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# Symptomatology and Racial Politics in Australia

Ian Buchanan

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**Riassunto** *Sintomatologia e politica razziale in Australia - Jindabyne* (una pellicola girata da Ray Lawrence nel 2006) si apre con l'uccisione di una giovane donna aborigena; tuttavia il punto su cui questa pellicola effettivamente si concentra è il modo in cui la gente reagisce a questo delitto. Per questo motivo, questo film ci dice molte interessanti verità sui rapporti interrazziali nell'Australia di oggi. La mia proposta è quella di leggere *Jindabyne* come un'utile allegoria nazionale (nel senso dato a questo lemma da Jameson); il film è una mappa o una cartografia che ritrae i luoghi comuni politici e culturali nella fase storica attuale. Al fondo della mia ipotesi sta il fatto che non possa essere solo una coincidenza il fatto che *Jindabyne* dia un tale spazio al problema dell'apologia culturale in questa particolare congiuntura della storia australiana. Anche se questo aspetto del film ha avuto poco risalto in alcune delle recensioni che ne hanno accompagnato l'uscita, mi colpisce il carattere sintomatico della tempistica: si tratta di un tema che, come una volta Deleuze ebbe a dire a proposito della differenza, era già nell'aria. Prodotto solo due anni prima dell'apologia nazionale ufficiale del primo ministro australiano Kevin Rudd agli indigeni d'Australia il 13 febbraio 2008, *Jindabyne* risponde a un complesso insieme di problemi culturali che erano all'ordine del giorno della politica nazionale dal 1995, quando fu reso noto *Bringing Them Home*, il rapporto della Commissione sulle Pari Opportunità e sui Diritti Umani relativo all'inchiesta di carattere nazionale vertente sulla cosiddetta "Generazione Rubata".
PAROLE CHIAVE: Razza; Politica australiana; Diritti degli indigeni; Allegoria nazionale; Gilles Deleuze e Felix Guattari.

**Abstract** *Jindabyne* (a movie directed by Ray Lawrence, 2006) begins with the murder of a young aboriginal woman, but its real focus is the way people respond to this murder. In doing so, it tells several interesting truths about race relations in Australia today. I want to suggest that *Jindabyne* can usefully be read as a national allegory (in Jameson's sense of the word). It maps or diagrams the cultural and political tropes of the present moment in history. My basic hypothesis is that it cannot be a coincidence that *Jindabyne* should give such prominence to the cultural problematic of the apology at this particular juncture in Australia's history. Although this aspect of the film is scarcely mentioned in any of the reviews that accompanied the film's premier, it strikes me that the timing is symptomatic: it is a topic that as Deleuze once said about difference was very much in the air. Produced only two years before the official national apology the Prime Minister of Australia Kevin Rudd made to the Indigenous peoples of Australia on February 13, 2008, *Jindabyne* responds to a complex assemblage of cultural problematics that have been on the national political agenda ever since the release in 1995 of *Bringing Them Home*, the Human Rights and Equal Opportunity Commission's report on its national inquiry into the so-called "Stolen Generation".
KEYWORDS: Race; Australian Politics; Indigenous Rights; National Allegory; Gilles Deleuze and Felix Guattari.

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> The world is a set of symptoms whose illness merges with man.
>
> Gilles Deleuze, *Essays Critical and Clinical*

## Deleuze's "clinical" method

IN THIS ONE TANTALISING SENTENCE Gilles Deleuze sets forth an entire program of study and though he would turn to it again and again he never tackled it in anything like the same systematic manner he approached his other projects.[1]

I would argue *Essays Critical and Clinical*, which appeared two years before his death, is more a tacit admission of failure than the summation of a project it pretends to be. The essays it collects, which were written over the span of a couple of decades, make two things very clear: first, the notion of "the clinical" preoccupied Deleuze for a long time – it underpins his early books on Proust and Masoch and is central to his interest in Kafka (his passion for Proust and Kafka was shared by Guattari, an important point of commonality between them rarely if ever mentioned); second, despite several attempts to deploy the notion of "the clinical" for critical purposes, Deleuze never succeeded in overcoming the project's principal theoretical problem, namely the problem of causation.

Perhaps like the clinicians he mentions, such as Roger and Parkinson, who identified diseases but never solved the question of their causation, it is enough for him that literature is able to make us aware of certain cultural "syndromes" and there is no need, or indeed any expectation that they should also disclose the causes of these syndromes.[2] But my sense is that Deleuze *was* interested in the problem of causation – there are several passages on it scattered throughout his work, particularly his collaborative work with Guattari – he just didn't figure out how to solve to his satisfaction.[3] In this sense, the clinical project should be regarded as incomplete: it is an encounter with a problem, but not yet a full scale engagement with a problem. It is as much a problem *with* his work as it is a problem *in* his work.

Problems in a work are not necessarily flaws, however, and it shouldn't be thought that my purpose in saying that the clinical project is problematic is intended as a critique. On the contrary, it is actually a way of saying that the clinical project is still worth thinking about. And I don't mean this as the proverbial backhanded compliment.

As Deleuze argues in *Difference and Repetition*, the first of his books in which, by his reckoning, he *did* his own philosophizing, problems are not simply there to be solved, after which they disappear. He describes this view of them as an illusion and argues that it reduces problems to phantoms. This in turn has a pernicious effect on the whole of thought, he argues, because it casts thinking (together with the truth and falsehood that thinking adduces) as an activity that only commences with the search for solutions.

> According to this infantile prejudice, the master sets a problem, our task is to solve it, and the result is accredited true or false by a powerful authority. It is also a social prejudice with the visible interest of maintaining us in an infantile state, which calls upon us to solve problems that come from elsewhere, consoling or distracting us by telling us that we have won simply by being able to respond.[4]

In saying this, Deleuze's aim is to establish the notion that problems are neither provisional nor contingent; they are not some arbitrary hurdle that the solution dissipates more or less magically, there only to prop up the solution that never budges from centre stage. Instead, Deleuze wants to position problems as the very source of truth in philosophy – they are «at once both the site of an originary truth and the genesis of a derived truth».[5]

My point is that the fact Deleuze posed an interesting and remarkable problem he couldn't solve does him no discredit. The onus is on us as inheritors of his legacy to continue with this project and see if the problem cannot be made to yield a solution and still more truth.[6] As I will try

to show in what follows, there are several good reasons why we should want to do this.

Deleuze's "clinical" hypothesis is that the literary text can be read as a kind of symptomatology of the world in which it is produced. Rather than revealing an author's neuroses, which is how psychoanalysis generally treats literature, Deleuze's hypothesis is that the work is the writer's diagnosis of the world – Deleuze will even go so far as to say it is their indictment of the world.[7]

By the same token, the writer doesn't use the work to represent the world's neuroses; that's not how art is made according to Deleuze. The artist doesn't make their art by trying to say in a direct way what's wrong with the world – this would lead to bad, conceptual or programmatic art in Deleuze's view. Neither the writer nor the work can be treated as "patients" Deleuze argues, and in that sense they cannot be "psychoanalysed".

Texts and authors have nothing to tell us about themselves, or how they were formed, they have no history (in the psychoanalytic sense). They can only speak to us about how they function and the world which produced them. Texts have surface, but no depth, which is why Deleuze often describes the analysis of texts as cartography. For authors, if they are great, are more like doctors than patients. We mean that they are themselves astonishing diagnosticians or symptomatologists.[8]

The work of art doesn't exhibit symptoms in the manner of a patient or a "case", rather it isolates, identifies, and tabulates symptoms in the manner of a clinician or, what amounts to the same thing for Deleuze, a cartographer.[9] Symptoms are the contours of the world, its grooves, its hills and valleys, its diagram, as Deleuze also puts it.[10]

This is especially true of authors like Masoch and Sade, whose work appears to be merely the outgrowth of their own peculiar sexual fantasies. To fail to appreciate that these authors, to focus only them for a moment, have something essential to tell us about Masochism and Sadism is, Deleuze argues, to neglect «the difference between the artist's novel as a work of art and the neurotic's novel».[11]

## Symptoms and allegory

Deleuze never discussed how symptoms are produced – I want to suggest that Fredric Jameson offers an answer to this question: history. In *The Political Unconscious*, which Jameson admits to being inspired by Deleuze and Guattari's *Anti-Oedipus*, Jameson proposes that all literary works are allegories of their time, by which he means it is only by reconstructing the historical context in which the works are produced that we can fully understand them. By context Jameson means the intellectual currents of the times as well as the particular events and day to day circumstances.[12]

History, as Jameson sees it, is an active force that every writer has to confront, so the choices they make in confronting that force – choices to do with how they construct their characters, the shape of the narratives, down to the style of their sentences – are symptomatic of the times because they way writers choose to confront history changes with time. Jameson's authors are thus every bit as much clinicians as Deleuze's, they are constantly producing symptomatologies, tabulating syndromes and taking the temperature of their times (to borrow Jameson's own analogy), the difference being that Jameson does not shy away from the question of causation.

In what follows, then, I want to splice Deleuze's clinical hypothesis with Jameson's and explore the critical possibilities of that fusion in relation to the Australian film *Jindabyne* (2006), which in my view is one of the most interesting creative works dealing with race relations in Australia. It is important, in my view, because its way of dealing with race is to examine ordinary Australians and more especially recent migrants assimilating themselves to Australian ways of living being almost casually racist, that is racist without a conscious antipathy towards the racial other.

It is the racism of those people who declare "they're not racists, but ...", it is the racism of

those people who think "race isn't an issue for them, but...", it is the racism of those people who, as Deleuze and Guattari put it, don't see others, they just see people who are not like themselves.[13]

My starting point is this: It cannot be a coincidence that this film should give such prominence to the cultural problematic of the apology at this particular juncture in Australia's history. Although this aspect of the film is scarcely mentioned in any of the reviews that accompanied the film's premier, it strikes me that the timing is symptomatic: it is a topic that as Deleuze once said about difference was very much in the air.

Produced only two years before the official national apology the Prime Minister of Australia Kevin Rudd made to the Indigenous peoples of Australia on February 13, 2008, *Jindabyne* responds to a complex assemblage of cultural problematics that have been on the national political agenda ever since the release in 1995 of *Bringing Them Home*, the Human Rights and Equal Opportunity Commission's report on its national inquiry into the so-called "Stolen Generation" of indigenous people who as children were removed from their families and placed with white foster families.

For over a decade and a half, and still today, the issue of whether the government should issue an apology to these children and what that would mean has been the subject of widespread public debate in Australia, at all levels of society. A national apology was one of the key recommendations of the report, but it took more than a decade – effectively the length of time Prime Minister John Howard was in power – for it to be acted on.

Howard's rationale was that the present generation could not be expected to apologise for acts they themselves were not responsible for and did not themselves commit, though perhaps the real reason was that he simply did not want to expose the government to possible reparations claims. Rudd's apology did not confront the questions of blame or responsibility and quite deliberately steered clear of any suggestion that it could be seen as the precursor to reparations. As such, February 13, 2008 marks the moment of a lost opportunity, or better yet, that of an event that did not take place.

As welcome as the apology was, it did nothing material to alter the living conditions of indigenous Australians. The reason for this is obviously complex, but central to it, I will argue, is the fact that it did not confront the foundational "crime", if you will, that enabled the removal of children from their families, namely the act of dispossession that occurred when the putative First Settlers planted their flag at Sydney Cove and claimed the land as their own. The legacy of this dispossession continues to inform and give shape to the lives of all indigenous Australians in ways that are both obvious and not so obvious.

As has been amply documented, the Australian government's treatment of the indigenous people since the occupation began in 1788 has been nothing less than appalling. While statistics can never do justice to the actual pain and suffering endured by the victims, it is nevertheless sobering to confront the stark reality that today, as Tatz puts it, the indigenous people are

> at the very top, or bottom, of every social indicator available: top of the medical statistics for diseases they didn't exhibit as recently as thirty years ago – coronary disease, cancer, diabetes, respiratory infections; bottom of the life expectancy table, at 50-55 years or less for males and around 55 for females; with much greater rates of unemployment, much lower home ownership and considerably lower *per capita* income; an arrest and imprisonment rate grossly out of proportion to their numbers.[14]

And although things are changing and the actual living conditions and opportunities to flourish for indigenous people are improving, their position at the top and bottom of all such metrics hasn't altered at all. Against this background, then, I want to suggest that *Jindabyne* can usefully be read as a national allegory (in Jameson's sense of the word).[15] It maps or di-

agrams the cultural and political tropes of the present moment in history.

The third feature film by the decidedly non-prolific Australian director Ray Lawrence, whose other credits include *Bliss* (1985), from a Peter Carey novel and *Lantana* (2001), from Andrew Bovell's award winning play *Speaking in Tongues* (1996). Adapted by Beatrix Christian from Raymond Carver's short story 'So much water so close to home' (1981), *Jindabyne* is a slight departure from *Bliss* and *Lantana* in that it is the work of an American writer rather than an Australian, but its focus is as keenly Australian as his previous works.[16]

The film transposes Carver's story from ex-urban California to a small town in rural New South Wales, namely Jindabyne. The location is significant or – to use a word not much in fashion these days – overdetermined because in the 1960s the original town of Jindabyne was relocated to make way for a dam (as part of the Snowy River hydroelectric scheme). Now almost completely forgotten, the old town of Jindabyne lurks beneath the water as an obvious metaphor for the uncertain way the present and the past coexist in contemporary Australia.[17]

Like the Carver story, *Jindabyne* is about a group of four men (Gabriel Byrne, John Howard, Stelios Yiakmis, and Simon Stone) who go on a fly-fishing trip which takes an unexpected turn. The men discover the half-naked body of a young Aboriginal woman floating in the river, but decide not to report it to the police straightaway because to do so would interrupt their plans for a relaxing couple of days of sport.

When the men return from their weekend away and finally report their grisly find, word of what they did – or, more precisely, failed to do – leaks out and they find themselves being called to account by family, friends and indeed the whole town, but are unable, at least the first instance, to recognise that what they did was wrong. The resonance here with Australia's response to the national apology to the Indigenous people is unmistakable.

The film's symptomatology is brought into view in four key moments: the first is opening scene of the film in which we see a young aboriginal woman abducted and we presume murdered (we don't see the actual murder, but it is obvious that is what happened); second, the discovery of the body and the failure to act; third, the denial that a wrong occurred and the refusal to accept that there is any need for an apology; fourth, recognition that a wrong did occur and the offer of an apology.

The whole story turns on the second moment and our shock at the fact that the four men choose to do nothing, but in some ways the first moment is more significant. It is worth noting, on this point, that this opening sequence isn't found in the original Carver story.

So it is clearly intended to give the film as a whole a very specific kind of foundation, yet in doing so it doesn't conform to our expectations. As with the discovery of the body, the significance of the first moment lies more in what didn't happen than what did happen. Obviously the murder of a young Aboriginal woman is not unimportant, but what is noteworthy about this scene is the way it seems to set up a generic murder-mystery narrative in which the guilty are located and brought to justice. But this doesn't eventuate – the murderer isn't brought to justice, indeed there isn't even an attempt to identify or locate him.

One can imagine that the reason the creators of the film didn't incorporate this storyline into the film was precisely to avoid turning it into a murder-mystery. Whatever the reason for this decision, it sets up a very interesting national allegorical frame for the film inasmuch as it situates the whole story in the context of a foundational act of violence against an indigenous person that, like the founding of the nation itself, is placed outside the realm of justice.

When the four fishermen discover the body we expect them to call the police immediately. This is as much a generic expectation as a cultural expectation in that this is what is supposed to happen in movies: the discovery of a body is supposed to initiate action. But in this case the very opposite happens.

The discovery of the body is met with a

powerful form of inertia, which is resonant of the way most Australians respond to the situation of Australia's indigenous people. But the inaction of most Australians in the face of the appalling living conditions of Australia's indigenous people attracts little or no moral reprobation, whereas when the four fisherman decide not to act we automatically judge them to be morally and ethically culpable. But on what grounds do we make this judgement? Why does it matter so much that they fail to contact the police? To put it another way, what is the nature of the obligation on them to act that they fail to fulfil?

The answer to this question is not immediately obvious, but our sense of indignation at the men's inaction and their apparently callous disregard for the needs of the dead suggests quite strongly that culturally we assume in whatever inchoate form that the dead impose an obligation on us to grieve or mourn the extinction of a life.

In western culture, grieving is supposed to take the form of an interruption of one's daily activities, one's plans, particularly if they are leisure oriented, to mark the passing of a life, and this is of course precisely what the four men fail to do. They observe none of the expected "rites" that we are supposed to perform in the face of death. Not only do they not report the death to the authorities as we expect them to, they also continue to *enjoy* their day, indeed their weekend, as though death had not touched them in any way. And indeed, that is undoubtedly what is most troubling about their response – death does not seem to touch them.

The body is seen simply as a problem, right down to whether it should be left in the water or not. Ultimately they decide not to remove the body because it is less likely to putrefy in the cool river water, but they tie it down so it doesn't float away. They treat the dead young woman then as so much meat, a mere corpse, a body without a face.

## The face of the other

What does it mean to say the corpse lacks a face? We can only answer this question by first of all asking what it means to have a face. According to Lévinas[18] the face signifies the presence of the Other, namely, that which reminds us that we are social beings unable to survive alone on this planet and, as such, obliged to consider how we may preserve their life. More than that, the face calls upon me to meet my ethical obligations to the Other. Its call, Lévinas argues, is unignorable. Given that the men seem unmoved by the corpse – yes, they are shocked, but no they aren't moved by it, they do not perform any of the expected rituals in response to their discovery – we might conclude that in Lévinasian terms the dead aboriginal woman lacks a face; or, to put it even more strongly, she somehow lacks alterity.

Paradoxically, then, it is as though she is not other enough. Her presence seems not to impose any immediate or strongly felt ethical demands on the four fishermen. One cannot help but think that Lawrence's decision to make the victim Aboriginal (and not white as in the original Carver story) was intended to make us ask whether the men would have acted differently if the corpse had not been black. That this question is even conceivable is in itself an indictment on the state of race relations in Australia because it assumes that there is a profound schism in Australia between the hegemonic "white" or "non-Aboriginal" population and the Aboriginal people and that this schism does indeed have a moral and ethical dimension to it.

We cannot know if the men would have acted differently if they'd found a white corpse, but we can say that they do not appear to grieve the loss of life that they are witness to and appear not to have any sense that they ought to grieve, where grieving would mean interrupting their daily routines and plans in order to take time to *feel* the loss of life and to perform the socially prescribed rituals of mourning.

As it turns out, *feeling* is the last thing they want to do – they respond by rendering themselves insensible with alcohol. They are shocked by their discovery, but they react to it in the

same way that one might react to the news that one's flight has been cancelled – it is an inconvenience rather than an occasion for grief.

This absence of grief is, as Judith Butler's recent work argues, ethically and politically significant because, as she puts it, it is only when the loss of life matters that the value of life becomes apparent. «Only under conditions in which loss would matter does the value of the life appear. Thus, grievability is a presupposition for the life that matters».[19] As I've said already, this is what is so striking about this moment in the story – the men do not apprehend the life that was lost as grievable, as mattering. Butler puts it even more strongly.

> Without grievability, there is no life, or, rather, there is something living that is other than life. Instead, 'there is a life that will never have been lived', sustained by no regard, no testimony, and ungrieved when lost. The apprehension of grievability precedes and makes possible the apprehension of precarious life.[20]

Following Butler's logic here, we may speculate that the dead Aboriginal woman is not grieved because she is not perceived to have had a life; that is to say, because she is Aboriginal her life is invisible to the white men who discover her corpse. Her identity is her face and because of that it is a featureless face incapable of inciting an ethical response. «An ungrievable life is one that cannot be mourned because it has never lived, that is, it has never counted as a life at all».[21]

The men's inaction says nothing so clearly as this: the dead Aboriginal woman did not count to them – she was dead to them before she died. Lawrence amplifies the poignancy of this moment by giving one of the four men (Stelios Yiakmis) an Aboriginal girlfriend (Leah Purcell), as though to say *he* at least should have *felt* something, even if the others didn't, and this certainly how his girlfriend responds.

In Butler's terms, the men's response is significant because as she conceives it moral responsibility presupposes affect – it is only because we are moved emotionally that we act ethically she argues. If we aren't moved to act ethically by our grief for the plight of the other, then we will not do so.

Her hypothesis, which she acknowledges is not entirely new, is that «whether and how we respond to the suffering of others, how we formulate moral criticisms, how we articulate political analyses, depends upon a certain field of perceptible reality having already been established».[22] We have to "see" the Other in order to be moved by them. Blindness to the Other is not merely unethical in this respect, but the absence of the very possibility of ethics. But this blindness is never purely personal; it is a product of social and cultural framing.

The fact that the four men fail to respond to the discovery of the corpse in the manner we might expect of them cannot be put down to a sheer quirk of character, then, but has to be treated as symptomatic of the frame – the society – that produced them. The four men responded as they did because the Aboriginal woman was not perceptible in their *field* of vision – she was not alive to them in any sense of the word.

How we respond to the world, the kinds of moral and ethical choices we make, is conditioned by what she refers to, drawing very loosely on Goffman, as the "frames" in which our own lives are situated. The frame is a social and cultural formation like Bourdieu's habitus that the individual subject internalises without ever being aware of having done so.

This amounts to saying that in a certain sense our affect is not our own, it is socially conditioned, or to use Butler's preferred term, it is framed.[23] Understanding how this frame is constituted then becomes central to any understanding of ethics for Butler. She writes:

> In particular I want to understand how the *frames* that allocate the recognisability of certain figures of the human are themselves linked with broader *norms* that determine what will and will not be a grieveable life.[24]

Butler thus stipulates that compassion is the true wellspring of ethics, which may well be so but nevertheless poses insuperable problems for the construction of an ethics whose principles could, in the best Kantian sense, be applied universally and uniformly.

What should we do, for example, in the case where our sense of compassion deserts us, as it apparently does for the four fishermen? Butler's way round this problem is to try to determine how and under what conditions compassion fails, but this is not a solution so much as the opening up of a different kind of problem.

Asking why people are not compassionate is not the same kind of project as determining what would count as project: the former is an anthropological inquiry (that may well be inflected by both sociology and psychology), while the later is a philosophical project.

From a philosophical perspective, ethics cannot (and should not) be based on the presence or absence of compassion because this rules out the possibility of constructing an ethics on the basis of purely intellectual or "affectless" abstract grounds.

The main reason for this is that there are plenty of situations one can imagine when affect might fail us, at least insofar as the elaboration of an ethics is concerned. For example, I may feel very compassionate towards animals but nevertheless have no problem eating meat in the full knowledge that an animal had to die to provide my meal. My compassion does not guarantee or even necessarily lead to an ethical reaction or response on my part. And more importantly, from cultural and social point of view, there is no perceivable flaw in my "frame" for acting in this way.

The same impossible problem is raised by the issue of abortion: my compassion for all human life is contradicted if I accept the necessity for abortion. If, by the same token, I am compassionate about the needs of the individuals whose lives are affected by unwanted pregnancy then I might want to make an exception to my "rule" regarding compassion for all life.

At this point affect ceases to be of any use and the ethical decision one arrives at has to be arrived at by reason. As such, we have to call into question the so-called "corporeal turn" in cultural studies and ask whether it is really taking us in a direction that we want to go. Having said, I am obviously in agreement with Butler that the absence of an ethical response can and should be treated as the symptom of a particular kind of cultural or social problem.

## The ethics of the apology

This brings us to the third narrative moment of the film, which is in many ways the most interesting and the most troubling. When the men return from their fishing trip and finally report their discovery, their inaction is met with shock and disbelief, particularly from their friends and family.

At this point of the story, in both the Carver and Lawrence versions, the point of view of the story switches over to Stewart's wife, Claire (Laura Linney), who is literally disgusted by her husband's inaction.

This disgust is sexualised inasmuch as Stewart informs Claire of what happened on his fishing trip only after he'd first had sex with her. In the Carver story she is haunted by thoughts of the dead girl and in some strange way identifies with her, thus doubling her anger towards her husband. She wonders if Stewart was thinking about the dead girl whilst making love to her and all but accuses him of necrophilia.

Her response is important because it suggests that there are two quite different dimensions to the national apology: on the one hand, there is the socio-psychological dimension, the felt need to expiate guilt, self-reproach and shame; while on the other hand, there is the political dimension, the acceptance of responsibility and the offer to make amends. Claire's response to her husband's inaction takes both routes.

By contrast, Rudd's apology was very much of the first variety – it very carefully steered a course that kept it clear of the political dimen-

sion and played up the socio-psychological dimension. The fact that a substantial number of Australians did not share the feelings of remorse Rudd expressed on their behalf raises the interesting question of how they might have responded to a more straightforward political *mea culpa*.

Claire is ashamed of her husband and his friends and she tries to atone for that shame by first of all trying to make contact with the dead girl's family and then, more concretely, by raising money to pay for the funeral. Her fundraising efforts are viewed with suspicion by the townsfolk, who would generally prefer that she let matters lie. Her husband Stewart (Gabriel Byrne), whose decision it was to continue fishing, is seemingly incapable of understanding that what they did was wrong, and is baffled and incensed by her actions: «Tell me what I did wrong and I'll listen».[25]

Crucially the Claire character is an immigrant, as though to say only someone from outside of the frame of Australian cultural and political life is capable of seeing the truth and feeling the shame of it. Perhaps, too, it is meant to remind us that all Australians, with the exception of the Indigenous Peoples, are immigrants.

Importantly, it is the actions of her husband and his friends that shame her, actions that she is not personally responsible for, but nevertheless feels responsible *before* (to use Deleuze's important distinction).

Shame is in this sense a necessary complement of grief – there where grief was, so shame should follow. Shame is what grief becomes when we take responsibility for the loss of life that grieves us. Shame transforms the socio-psychological into the political. Without this transformation, grief is always at risk of becoming melancholia, an indulgence in the pleasure of being sad (as Victor Hugo memorably defined it).

Butler's work spans this spectrum from grief to mourning, but omits any consideration of shame as a philosophical concept – she treats shame as the conservative's weapon against the culturally marginalised. Shame is, on this view, a destructive emotion that leaves people feeling unable to enjoy their life or feel secure in being who they are.

Her examples, drawn largely from the experiences of people who have been persecuted because of their gender, race, sexuality, or religion, do tend to bear this out. Her most telling example in this regard is the US military's utilisation of shame as an instrument of torture at Abu Ghraib and Guantánamo.[26] Yet, one might also say that it is precisely because of the absence of shame on the part of the perpetrators that these hurtful acts of shaming can occur.

It is in fact the power of shame that finally compels the four men to acknowledge that they had in fact committed a wrong for which some form of amends was necessary. The difficulty the men have in recognising that what they did was wrong mirrors Australia's own difficulty in accepting its actions toward the Indigenous Peoples constitutes a wrong.

The major source of this difficulty is the fact that they themselves were not responsible for the woman's death – yes, they neglected her dead body when they discovered it, but ultimately that is unimportant in face of the larger crime, namely her murder, and they had no part in that. The logic here is similar to what Roland Barthes described as the "inoculation" strategy which consists of admitting to a "small" crime so as to conceal a "big" crime.[27]

Of course, the men did not commit the murder, so they cannot be expected to confess to this, but the woman's murder is not the only wrong at issue here. There is the wrong implicit in the very "frame" in which the men find themselves; their utter disregard for the life of the Aboriginal woman, evidenced by their inability to grieve for her, is testament to a much greater prior wrong, namely that of racism itself. Not only do the four men not grieve the death of the Aboriginal woman whose body they found, they do not notice their lack of grief, and it is this absence that is the more telling of the two.

It is against this standpoint that former Prime Minister John Howard's insistence that

the present generation cannot be expected to take responsibility for the actions of previous generations must be rejected as both unjust and more importantly false.

This brings us to the fourth narrative moment of the film, the apology itself. The four men attend the funeral of the murdered woman, which is conducted by the family in traditional fashion.

Stewart attempts to make an apology on behalf of the group and a young Aboriginal man confronts him and spits on him. From a national allegory perspective this moment is in many ways the most crucial – two years before the official apology was made it anticipates how the Indigenous Peoples might be expected to respond to an apology that is in reality too little too late.

Of course the apology was important and many within the Indigenous community welcomed it, but that does not mean we should not criticize it. The National Apology when it was finally given was addressed specifically to the "Stolen Generations" for the treatment they had suffered.

And while there can be no question that they were owed an apology, at the very least, they were not the only ones owed an apology, nor were their experiences the only experiences the Indigenous Peoples suffered for which an apology might conceivably be owed (the loss of their land, forced displacement from their land, genocide, and so on, the list of crimes is long).

As wrong as the Australian government was in removing children from their families, behind that wrong there is an even greater wrong, which like the proverbial elephant in the room has been studiously ignored by all Australian governments.

I want to suggest that the apology to the "Stolen Generations" was hollow without an accompanying apology for the act of dispossession that created the conditions under which it could have occurred.

As Agamben shows in his discussion of Nazi Germany's extermination of European Jewry, it is the act of dispossession, which should be understood to mean dispossession from the realm of rights and law, which creates the conditions of possibility for the latter in all its actual brutality. As Agamben writes,

> It is impossible to grasp the specificity of the National Socialist concept of race – and, with it, the peculiar vagueness and inconsistency that characterize it – if one forgets that the *biopolitical body* that constitutes the new fundamental political subject is neither a *quaestio facti* (for example, the identification of a certain biological body) nor a *quaestio iuris* (the identification of a certain juridical rule to be applied), but rather the site of a sovereign political decision that operates in the absolute indistinction of fact and law.[28]

The sovereign political decision he is referring to is the proclamation on February 28, 1933, of the so-called "decree for the protection of the people and the State" which set in place a permanent state of exception in which all the previously existing laws protecting personal liberty, freedom of expression, and so on, were suspended indefinitely. It was this suspension of laws protecting the rights of citizens, and indeed the right to citizenship that opened the way for the creation of the concentration camps – as the head of the Gestapo noted, no official decree was needed to bring the camps into existence since there was no law to impede their creation. The camps effectively gave a specific spatial arrangement to what had become (since February 28, 1933) a generalised state of affairs affecting the whole of Germany.[29]

> The paradoxical status of the camp as a space of exception must be considered. The camp is a piece of land placed outside the normal juridical order, but it is nevertheless not simply an external space. What is excluded in the camp is, according to the etymological sense of the term "exception" (*ex-capere*), *taken outside*, included through its own exclusion. But what is first of all

> taken into the juridical order is the state of exception itself. Insofar as the state of exception is "willed", it inaugurates a new juridico-political paradigm in which the norm becomes indistinguishable from the exception. The camp is the structure in which the state of exception – the possibility of deciding on which founds sovereign power is realised *normally*.[30]

I have quoted this at length because what I want to propose is that the declaration of *terra nullius* should be considered in the same way: it too declares a state of exception in which the sovereign gives themselves the right to determine who is to be included and who is to be excluded.

By declaring the land "empty" or "vacant" the colonialists gave themselves the right to occupy land they could see was "owned" by somebody else; the casuistry concerning the definition of "occupied" was simply their way of bringing the "facts" into alignment with the "law", but obviously had no influence on their actual decision to occupy the land. It created legal dispossession as an organising frame.

The issue concerning the right to occupy the land was determined after the fact and was only an issue at all to the occupiers because they did not want to have to share their territorial booty with other European nations who might happen along and decide to stake out a claim as well. The right to occupy was from the start a right to exclude.

The colonialists imposed the same model of right on foreign lands that was exercised over their own – the sovereign has the absolute right to declare an exception to any laws that they have previously upheld. This perhaps explains why it didn't trouble the consciences of the men who conjured this juridico-political foundation stone out of thin air.

*Terra nullius* did not so much deny the prior ownership of the land by its Indigenous Peoples as exclude them from the State that established itself on their land; or, to put it another way, it determined that henceforth they would only be part of the State as its excluded. That is to say, as Agamben might put it, following the declaration of *Terra nullius* the Indigenous Peoples of Australia were included in the State that established itself on their land through their exclusion. And that is how the Indigenous people of Australia have been treated ever since Captain Phillip planted his flag at Sydney Cove on January 26, 1788.

## Terra nullius

This is why the apparent overturning of *terra nullius* by the High Court judgement in *Mabo vs. Queensland* in June1992, while important, did not change the excluded status of Indigenous people as much as might have been expected, or indeed as much as has been claimed.

To put it in Deleuze and Guattari's terms, *terra nullius* is the content of the form – it is the particular shape the state of exception took in the establishment of Australia as a sovereign, colonial nation, not the formative, originary instrument it is often taken to be. That distinction must be reserved for the sovereign right to declare a state of exception and as the years since *Mabo* have shown all too clearly, that right is intact now as it ever was.

The state of exception is the form of the content in other words. Contrary to the standard view of things, then, I am arguing that *terra nullius* is the expression of sovereignty, not its basis.[31] It was a convenient means of legitimating at law (by suspending the "existing" law of the land) what had already been accomplished in fact. Indeed, as is the case with most declarations of a state of exception, it is the fact that demands the suspension of law – confronted by the need to justify their act of occupation, the colonial powers declared the land *terra nullius* in order to retain their entitlement to the land by suspending their own laws regarding the right to occupy another person's land.

This is clear in the judgement that so-called Native title can co-exist alongside Crown title, but the Crown reserves the right to extinguish it. So the judgement is in effect a

case of yet another exception being made under the auspices of an already existing state of exception. This is further confirmed by the fact that the judgement also found that the previous failure to recognise Native title, as regrettably and egregiously racist as it undoubtedly was, did not constitute the legal basis for any future compensation claim. Putting it bluntly, it amounts to saying that while *terra nullius* was wrong *as* law, it was not *a* wrong *at* law.

The Australian government has shown itself to be profoundly unwilling to treat the Indigenous peoples as ordinary citizens, or indeed as individuals, with the same rights and needs as other Australians. Instead, in a manner that stands comparison with Israel's treatment of Palestinians, it insists on treating the Indigenous Peoples as a race apart. It justifies its stance with a duty of care rhetoric, but as the "Stolen Generations" make plain its model of care is largely unconcerned by the plight of the individual.

The policy of removing "half-caste" children from their Aboriginal families and placing them with white foster families that created the 'Stolen generations' was in its own way well-intentioned inasmuch as it was designed to address a specific cultural "problem", a problem that the government felt it had a responsibility to address: as neither fully white, nor fully black, it was thought by the white policy makers that "half-caste" children had no 'proper' place within the caste system of (post-)colonial society. [32]

But such a policy idea could only have been ennacted because the Indigenous peoples were literally non-citizens.[33] More than that, it could only have happened because the policy-makers viewed things from the perspective of some notional "greater good" – the good of the nation and the good of the race – that rendered the misery endured by the children as so much collateral damage.

The historical sleight of hand here is the policy-maker's presumption that the situation of the "half-castes" was exceptional, thus requiring and legitimising exceptional actions on their part. But one has only to try to imagine a similar policy being framed for use on the hegemonic "white" Australian population to realise that the reality is that such exceptional action could only be taken because as "half" Aboriginal people they were "always already" locked into an exceptional situation. Putting it bluntly, it was only because they were already members of "the excluded" part that has no part that they could be treated in the way they were.

The government intervenes into the lives of Indigenous Australians not only because it has the right and the wherewithal to do so, but because ever since First Settlement the Indigenous Peoples have been regarded as "bare life".

The persistence of this viewpoint – that the government has the right to intervene the lives of Indigenous Australians – was amply demonstrated by the extraordinary events of June 2007 that have become known simply as *The Intervention*.[34] Prompted by the release of the *Little Children Are Sacred* report prepared by the specially convened Northern Territory Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse (2007), the "Intervention" refers to former Prime Minister John Howard's ill-fated decision to send military personnel into several Indigenous communities and impose what amounted to martial law in the lead up to the 2007 Federal election. Howard argued that the government not only had a right but also a duty to intervene, likening the situation to a national emergency of the order of "Hurricane Katrina".

The comparison might not have sounded so misplaced if it also came with the admission that if the problem is a national emergency then it is so because the Federal government has systematically failed to heed all warnings of an impending crisis and diverted the necessary funds to address the issue elsewhere. As Rebecca Stringer explains, Howard deflected criticism of his policies by saying that the children in aboriginal communities are living in a Hobbesian nightmare that must be remedied by the imposition of «social order enforced by legitimate authority».[35]

While the report was unequivocal in find-

ing that the incidence of sexual abuse in some Aboriginal communities is at crisis level and that the matter should be treated as one of national significance, nowhere in the report is there a recommendation calling for an immediate and militarised intervention, and yet that is precisely the course Howard chose in formulating the *Northern Territory National Emergency Response* (NTNER).

On the contrary, the report specifically recommended extensive consultation with indigenous communities and a systematic attempt to end the chronic, real material deprivation these communities endure by improving government service levels to them.[36]

If the NTNER proved politically toxic for Howard, I would argue that it wasn't because he asserted the government's right to intervene into the affairs of indigenous people and both curtail their rights and deny them their livelihoods; rather, I would suggest it was because it exposed too openly the depth of the government's responsibility for their plight.

It made all too apparent what had otherwise been forgotten, namely that the founding of the nation was an act of violent dispossession. Rudd needed to offer an apology not only to distance himself from Howard, but also to close down any debate about the government's right to decide the fate of the Indigenous Peoples of Australia. And it is noteworthy that his apology makes no apology for this – he apologises for the wrongs done to the Indigenous People, but not for the dispossession of their land that not only led to these wrongs being committed, but gave the perpetrators the sense that they had the right to commit these wrongs.

What makes *Jindabyne* so interesting, to me at least, is the way it exposes and explores this schism in the core of the national apology. The apology follows a double refusal: first, there is a refusal to accept that a wrong has occurred; then, as the evidence mounts and it becomes impossible to deny that a wrong has occurred, there is a refusal to accept any blame for the wrong. The apology that follows is thereby rendered worthless in advance because it fails to meet its own minimum conditions of possibility – as defined by Derrida – namely that it follows both an admission that a wrong occurred and an acceptance of responsibility for that wrong.[37]

The national apology to the Indigenous Peoples has taken precisely this course too – first, there was a refusal to accept that a wrong has occurred; when the "Stolen Generations" report made that position untenable there was a steadfast refusal to accept responsibility for the wrongs documented in the report. And in this sense the apology that was offered by Rudd was basically worthless, irrespective of its supposed symbolic value, because it did not acknowledge the founding violence that for many continues to underpin the government's right to commit these wrongs as the NTNER demonstrated all too clearly.

Viewed as a national allegory, *Jindabyne* is asking us to look at the countless instances where Aboriginal people have been treated as the socially dead, as the non-living, as leading lives that do not count as lives. *Bringing Them Home* catalogued hundreds of actual examples and even then only scratched the surface. The point I want to make here in conclusion though is not simply that the hegemonic white people of Australia treat the marginalised black people of Australia very poorly; that is obviously the case. There is, however, an even more disturbing point to be made and that is that the hegemonic white people of Australia are for the most part unaware that there is anything "wrong" in the way they act. Like the four fisherman, they do not think they have anything to apologise for and are awaiting someone to tell them what they've done wrong. One wonders if they'll listen.

## Notes

[1] For an extended and highly detailed examination of Deleuze's clinical project see A. TYNAN, *Deleuze's Literary Clinic: Criticism and Politics of Symptoms*, Edinburg University Press, Edinburg 2012.

[2] See G. DELEUZE, *Le Froid e le Cruel*, Editions de Minuit, Paris 1967 (en. trans. *Masochism: Cold-*

*ness and Cruelty*, translated by J. McNeil, Zone, New York 1991, p. 15). See also G. Deleuze, C. Parnet, *Dialogues*, Flammarion, Paris 1977 (en. trans. *Dialogues*, translated by H. Tomlinson, B. Habberjam, Columbia University Press, New York 1987, p. 120).

[3] One might also argue, as I do in *Deleuzism*, that causation is central to Deleuze's ethics because for Deleuze (following Spinoza) the only ethical idea is an adequate idea and the adequate idea is one that knows its own cause. See I. Buchanan, *Deleuzism: A Metacommentary*, Duke University Press, Durham (DC) 2000, pp. 31-33.

[4] G. Deleuze, *Différence et Répétition*, PUF, Paris 1968 (en. trans. *Difference and Repetition*, translated by P. Patton, Athlone, London 1994, p. 158).

[5] *Ivi*, (en. trans. p. 159).

[6] See *ibidem*: «A solution always has the truth it deserves according to the problem to which it is a response, and the problem always has the solution it deserves in proportion to *its own* truth or falsity – in other words, in proportion to its sense».

[7] See G. Deleuze, *Critique et Clinique*, Editions de Minuit, Paris 1993 (en. trans. *Essays Critical and Clinical*, translated by D. Smith, M. Greco, Minnesota University Press, Minneapolis 1997, p. 3).

[8] See G. Deleuze, *Logique du sens*, Editions du Minuit, Paris 1969 (en. trans. *The Logic of Senses*, translated by M. Lester, Athlone, London 1990, p. 237).

[9] G. Deleuze, C. Parnet, *Dialogues*, cit. (en. trans. p. 127).

[10] *Ivi* (en. trans. p. 119).

[11] G. Deleuze, *Logique du sens*, cit. (en. trans. pp. 237-238).

[12] F. Jameson, *The Political Unconscious: Narratives as Socially Symbolic Act*, Routledge, London 1981, p. 81. I discuss Jameson's use of history in detail in I. Buchanan, *Frederic Jameson: Live Theory*, Paladin, London 2006, pp. 57-62.

[13] G. Deleuze, F. Guattari, *Mille Plateaux*, Editions du Minuit, Paris 1980 (en. trans. *A Thousand Plateaus*, translated by B. Massumi, Athlone, London 1987, p. 178).

[14] C. Tatz, *With Intent to Destroy: Reflecting on Genocide*, Verso, London 2003, pp. 104-105.

[15] For a useful discussion of the concept of national allegory that separates it from debates about nationalism see I. Buchanan, *National Allegory Today: A Return to Jameson*, in: C. Irr, I, Buchanan (eds.), *On Jameson: From Postmodernism to Globalism*, New York State University Press, Albany (NY) 2006, pp. 173-188; I. Szeman, *Who's Afraid National Allegory? Jameson, Literary Criticism, Globalization*, in: C. Irr, I. Buchanan (eds.), *On Jameson: From Postmodernism to Globalism*, cit., pp. 189-212. See also Jameson's own clarification of what he means by allegory in F. Jameson, *Valences of the Dialectic*, Verso, London 2010.

[16] This story is also featured in Robert Altman's movie *Short Cuts* (1993), a compendium of nine different Carver stories.

[17] See for example Richard Flanagan's novel and film *Sound of One Hand Clapping*. But see also Cate Shortland's film *Somersault* (2004), also set in Jindabyne which similarly makes symbolic use of the town's dislocated history.

[18] See E. Lévinas, *Totalité et Infini. Essay sur l'extériorité*, M. Nijhoff, Den Haag 1961 (en. trans. *Totality and Infinity: An Essay on Exteriority*, translated by A. Lingis, Duquesne University Press, Pittsburg 1969).

[19] J. Butler, *Frames of War: When is Life Grievable?*, Verso, London 2009, p. 14.

[20] *Ivi*, p. 15.

[21] *Ivi*, p. 38.

[22] *Ivi*, p. 64.

[23] See *ivi*, p. 50.

[24] *Ivi*, p. 64.

[25] See R. Carver, *So Much Water so Close to Home*, in: R. Carver, *Shortcuts*, Harvill Press, London 1993, pp. 69-92, here p. 69.

[26] J. Butler, *Frames of War: When is Life Grievable?*, cit., p. 89.

[27] R. Barthes, *Mythologies*, Editions du Seuil, Paris 1957 (en. trans. *Mythologies*, translated by J. Cape, Paladin, London 1972, p. 164).

[28] G. Agamben, *Homo sacer: il potere sovrano e la nuda vita*, Einaudi, Torino 1995, pp. 191-192 (en. trans. *Homo Sacer: Sovereign Power and Bare Life*, translated by D. Heller-Roazen, Stanford University Press, Stanford 1998, p. 171).

[29] See *ivi*, p. 189 (en. trans. p. 169).

[30] *Ivi*, pp. 189-190 (en. trans. pp. 169-170).

[31] See for example P. Patton, *Deleuze and the Political*, Routledge, London 2000, p. 125.

[32] The fact that these children were living with black families to begin with because, for the most part, their white fathers had deserted their mothers (or raped them, as was more often the case), never got taken into consideration. By the same token, the fact that these children weren't treated as "out of place" by their families was also ignored and in spite of the policy maker's rhetoric about the importance of family they privileged social position over family ties.

[33] The choice of term, "half-caste", rather than "half-aboriginal" or "half-white", was influenced by British colonial experience in India and reflected a vision of society in which every racial group had its designated place.

[34] For an excellent account of these events and their meaning within the Australian political context see R. STRINGER, *A Nightmare of the Neocolonial Kind: Politics of Suffering in Howard's Northern Territory Intervention*, in: «Borderlands», vol. VI, n. 2, 2007. URL: http://www.borderlands.net.au/vol6no2_2007/stringer_intervention.htm

[35] *Ibidem*.

[36] For the full text of the recommendations see http://www.inquirysaac.nt.gov.au/pdf/report_by_sections/bipacsa_final_report-recommendations.pdf

[37] See J. DERRIDA, *Cosmopolites de tout les pays, encore en effort*, Galilee, Paris 1997 (en. trans. *On Cosmopolitanism and Forgiveness*, translated by M. DOOLEY, M. HUGES, Routledge, London 2001, p. 39).