



# The re-emergence of wardship: Aboriginal Australians and the promise of citizenship



Kate Coddington

Durham University, Geography Department, Science Site, Lower Mountjoy, Durham DH1 3LE, UK

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## ABSTRACT

In this paper, I suggest that the category of 'ward,' a designation used for Aboriginal Australians in the 1950s and 1960s, has re-emerged in contemporary Northern Territory (NT) life. Wardship represents an in-between status, neither citizens nor non-citizens, but rather an anticipatory citizenship formation constructed by the Australian state. The ward is a not-yet citizen, and the deeds, acts, and discourses that define the ward's capacities to act as a political subject can maintain their anticipatory nature even as people 'achieve' formal citizenship. Wardship can be layered on top of citizen *and* non-citizen status alike. Rather than accounting for the grey areas between 'citizen' and 'non-citizen,' therefore, wards exist beyond this theoretical continuum, demanding a more nuanced accounting of political subjectivities and people's relationships to the state.

I trace the emergence of the category 'ward' in the 1950s and 1960s in Australia and its re-emergence for Aboriginal Australians impacted by the 2007 Northern Territory Emergency Response legislation. The promise of citizenship offered by the status of 'ward' is built upon expectations about family life, economic activity, and appropriate behaviour. These assumptions underscore an implicit bargain between individuals and the state, that neoliberalised self-discipline will lead to both formal citizenship rights and a sense of belonging. Built-in impediments, however, ensure that this bargain is difficult, if not impossible, to fulfil.

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## 1. Introduction

In 1961, a judge from Darwin, Australia heard the case of three Aboriginal men who petitioned the state for full citizenship. Classified because of their race as 'wards of the state,' the men argued that their lifestyle made them good candidates for citizenship. As proof, they offered specific behaviours, such as using knives and forks at the dinner table, sleeping in beds, and attending schools. The judge was sceptical, maintaining that they wanted citizenship rights to gain access to alcohol. "Yes," answered one of the petitioners, "but not only that—I want to live the right way." Despite his assurances, the judge determined that the case be dismissed; the men were "in need of the benefits of wardship" (1961). The case of the three Aboriginal petitioners illustrates the gulf between the full citizenship held by white Australians and the promise of citizenship offered by the category of the 'ward.' Wardship was framed as a gateway to potential citizenship, government pamphlets

declared, as long as Aboriginal people were determined to assimilate, to become "accustomed to living in houses," and to acquire jobs within "the white man's world" (Department of Territories, 1967; Minister for Territories, 1957). Yet even as the Australian government promoted a shared civic culture, racialized categories still drove policy, and the 'Australian way of life' was fundamentally a white one (Davis & Watson, 2006; Connor, 2006; Haebich, 2007; 1959).

This paper focuses on the category of the ward and how its promise of citizenship limits political subjectivities. I trace the emergence of the category 'ward of the state' in the 1950s and 1960s in Australia and what I argue is its re-emergence in contemporary Northern Territory (NT) life. Aboriginal Australians impacted by the 2007 Northern Territory Emergency Response (NTER) legislation grapple with the re-emergence of wardship, the promise of citizenship without its eventual fulfilment.

Wardship represents, as I argue in this paper, an in-between status: wards were neither citizens nor non-citizens, but rather an anticipatory citizenship formation constructed by the Australian state. By citizenship, as I elaborate below, I mean the formation of

E-mail address: [Kate.coddington@durham.ac.uk](mailto:Kate.coddington@durham.ac.uk).

political subjects, their capacity for making rights claims, as well as their *capacity to govern themselves* and the *discourse that defines such capacities* (Isin, 2012, p. 568). The ward is a not-yet citizen (Manderson, 2008), and the deeds, acts, and discourses that define the ward's capacities to act as a political subject can maintain their anticipatory nature even as people 'achieve' formal citizenship. Wardship can be layered on top of citizen and non-citizen status alike. Rather than accounting for the grey areas between 'citizen' and 'non-citizen,' therefore, wards exist beyond this theoretical continuum, demanding a more nuanced accounting of political subjectivities and people's relationships to the state. I argue furthermore that wardship is built upon expectations about family life, economic activity, and appropriate behaviour. These assumptions underscore an implicit bargain between individuals and the state, that neoliberalised self-discipline, 'living the right way,' as the Aboriginal men promised, will lead to both formal citizenship rights and a sense of belonging. Built-in impediments, however, ensure that this bargain is difficult, if not impossible, to fulfil.

I begin the paper by outlining my research methods, and theoretically framing my discussion of citizenship. After describing the creation of wards in the 1950s, I argue that the 'problem' of the Aboriginal family was central to the construction of wardship as *anticipatory* citizenship, and behaviour modification offered, theoretically if not practically, a way for wards to prove their citizenship potential. I then argue that wardship re-emerges within the contemporary suite of NTER policies that were implemented in 2007 in the Territory. The NTER reveals the precarity of Aboriginal Territorians' claims to citizenship, again focusing on the problem of family life as central to their inability to achieve full citizenship. Aboriginal Territorians are once again tasked with behaviour modification in order to claim full citizenship. I conclude by considering the possibility of citizenship as a radical claim to belonging.

## 2. Methods

My analysis is based on a combination of historical and ethnographic research undertaken in Darwin, Australia between November 2011 and March 2012. Information about the ward era is primarily derived from archival research in the NT collections of the Northern Territory Parliamentary Library and the Charles Darwin University Library, as well as the Darwin City Library. I prioritized sources unavailable elsewhere, including books, newspapers, government documents, and media publications covering topics including Aboriginal issues, Intervention policy repercussions, local advocacy, and Darwin and NT history. While the majority of this analysis is based on historical and publicly available documents and secondary sources, I also conducted semi-structured interviews on related issues that raised questions about citizenship and belonging that directly informed the analytical framework constructed here. As I describe in detail elsewhere (Coddington, 2017, p. 315), Aboriginal residents of Darwin were *not* interviewed for this study, as the continued push for residents' stories of trauma and the intensive scrutiny of outsider scholars on Northern Territory Aboriginal groups after the NTER raised extremely problematic issues of voice and the continued "colonial reach of social science research practices." As a non-Australian, non-Indigenous outside researcher, my research engagement was always conditioned by the continued settler colonial drive for research about Aboriginal Australians, and boundaries about subject matter, source material, and participant observation were continually re-drawn throughout the research process to reflect my ongoing concerns with my own positionality (see for more detail Coddington, 2017).

However, interviews with Aboriginal advocates, local historians, members of community organizations, members of local

governments, and other interested parties are important to credit as they raised issues of how NTER policies challenged Aboriginal claims to citizenship, legal rights, and belonging. The conceptual push to compare NTER and ward-era policies is directly drawn from interviews, which also helped me develop new ideas for connections to investigate in the archives—particularly the gendered and infantilising nature of NTER policies, and how these were reflected in historical practices—and were especially insightful in considering the embodied implications of NTER policies, including the effects of the BasicsCard for everyday life and the NTER's implied critique of Aboriginal culture.

While interviews prompted questions and shaped the direction of analysis, this piece relies on secondary sources, public events, and independent media sources rather than work with the content of interviews themselves. Indeed, the originality of this analysis is derived in larger part due to the analytical framework I construct, and how the concept of anticipatory citizenship plays out across two eras of settler colonial policy making described through a range of existing documents. Together, the variety of sources allowed me to focus and prioritize research findings, triangulate them for greater internal consistency, and juxtapose the very different histories and contemporary life of NT Aboriginal communities to highlight the connected regimes of not-quite-citizenship described here.

## 3. A framework for citizenship

T. H. Marshall's influential essay "Citizenship and the Social Class" (Marshall, 1950) describes citizenship as membership or status that becomes connected to a specific nation-state territory (McMaster, 2003). Some scholars argue that citizenship as a concept provides the link between the 'blood' of individual subject bodies and the 'soil' of sovereign territory, connecting the living body to the sovereign one through the idea of birthright (Wadiwel, 2006). This relationship literally gives life to sovereignty: as De Genova (2010b, p.51) argues, citizenship becomes a site of both entrapment and struggle, where subjects become "ensnared" in the "state project of producing people in its own image."

Citizenship is increasingly also understood as constituted through social practices such as mobility (Painter & Philo, 1995). A focus on social practices such as mobility is part of larger trajectories of work that focus on the fragmentation and social construction of citizenship, including Painter and Philo's (1995, p.111) on people *within* national boundaries who did not exemplify national ideals; Kurtz and Hankins (2005) emphasis on the messy social practices of lived citizenship, not properly captured by either the 'membership' or the 'practices' approach to study; and Ho's (2009, p.801) exploration of the fractured, contingent nature of citizenship through a turn to emotions, where that emotional citizenship represents a "intimate scale of identification."

Of course, the idea of citizenship, many authors note, is inextricably bound up with the creation of a 'non-citizen' through processes of difference and othering. Although scholars have traditionally emphasized the *exclusionary* processes of creating the non-citizen, recent approaches stress how logics of othering simultaneously produce a citizen and non-citizen *together* (Cresswell, 2009). Studies that focus on non-citizens as the cast-off 'other' may also miss finer grained distinctions, such as the migrant (Gilmartin, 2008) or 'shadow citizen' (Cresswell, 2009) struggling for rights within national territories, or the Canadian Aboriginals who become legal 'strangers' in their native lands (Valverde, 2010).

Even as scholars attempt to broaden understandings of citizenship, Isin (2012) argues that many maintain a conceptual over-reliance on the nationality-state-citizenship apparatus that maintains the 'fiction' of citizenship as a European invention, deeply

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