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### **On Talking about Indigenous Gambling and Economic Development in Australia, the US and Canada: Rights, Whiteness and Sovereignties**

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#### **Abstract**

This essay examines gambling as one thread of a broader fabric of economic relationships between Indigenous and non-Indigenous Australians. How do these relationships shape the ways gambling is promoted, experienced, regulated and talked about in Australia?; what are the implications of this for the governmentality of Indigenous and non-Indigenous Australians?; and how are political and cultural processes of racism and white possession involved in and reproduced through these relationships? What follows is a comparative analysis of discourses on Indigenous gambling in Australia, New Zealand, the United States and Canada. The aim of this comparison is to imagine alternative figures, which might inhabit the intersection of Indigeneity and gambling, to that which currently prevails in the national imagination: the Indigenous problem gambler and target of practical reconciliation policies.

#### **Introduction: Practical reconciliation, neo-liberalism and Indigenous rights**

By the end of the Liberal party's first term in office, led by conservative former Prime Minister John Howard, unfounded public concerns following the Australian High Court's native title decisions in the 1990s, about Indigenous people 'stealing our backyards', were increasingly giving way to concerns about appalling conditions in remote Indigenous communities. Structural problems in Indigenous communities and failures in Indigenous organisations, many of which were due to inadequate resourcing, were cited as proof that Indigenous Australians were incapable of self-management. By 2004 public faith in the capacity of Indigenous people to control their own domestic affairs had been so seriously undermined through political and media campaigns targeting the character of its leaders that the elected representative body, the Aboriginal and Torres Strait Islander Commission (ATSIC) established in 1990, was disbanded by the Australian government. 'Practical reconciliation' became increasingly used as a euphemism cited to justify the dismantlement of collective structures of representation established over the previous three decades in the name of Indigenous rights to self-determination, autonomy and sovereignty.

In 2007 the government cited concerns, sparked by the publication of the "*Little Children are Sacred*" report (Wild and Anderson 2007) which revealed high rates of child sexual abuse in remote Indigenous communities, as justification for a federal intervention spearheaded by army and police forces to respond to a 'state of emergency' in the Northern Territory. There were three elements of this 'intervention', a term that I suggest deliberately evoked therapeutic discourses aimed at bringing addicts under control (See Keane 2002, 79-83); none of these elements followed recommendations made by the authors of the "*Little Children are Sacred*" report, which were condemned by former Aboriginal affairs minister Mal Brough as 'totally weak and inadequate' (cited in Toohey 2007, 28). The first revoked the permit system restricting non-Indigenous access to communities and empowered officials to remove pornography from communities and to test children for signs of sexual abuse. The second quarantined up to half of individuals' welfare payments for spending on 'essentials' such as food and rent. The third aimed to cultivate a culture of private home-ownership as a condition of government committing resources to public housing, schools and other forms of infrastructure.

In spite of its sudden announcement and implementation, the ideological ground for the Northern Territory intervention had been prepared over several years through research and publications of the Centre for Independent Studies and *Quadrant* magazine, speeches by the former Prime Minister and his Indigenous Affairs Ministers and the nation's broadsheet, *The Australian* newspaper (which supplies an opinion column to Indigenous lawyer, intellectual, practical reconciliation advocate and Cape York Institute chairman, Noel Pearson, who was elected the publication's 'Australian of the year' in 2004). These institutional and individual actors forcefully positioned Indigenous policy discussions on neo-liberal terrain. Neo-liberalism represents and actively promotes a vision of society as the sum of market-based relations between its members. As former British Prime Minister, Margaret Thatcher, one of its most famous proponents put it in 1987 "There is no such thing as society. There are individual men and women and there are families" (cited in Keay 1987, 8-10).

Neo-liberalism privileges individual responsibilities over collective rights; private achievement over group identification and solidarities; the creation of opportunities for individuals in 'the real economy' rather than support within a 'passive welfare' sector and the enjoyment and pride believed to flow from home-ownership rather than the dysfunction and vandalism attached to 'public housing'. In the context of practical reconciliation, these sets of binary oppositions have had at least two significant effects. On one hand they have been used by political and media agents to attribute 'cultural' meanings to problems such as alcoholism, violence and child abuse in Indigenous communities by disaggregating figures from wider national trends.<sup>i</sup> On the other hand they have been deployed by some Indigenous leaders to speak the only language which the Howard government seemed able to understand and be prepared to listen to. This political context, in turn, has had important consequences for the way the relationship between the economy and Indigenous Australians is imagined and spoken about. It has artificially isolated Indigenous economies from the other economies, local, regional, national and global, which both impact on and surround them. The problem with this rhetorical distinction between Indigenous participation in 'passive welfare' versus enjoying 'real jobs' in the 'real economy' is that the scope and nature of welfare policy affecting non-Indigenous Australians, through a raft of schemes from Medicare and the baby bonus to drought relief and superannuation, tended to drop out of view while the efficacy of the specific forms of welfare that have been used to support subsistence in many Indigenous communities escaped critical analysis. A diverse set of welfare forms continues to shape Australia's economy, making the salient question not one of which groups in the nation are addicted to welfare and which are not (because all Australians are welfare recipients to different degrees and in different ways) but, instead, which groups of individuals have suffered and benefited most by systems of welfare allocation and delivery by subsequent Australian governments?

Having posed this question, however, and this is a point of which Noel Pearson is perhaps all too aware, we are living in a moment where the social justice ideals that fuelled the provision of all forms of welfare are under unprecedented attack and normative ideals of self-serving, self-providing subjects in the marketplace are aggressively promoted as an inevitable outcome of economic globalisation. As Maggie Walter argues: '...processes of globalisation are operating as a vehicle for the further undermining of Indigenous sovereignty in Australia ... leading to the undifferentiated mainstreaming of previous Indigenous-specific programs and the application of market forces-based policy to all areas of Indigenous interaction with the state.' (2007, 167) For this reason it is likely that any positive outcomes of the Howard government's racially discriminatory application of welfare reforms in Indigenous communities through its Northern Territory 'intervention' will be used by Labor politicians to justify their extension to the non-Indigenous welfare sector.<sup>ii</sup>

The racialised basis on which welfare reforms in Indigenous communities in the Northern Territory have been imposed is broadly consistent with Australia's position as supporter of the US 'war on terror' which has seen 'core values' embedded in an Anglo-Centric citizenship test replace 'multiculturalism' as a model of national belonging. The implicit message of the intervention in this context is that, like recently arrived migrants from beyond the global Anglo-sphere, Indigenous people have to learn to belong to the nation. Hence the former Prime Minister's representation of the intervention as a generous offer to Indigenous Australians of acceptance into a 'mainstream' of which white and English speaking citizens are already considered part (Moreton-Robinson 2007a).

Darryl Cronin argues that this 'new paternalism' has consequences beyond the failure of governments to consult with Indigenous organisations and leaders who advocate rights-based policies:

The failure of the Howard government and its predecessors to address post-colonial issues has provided the current generation of white Australians with a significant economic asset without the need to compensate, rectify, apologise, understand, recognise, reconcile or restructure relationships with Indigenous people. (2007, 198)

As such, he argues that the new paternalism obscures the roots of 'Indigenous welfare dependency ...at colonisation, when Indigenous control over natural and cultural resources was supplanted by British legal and administrative control, and the land and its resources were expropriated' (Cronin 2007, 180). In other words: Indigenous welfare policy is inextricably bound to histories of colonization which have enabled whiteness to signify and circulate as a valuable and exclusive form of property in Australia (see Harris 1993), with ongoing consequences in spheres of law, politics and culture.

### **Talking about Indigenous gambling in Australia**

The racialized construction of practical reconciliation in a post-multicultural era I have outlined above has concrete implications for what constitutes the sphere of 'reasonable' statements that can be made in Australia about Indigenous gambling. By 'reasonable' here, I am referring to what Neo-Marxist sociologist Pierre Bourdieu referred to as 'doxa'. That is, the commonsense or 'practical knowledge' with which we engage in everyday life as opposed to the abstract 'rationalities' of academic theory, the rigid doctrines and canons of 'orthodoxy' as well as the discounted sphere of 'heterodoxy' within which the most eccentric ideas and political strategies are generated and circulated (Bourdieu 1977). The conditions under which statements about a given topic can be made and accepted as valid knowledge are also the concern of Michel Foucault in his account of 'discourse'. For Foucault, the 'truth' is not something which is simply discovered and then spoken about by an individual knowing subject, but rather an effect of broader social relations of power. In this context, he argues, '...Silence itself – the things one declines to say, or is forbidden to name, the discretion that is required by different speakers – is less the absolute limit of discourse ... than an element that functions alongside the things said, with them and in relation to them within over-all strategies'(1980, 27). In this sense, thinking and speaking about a given topic in one way can actively preclude other ways of thinking or speaking about it. What follows explores the silences and discretions that characterise discourse about Indigenous gambling in conjunction with the most explicit statements that circulate as part of our commonsense knowledge of Indigenous economies and the role played by gambling within them. This will enable us to investigate the relationship between prevailing constructions of Indigenous gambling within neo-liberal narratives of pathology and its 'cure' – on one hand - and the virtual public silence on the role played by Indigenous gambling businesses as tools of economic development in the United States and Canada – on the other.

Like the social engineers of assimilation policies through much of last century, the Howard government determined that 'salvation' from a myriad of problems affecting Indigenous people, from high arrest and imprisonment rates to infant and adult mortality rates, would be addressed at the level of the aspiring individual. Lacking from this self-improvement scenario was the principle of redistributive justice. Bourdieu once described the game of capitalist societies as being like an intergenerational handicap race in which individuals compete for different kinds of capital – social, economic, cultural and educational – from vastly uneven starting positions (2000, 214-215). This is the premise on which affirmative action and other policy tools to redistribute capital more evenly throughout societies have been formulated and implemented. However, the broad social consensus about the necessity of these tools has been successfully discredited by neo-liberal thinkers and policy makers in Australia over the past two decades.

In the absence of broad public discussion of the social justice of the terms on which Indigenous and non-Indigenous subjects are governed and expected to govern ourselves, political reforms occurring in the name of practical reconciliation have become a clear threat to existing Indigenous rights (Falk and Martin 2007). Having been offered the opportunity by the Howard government to take individual responsibility for financing and maintaining their homes and to 'just say no' to alcohol, gambling and internet porn, any failure to realise this highly idealised version of 'mainstream norms' will be used as the basis on which to both further retract Indigenous peoples' citizenship rights and to attack their collective rights claims. As a consequence, gambling has been considered within discourses of practical reconciliation as a symptom of dysfunction within Indigenous communities, rather than as a popular cultural practice and service provided by an industry that might have something positive to offer to Indigenous Australians as members of a socially disadvantaged group.

One reason that the success of gambling as a tool of Indigenous economic development in the United States and Canada has been a topic of public silence within Australian discourses of practical reconciliation is that the existence and value of the collective rights of Indigenous people have been under such sustained attack by the Howard government. A dubious achievement of Australia's 'culture wars' has been the generation and promotion of a myth about the failure of remote Aboriginal communities, which poses Indigenous rights to land, law and cultural heritage as the *cause* of contemporary Indigenous economic destitution. For cultural warriors like former Indigenous affairs Ministers Peter Howson (2004) and Gary Johns (2001), scenarios which would have provided residents with standards of housing and education equal to those enjoyed by other Australians *and* enabled them to move between outstations and other sites of economic and social opportunity both within the nation and abroad lie beyond the scope of reasonable discussion. And for Keith Windschuttle, Indigenous peoples' enjoyment of private *and* communal property rights secured by a treaty evokes a spectre of post-colonial independence, which needs to be violently precluded from consideration (2000, 15).

In contrast, Indigenous leaders, Noel Pearson and Mick Dodson,<sup>iii</sup> agree that the enjoyment of citizenship rights *and* communally based Indigenous rights are both required for social justice and genuine reconciliation. As Pearson wrote in 1999:

By inserting real economy principles into the resources that flow into our community, we will not only arrest and eventually reverse our social disintegration. We will develop the necessary initiative, capability, responsibility and esteem that will orient individuals to re-engage in the real economy ... there is no reason why our people cannot live within and move successfully between two real economies and societies. (1999, 35)

However, unlike Dodson who expressed the view of many other Indigenous advocates when he responded to proposals to wind back Northern Territory Land Rights Acts by arguing it would be "a breach of human rights for the present Australian government to legislate away the traditional spiritual connection of indigenous peoples to their lands" (cited in Karvelas 2005, 6), Pearson suggests that Indigenous rights will not be able to be properly exercised until people's ability to realise their citizenship responsibilities as individuals are demonstrated through a commitment to home ownership and maintenance, work in the so-called 'real economy' and the nurturing of healthy families. In this context he proposes to '...use the resources provided by the state to develop our people, through the promotion of education, through tackling grog, through positive engagement in our own health and of those around us, through the development of an economic base, so that we can *eventually take our fair share of the country.*' (m.i.) (1999, 35) This temporal gap is important insofar as it entails a particular theory of Indigenous peoples' position and capacities in relation to capitalism, as a social, political and economic formation which Pearson regards as both inevitable and inescapable.

In Pearson's view, the failure of governments to redress the effects of past policies – from stolen land and children to stolen wages – does not remove from individuals the onus of responsibility for moving beyond collective histories to become functional and successful participants in a market economy. In this context, gambling presumably becomes a luxury to be enjoyed by those well-paid, comfortably housed and (for want of a better word) well-familied individuals. For those aspiring on the lower rungs of the social ladder to attain and secure jobs, housing and families, gambling is – by definition - dysfunctional because it presents an obstacle to this attainment (see also Pearson 2007). This position on Indigenous gambling and its economic consequences is prevalent in Australia and can be illustrated with reference to other examples.

In 2005 Queensland's *Courier Mail* newspaper reported on a request by Pearson, as chairman of the Cape York Institute, to then-Federal Treasurer, Peter Costello, that welfare be withheld to 'prevent "deadbeats" in Indigenous communities wasting welfare payments on drinking and gambling... We're not going to tolerate a continuation of a situation where parents receive money on behalf of the kids and use it on the pokies or down at the tavern' (cited in Franklin, 2005, 3). Another news item published in Victoria's *Melbourne Times* reported on controversy over the opening of a new TAB outlet located opposite a significant site for the city's local Indigenous people. A local councillor expressed his view of the new location as "totally inappropriate. This location is a gathering place for local Aboriginal people. What market is Tabcorp aiming at? They speak of 'responsible gambling' as a fundamental principle of their business, yet this is socially irresponsible and morally corrupt" (cited in Draper 2005). In these discourses, Indigenous people are clearly positioned as a 'vulnerable' group of consumers requiring protection from the gambling industry's predations.

A third example is the summary report of the *Indigenous Gambling Scoping Study* from Charles Darwin University's School for Social and Policy Research and School of Health Sciences (2006). The report discusses Indigenous participation in regulated and unregulated forms of gambling, the former being gaming in hotels, sports clubs and casinos and the latter being community card games held in towns and remote communities. The report's focus is on the 'positive' and 'negative' impacts of these different forms of regulated and unregulated gambling on individuals and their communities. Preliminary findings are that, whereas unregulated gambling on card games formerly supported an egalitarian cultural economy in localised Indigenous communities, this has changed as flows of money won by individuals are increasingly going out of communities to be spent on other, regulated forms of gambling like poker machines or on consumer goods. A 'positive' impact of regulated gambling's expansion in clubs and casinos in towns cited is the increased social acceptance of Indigenous people in these venues, while the 'demand sharing' behaviour of relatives and others which often confronts those who win money is identified as a 'negative' impact.

A final example of the framing of knowledge and talk about Indigenous gambling in Australia is a 1998 academic essay by Peter D Steane, Jan McMillen and Samantha Togni 'Researching Gambling with Aboriginal People'. The authors point to the limitations of quantitative research methods when applied to 'young people or particular cultural groups.' And they argue that qualitative research methods are required to understand 'the extent of current gambling activity within Aboriginal communities in the Northern Territory' and 'the possible impact on these communities of increased access to western forms of gambling such as electronic gaming machines' (303). Although the authors recognise that, as a product of the interaction of western and Indigenous gambling traditions, contemporary Indigenous gambling requires a unique methodological approach, they fail to address broader questions of Indigenous sovereignty entailing the right to benefit from 'western' gambling industries.

From this brief survey of the terms that currently frame discussion of Indigenous gambling, it is evident that the political refusal of Australian governments to countenance Indigenous rights claims leaves only two registers within which the relationship between Indigenous people and gambling can be thought about and spoken. The first is socio-pathology: gambling as yet another instance of the 'problems' that afflict Indigenous communities; the second is ethnographic whereby gambling on cards, for example, becomes an example of Aboriginal 'traditions' that are rapidly disintegrating in the face of the ubiquitous poker machine. In both registers, Indigenous Australians are constituted through their lack in ways that are disturbingly continuous with a much longer tradition of white cultural representations.

Like Indigenous policy talk, gambling talk in Australia tends to be disarticulated from the 'economy proper' entailing things like employment, interest rates, housing costs and commodity prices. When gambling is discussed it is almost exclusively in relation to 'problem gambling'.<sup>iv</sup> In this context, I see the important ethical challenge facing non-Indigenous politicians, journalists and researchers thinking and talking about gambling as disinvesting in neo-liberal myths about 'vulnerable groups'. Rather than being a quality shared by members of certain groups, vulnerability can be understood as the state to which neo-liberal forms of colonialism reduce individuals by refusing to engage with the collective histories that have unequally distributed capital accumulation and dispossession. As Larissa Behrendt argued recently in relation to the Northern Territory intervention, Indigenous peoples' vulnerability can be linked to the absence of a bill of rights:

The government [intervention] agenda ... is a stark reminder of how vulnerable Aboriginal people are within the legal framework established by our constitution, particularly when our rights are dependent upon the benevolence of government... In the current conservative climate, there has been a failure to appreciate the important roles that respect of rights plays in balancing the freedom of the individual from the abuse of power by the government. (2007, 14)

Understanding this point requires non-Indigenous agents to approach members of so-called 'vulnerable groups' as those placed within a category of people whose sovereign rights we are legally empowered to disregard rather than people who are afflicted by an inherent predisposition to self-destruction. Neo-liberal vulnerability talk not only makes me cautious about engaging with many of the debates raging about problem gambling prevalence (see for example, Wardman, el-Guebaly and Hodgins 2001); it makes me determined to engage with more explicitly political questions about the role played by the 'problem gambler' in the national imaginary. What is the figure of the problem gambler good for? What articulations of power and knowledge does it produce and how might these be contested? One way of

addressing these questions is to focus on examples of local resistance to prevalent neo-liberal constructions of gambling.

Organised resistance to the impoverishing effects of the most accessible forms of legal gambling has delivered some victories. The most obvious example is the election of Nick Xenophon, a 'no-pokies' MP to the South Australian parliament since 1997 and his recent election to the Australian Parliament as a senator. There are also cases where local Indigenous and non-Indigenous communities have actively and successfully resisted the arrival of pokies but on quite different grounds. The Indigo Shire Council in regional Victoria refused to grant pokie licences to hotel owners on the grounds that the clientele and advertising associated with the machines were a threat to the 'cultural heritage' values which attract middle-class tourism to the area (2000). In another case presented in research by Maggie Brady, residents of Yalata Aboriginal community in South Australia successfully fought against a local business application for a licence just outside their community on the basis that easy access to pokies would displace the popular card games which kept money circulating within the community and that losses to the machines would bring social breakdown and physical hunger to the community (2004, 12). Note that these cases were not about problem gambling as such but respectively about the decision of one council to maintain a suitable image for cultural tourism and of the other to maintain a social form of gambling against one that drained money from the community. It is significant that such examples of resistance to pokies on grounds *other than through recourse to discourses of problem gambling* have been little publicised. For this perpetuates racialized constructions of individual dysfunction made possible by the ideological exclusion of Indigenous rights talk from the scope of practical reconciliation's diagnoses and social and economic prescriptions.

### **Comparative contexts**

While case studies of local resistance are important, they do not address the larger issues related to Indigenous economies on which comparative international research provides the strongest handle. Before moving to discuss Indigenous gambling in the US and Canada, I want to briefly cite a recent study from New Zealand by Lorna Dyal (2004). Starting from the finding that, as members of a low socio-economic group in New Zealand society, Maori are at particular risk of suffering adverse effects from participation in gaming, Dyal argues that gambling should be recognised as a 'social hazard' under laws modelled on the 'Hazardous Substances and New Organisms Act'. She also argues that the Treaty of Waitangi should be used as the basis of establishing Maori rights to economically benefit from and have an active role in decisions made about regulating gambling industries' operations in New Zealand.

Dyal's analysis and suggested solutions posed are in stark contrast to those presented in the *Indigenous Gambling Scoping Study* referred to above which classifies as 'positive' the experience of social acceptance that Indigenous people receive in the gaming venues which gain so much revenue from their custom. The construction of 'negative' aspects of gaming for Maori as a 'social hazard' requiring legal redress also highlights the modesty of the *Scoping Study's* proposals that Northern Territorian Indigenous people be provided with access to culturally appropriate gambling intervention services and draw on programs such as Gamblers' Anonymous, church-based abstinence programs and other harm minimisation programs (2006, 15). Most clearly, while the former calls for rights-based intervention on a national level, the latter is aimed at the minority of individuals who recognise their engagement with gambling as a problem for which they must assume responsibility.

The following examination of Indigenous gambling in the US and Canada is offered to challenge the construction of economic and social 'realities', and the consequent position of gambling that advocates of practical reconciliation take as given. As we have seen, Australian proponents of 'practical reconciliation' claim that the economic development of Indigenous communities is an urgent priority. Indigenous gambling enterprises have been a clear response to similar neo-liberal demands for Aboriginal self sufficiency in US and Canada – and they have been more or less successful in achieving this goal.

In 1987 the Supreme Court of America upheld the rights of Indian tribes as sovereign nations to conduct gambling business on their reserves insofar as this was consistent with the type of gambling allowed within the states in which they exist. In 1988 Federal congress passed the Indian Gambling Regulatory Act which recognized the rights of tribes to run gambling businesses but which also gave states the power to regulate these through state/tribal agreements which in some cases entailed a share of profits going to the states. Political scientist W Dale Mason described the situation over a decade after the IGRA Act was passed:

For those tribes engaged in this activity, gaming is both a means to an end and an end in itself. The revenue raised from gaming operations can help tribes to gain new political and economic independence and provide funds for long-neglected tribal needs. Gambling also represents a stand for political independence as tribes assert their sovereign right to determine for themselves what they can control on tribal lands. It is an issue that is helping to define the limits of state involvement in Indian affairs and the shape of American federalism generally, from law enforcement to taxation. Finally, gaming provides the financial resources for tribes to achieve their policy goals through the political process. (Mason 2000, 4)

Far from constituting a desperate escape from cultural and economic realities, Indian gaming clearly represents a slice of a very real economic pie.<sup>v</sup> In 2005, 350 tribal gaming establishments were operated by over 200 tribes, with 85% of 225 in the 48 contiguous states operating some form of gambling on reservations.<sup>vi</sup> However, the benefits of Indigenous gambling in the US are unevenly spread. As Steven Light and Kathryn Rand write:

On one end of the spectrum, nearly half of all tribal gaming enterprises earn less than \$10 million in annual revenue, and a quarter of Indian gaming operations earn less than \$3 million each year ... On the other end of the spectrum, only about forty tribal casinos – just over one in ten – take in 2/3 of all Indian gaming revenue, each earning over \$100 million annually (2005, 8-9).

And, while gaming has been a successful tool of economic development in reserve contexts of poverty, overcrowding, inadequate housing and rates of over 80% unemployment, many of the available jobs are in low-paid service positions such as sales, cleaning and croupiers. Moreover, many individuals with Indigenous heritage in America are excluded altogether from gambling's benefits on grounds that include blood quantum and treaty status.

There has also been considerable political backlash against Indian gaming which has centred on disputes about tribal owners' "authenticity"<sup>vii</sup> and "reverse discrimination". This is evident both in popular cultural representations such as animated sitcoms including *The Simpsons*, *Southpark* and *Family Guy* and in aggressive legal moves against tribal owners by Casino moguls, most notably Donald Trump. Eve Darian-Smith is a legal anthropologist whose research on Indigenous gaming in California uncovered in the discourses of those opposed to Indian gaming articulated from positions across the political spectrum, from conservative republicans to new age environmentalists, persistent stereotypes of authentic "Indians" as nature-loving, non-materialist and unsophisticated people.<sup>viii</sup> She cites Katherine Spilde's discussion of the consequences for Indigenous Americans of stereotypical images of 'rich Indians' as inauthentic in order to:

...undermine tribal sovereignty...First, by insisting that gaming tribes no longer need sovereign rights (including hunting and fishing rights) to be self-sufficient...Second, the Rich Indian portrayal argues that gaming tribes are less "authentically" Indian, diminishing their claims to any political independence implied by sovereign rights. (2004, 99)

Darian-Smith concludes her study by arguing that a positive effect of gambling tribes' contestation of the Rich Indian stereotype is that it has required non-Indians to recognise that:

...not all Indigenous people are inferior to non-Indians, operate under the same rules, or necessarily endorse the capitalist ideologies of Western democracies. Successful tribes and new forms of Indian capitalism are forcing white Americans reassess their relationship to and preoccupations of Native American peoples, and along the way are helping to forge a cultural revitalization within all Native American communities, which remain the most impoverished and deprived in the United States.' (109)

Having cited this work, it is important to note that a significant number of Indigenous tribes have totally rejected gambling as a model of economic development. This may entail a rejection by Indigenous people of the cultural exploitation of "Indian" stereotypes that the gaming industry markets (Cuillier and Dente Ross 2007) as well as ambivalence towards the neo-liberal agendas that have driven its development and which are neatly encapsulated in the National Indian Gaming Association's slogan 'Rebuilding Communities Through Indian Self-Reliance.'

Finally, it is significant that Light and Rand introduce their recent study of Indian gambling in the following terms:

Rather than asking what appear to be the 2 standard questions that are the starting point for most discussions – who is benefiting or losing from Indian gaming? – or more simplistically, ‘Is Indian gaming good or bad? – we ask, Does Indian gaming embody the exercise of tribal sovereignty? That is, does it further tribes’ freedom to choose their own futures? We believe that in large part it does or at least it can’. (2005, 13)

This quote highlights the extent to which the question of whether gambling is good or bad for Indigenous people is being suspended in order to address more complicated questions about gambling’s relative costs and benefits for both Indian and non-Indian Americans. The situation in Australia could not be more different.

It should be acknowledged that the emphasis on problems attached to Indigenous gambling derives partly from pervasive discourses which frame gambling as what Gerda Reith identifies as a specific ‘pathology of consumption’ (Reith 2007). However in Australia this framing is redeployed in the racialized context of practical reconciliation discourses, with the effect that Indigenous people are rarely imagined as potential owners or as direct beneficiaries of gambling revenue and the issues raised by gambling businesses are almost always considered in relation to consumption. This can be observed in Marcia Langton’s powerful defence of the necessity for the Northern Territory ‘intervention’ on economic grounds:

It is not just the historical and continuing exclusion from the economy, or lack of intergenerational capital, or vicious governments, but the practices of Aboriginal people themselves that transform mere poverty into a living hell. Australia is enjoying an economic boom driven by the rocketing demand for raw materials but Aboriginal people – who live in areas from which many of these minerals are extracted – are spiralling into permanent poverty and marginalisation. (2007, 16)

While Langton clearly imagines benefits that might flow to people in remote Indigenous communities from involvement in the processes attached to *production* of minerals for export, the potential of gambling industries as a site of Indigenous economic productivity is neglected. Gambling is presented instead in terms of abjection, as a site of individual dysfunction (with alcohol, drugs and pornography) within Aboriginal communities:

Gambling also demands attention. In most remote communities, men and women huddle in circles, throwing their money into the “pot”, to be lost or won on a single card. Almost all of a community’s income can disappear overnight. (15)

This is an important concern, particularly where winnings either go to those players who come from outside the community or are taken by community members to be spent outside the community rather than circulating within the community or being returned to the “pot”. But the point to which I want to draw attention here is Langton’s focus on gambling as a cultural practice and site of Indigenous *consumption* rather than on gambling’s productive potential as an economic tool for redistributive justice within renegotiated terms of Indigenous-non Indigenous possession in Australia afforded by a treaty.<sup>ix</sup>

This is not to suggest that existing treaties adequately recognise Indigenous sovereignty in the US but, rather, to see them as a precondition for its legal exercise, whether or not gambling is chosen as a means of economic development. It is also to suggest that the refusal of Australia’s parliaments and courts to recognise Indigenous sovereignty has shaped our national social institutions, epistemological assumptions and cultural expressions in particular ways. As Aileen Moreton-Robinson explains, ‘What Indigenous people have been given, by way of white benevolence, is a white-constructed form of ‘Indigenous’ proprietary rights that are not epistemologically and ontologically grounded in Indigenous conceptions of sovereignty’ (2007b, 4).

Moreton-Robinson has recently argued elsewhere that the work of Foucault on rights, race, war and sovereignty in *Society Must Be Defended* can be used productively to expand the Australian sociological imagination. Specifically she asks whether ‘the eruption of “rights” in its many forms [produced] new procedures of subjugation?’ (2006, 391) and proposes a new research agenda informed by critical whiteness studies to investigate:



...how White possession functions through a discourse of rights within the disciplines of law, political science, history and anthropology ... [and to] examine how White possession manifests in regulatory mechanisms including legal decisions, government policy and legislation. Critical analysis of the role of these disciplines and regulatory mechanisms in reinforcing the prerogatives of White possession should provide a significant new perspective on the politics of sovereignty in Australia. (391)

Comparative analyses of discourses on Indigenous gambling provide a fertile field for such research, since rights to protection and profit are central to the terms on which the topic is thought and spoken about. Building on Moreton-Robinson's outlined agenda, I suggest that during the Howard era, 'practical reconciliation' functioned to discipline Indigenous rights claims so that such rights as governments were prepared to confer became conditional on the fulfilment of responsibilities articulated in strictly Thatcherite terms as pertaining to individual men and women and families as against existing and future forms of Indigenous collectivity. To illustrate this point, I will end this essay by discussing a final example of the work of whiteness within Australian discourses on Indigenous gambling.

### **On not talking about white possession**

In 2001 a long feature essay was published in the *Sydney Morning Herald* about the Federal government's refusal to allow online casinos to operate in Australia or to service Australian customers 'wiping out \$100 million worth of investment and scores of jobs almost overnight' (5). This ostensible subject of the story is less notable than the way it was rhetorically framed with reference to the economic interests of Indigenous Canadians. Titled 'Throwing our money away', the story starts with a photograph of a Kahnawake warrior dancing captioned 'Money matters ... a traditional dancer from the Kahnawake tribe, which is cashing in on the cyber casinos.' The introduction proceeds, 'Federal parliament next month debates Internet gambling laws – but it's too late. Ben Hills investigates how Canadian Indians helped hijack hundreds of jobs and millions of dollars in Australian investment' (1). After describing the Kahnawake's successful establishment of an online gaming empire, Hills reinforces a sense of nationalist grievance: 'Roll the dice at Royal Vegas Casino, draw to your five-card stud at the Grand Opry, *faites vos jeux* (place your bets) at the Grand Casino Venice and, unbeknown to you, a little bit of your losses go to subsidise the enterprising Kahnawake of Montreal, Canada. And, before long, some Australian-owned cyber-casinos will be forced to join them...' (3). The views of an Australian entrepreneur are cited later in the essay: "We had been hoping this Australian technology would remain here for the benefit of the country. Unfortunately, this stupid, illogical idea the Government has got into its head means we will have to go overseas. I feel bad about it as a patriotic Aussie but it's all got too hard." Hills then resumes his storyline with a rhetorical question, 'And where are they off to? Why, Kahnawake land, of course.'

What I want to draw attention to here is not a lack of attention in this detailed story to the reasons the Kahnawake are able to run an online casino and the positive outcomes of this for them. For Hills does cite a statement by the Kahnawake chief and director of the company on the social benefits flowing from their business, including 200 jobs and \$500,000 million a year spent on community projects including a school to revive the language. What is striking is the lack of any reference, comparative or otherwise, to the position of Indigenous Australians either as gamblers or as the actual and potential subjects of rights claims. The focus is entirely on the Khanawake's exploitation of a business opportunity that is rightfully "ours"; that is, the property of Australian citizens who I suggest, are always already imagined as non-Indigenous entrepreneurs. In this story, as with Australian gambling talk in general, whiteness, as a collective form of social investment, is both ex-nominated and omnipresent. And it means that, in contrast to a situation where the efficacy of gambling as a mode of redistributive justice to redress the many economic opportunities that white Americans gained from colonisation is at issue, the discussion in Australia remains stuck on questions about whether Indigenous people should gamble at all or on whether card games or poker machines inflict the most damage on the residents of remote Indigenous communities.

### **Indigenous gambling futures in Australia**

In conclusion, comparative analysis of Indigenous gambling talk undertaken in this essay demonstrates how white possessiveness and the refusal of Indigenous sovereignty are supported ideologically through

a focus on the Indigenous other as the subject of pathological difference requiring the 'intervention' of practical reconciliation measures. To date, the almost total exclusion of the colonising white self from the frame within which Aboriginality is analysed and condemned as criminal and or inadequate has precluded a real Indigenous stake in the national and global economies from the national political imagination. Some final questions are posed by the end of the Howard era and the dawn of a new era in which Labor governments are now installed in every state and at a moment when considerable pressure is being brought to bear for the establishment of federal regulatory policy on gambling.

Right now the odds of Indigenous people gaining collective rights to benefit from gambling businesses as owners or as recipients of a share of state taxation yields do not look good. While the current federal government has distinguished itself from its predecessors by delivering a national apology to the stolen generations of Indigenous children and re-establishing the permit system in remote Indigenous communities, the political context of practical reconciliation, with its emphasis on individual rather than group rights, appears to be entrenched. The government has recently stated a refusal to consider a national compensation scheme for members of the stolen generations and their families as a practical component of the national apology. Instead, it promises to invest funds in Indigenous education and to close the gap in health and life expectancy between Indigenous and non-Indigenous Australians. (Lunn 2008) Should Indigenous people be seeking justice in the form of economic compensation for their suffering under former government policies and practices of child removal, this must be done on an individual basis through the legal system. While there was recently a favourable determination of compensation to a member of the stolen generations in South Australia's Supreme Court, the High Court's negative judgements on stolen generation applicants, Lorna Cubillo and Peter Gunner in 2000, on the basis of insufficient or ambiguous documentary evidence are indicative of the obstacles likely to face those who would individually pursue compensation (see Luker 2005). This leads me to predict that gambling will continue to function as a form of 'fino-power' (see Nicoll 2008), perpetuating a race war against Indigenous people (see Moreton-Robinson 2006, 387), which began with the declaration of British sovereignty, and was formalised with the establishment of a white bio-political nation state in 1901, until such time as Indigenous sovereignty is recognised as the ground of co-existence for both Indigenous and non-Indigenous Australians.

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<sup>i</sup> For example, recent figures on child abuse in Queensland showed lower rates in the state's predominantly Indigenous North region than its predominantly non-Indigenous Southern regions. See Viellaris 2008.

<sup>ii</sup> Policies such as welfare quarantining are already being extended to 'delinquent' non-Indigenous parents. See Imre Salusinsky 2008.

<sup>iii</sup> The views of Dodson, former Human Rights and Equal Opportunity Commissioner and Director of National Centre for Indigenous Studies, about changing Land Rights laws which guarantee communal title and control in Indigenous communities were quoted in The Australian underneath the provocative headline 'Plan for blacks to buy homes "racist"' The quotation marks around "racist" indicate the broadsheet's orientation towards Dodson's views as does the introduction to his views as being expressed in 'a paper obtained by The Australian' (as though its accusations of government racism were scandalous and unintended for viewing in the light of day). See Patricia Karvelas 2005.

<sup>iv</sup> A notable and recent exception was the reporting of the Equine Influenza crisis in the national media where we learned that tens of thousands of jobs worth millions of dollars annually to betting businesses and state economies were at risk. This discrepancy illustrates the cultural chasm which separates the high prestige thoroughbred racing industry from the denigrated activity of 'pokie playing' in the low socio-economic areas, where the vast majority of machines (outside casinos in major cities) are located, as points along a continuum of legal gambling in Australia.

<sup>v</sup> In 2003 Americans spent more at commercial casinos than at amusement parks and cinemas combined. Non tribal gambling is a \$50 billion-a-year industry and is prohibited in only two states. 43 States allow dog and horse racing, 40 allow lottery tickets, 47 allow charity gambling and 11 allow (non

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tribal) commercial casinos. 443 commercial casinos generate almost double the combined revenue of Indian gaming. Of c. 560 tribes recognised by the Federal government in the US, only 1/3 conducts casino style gambling. \$17 billion was generated by combined Indian gaming – less than ¼ of US gaming revenue.

<sup>vi</sup> The growth of Indian gaming and political influence of tribal leaders as members of a powerful business lobby has not been uncontested. A Supreme Court decision in 1996 restricted tribal sovereignty further by precluding tribes from suing states for refusing to negotiate gaming arrangements in 'good faith'. As a consequence some states have required tribes to give up certain treaty rights, such as land, fishing, hunting rights, in return for gaming licenses, while others require a high cut of the profits as the price of allowing and regulating Indian gaming businesses.

<sup>vii</sup> For a detailed analysis of the question of authenticity in relation to Indigenous gaming see Bill Anthes 2008.

<sup>viii</sup> For further discussion of 'anti-tribal gambling' movements in the US, see chapter six in Kevin Bruyneel 2007.

<sup>ix</sup> For a comprehensive discussion of the economic opportunities provided to Indigenous people within national and state treaty arrangements incorporating the New Zealand experience to provide a comparative perspective, see Jon Altman 2002.