instrument for virtue signalling around the dominant culture’s tolerance and inclusion of ‘the other’. The rhetorical function of such performances soothes the settler psyche through a false impression of inclusion and egalitarianism. Herein, inclusion is something that occurs on the terms of the coloniser and political agendas to safeguard the status quo of systemic colonial-biased power dynamics.

Indigenous Sovereignties

Indigenous peoples have participated in and performed actions of resistance as an Australia Day tradition since the day and date gained national relevance. In this way, Australia Day presents as a time for contending with the historic and systemically perpetuated issues of injustice and inequality faced by Indigenous peoples. Colonialism imposes the conditions of possibilities – structuring social practices – by which the lives of those colonised are subverted to comply while the livelihoods of colonisers remain relatively undisrupted (Fanon, 2004). The contestation surrounding Australia Day thus illuminates unresolved issues of Indigenous exploitation and land dispossession, which pose a threat to the existing national identity and cultural hegemony. Herein, Indigenous voices and acts of resistance continue to bring to the forefront for the national mythscape to denote the implications of the Australian colonial project and attempt to reckon with the colonial order.

This research finds that deep to the various forms of Indigenous resistance supporting Australia Day is the assertion of Aboriginal and Torres Strait Islander sovereignties, needs for justice, and self-determination. The tenets of Indigenous resistance intrinsically evoke questions concerning “is the [settler] state’s claim to sovereignty legitimate?” and “what forms of policy and governance can legitimately be enacted over Indigenous peoples by the colonial state?” (Nakata, 2020, p. 338). In this way, Indigenous acts of resistance call into question the legitimacy of ‘Australian sovereignty’ and challenge the status quo of colonial power dynamics in Australia. Australia Day social tensions incited by Indigenous resistance promote opportunity for pedagogical and transformative social learning through bringing into question the unconscious assumptions that society functions upon (Kluttz et al., 2020). Herein, Indigenous forms of resistance are calls for justice in the form of determining mechanisms for transferring power from the colonial doctrine to Aboriginal and Torres Strait Islander peoples, and further disrupts dominant settler narratives regarding the Australian mythscape.
In advancing the cause for Indigenous sovereignties, continuous scepticism over settler positions is needed. For example, support for changing the date of the Australia Day may be underpinned by settler’s preoccupation with innocence and an interest in distancing the settler identity from colonial guilt (Johnston, 2022; Selvanathan et al., 2023). The concern herein is that the preoccupations of well-meaning settlers with being the ‘good settler’ may paradoxically undermine settler accountability through performative virtue signalling in lieu of genuine repatriations for Indigenous livelihoods and lands (Tuck & Yang, 2012).

Research Caveats and Directions for Future Research

Coloniality is a globalised issue that largely relegates First Nations peoples’ ways of knowing, being, and doing to a place of non-reconditioning and invalidation via epistemic violence (Santos, 2016). Aboriginal sites of memory and knowing tend to be systemically subsumed under Western categorise of knowledge, particularly within media representation (Banerjee & Osuri, 2000). Research has found the systematic omission of materials representing dissenting Australia Day narratives while maintaining archives that support a Western colonial agenda of nation-making with respect to Australia Day (Fransen-Taylor & Narayan, 2018). There is a systemic lack of value for Indigenous knowledges further perpetuates hierarchies of knowledge and knowers that disenfranchise Indigenous peoples in service of the colonial project (Alcoff, 2007). While this research unearths a counter-narrative to dominant constructions of nationhood, there exists a colonial yoke over the access and construction of information and academic traditions of research that limits the depth and quality of decolonial research intentions. For this reason, research should seek to explore and expand Aboriginal and Torres Strait Islander sites of memory under authentic cultural categories of knowledge as a means of de-centring the Western-colonial lens, particularly for sites of Indigenous-settler relations. Furthermore, research should explore methodological innovations of applying Indigenous and decolonial methods to research designs to further contend with epistemic colonialism.

Conclusion

The genealogical approach taken provided a unique deconstruction of Australia Day and the historical conditions in which the tradition and its contestation have emerged. Australia Day is presented as a historic event, strategically monopolised to serve political agendas to construct and naturalise a settler national identity. The findings illuminated the robustness and resilience of settler colonialism across time and changing social contexts in Australia, despite ongoing Indigenous resistance to colonial power. Indigenous resistance functions to disrupt existing power dynamics that are contingent upon settler narratives. These acts of resistance serve to assert Indigenous narrative sovereignties, which intrinsically challenges the fragile mythology of settler sovereignty in Australia.

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