

The Things You Need: Racial Hatred, Pauline Hanson and the Limits of the Law

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The paper is concerned with the ability of the law to comprehend and combat racial hatred, particularly when it is expressed in liberal terms. In October 1997, the Human Rights and Equal Opportunity Commission found certain of Ms Hanson's statements were not capable of being discriminatory or vilificatory under the Racial Discrimination Act 1975 (Cth). It is suggested that an alternative interpretive framework, based in politics and culture, illuminates racist meanings which are denied by the Member for Oxley. It is argued that Pauline Hanson is speaking the language of hate, though shrouding it in the legitimate and legitimising languages of liberalism and nationalism, attempting to reconstitute particular (and discriminatory) conceptions of equality and identity as universal (and non-discriminatory). In conclusion, the analysis questions and reflects upon the nature and validity of legal interpretation, particularly as it concerns the liberal expression of racial hatred.

Introduction

"Geoffrey Salter, we have seen the devil - and she is the Member for Oxley."¹

It was the second day of autumn - appropriately, perhaps, the start of a new season - in 1996 when voters in a southern Queensland federal electorate chose an outspoken local businesswoman as their new representative in the Lower House of the Commonwealth Parliament. Pauline Hanson originally stood as a Liberal candidate but was disendorsed by her party after making statements which were widely perceived as racist.²

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¹ Mike Moore - Frontline.

² In a letter to the *Queensland Times*, 2 January 1996, she wrote of Aborigines, "How can we expect this race to help themselves when governments shower them with money, facilities and opportunities that

She won a convincing victory and entered Parliament as an independent. The "fish and chip shop lady" - her own description³ - became the Member for Oxley. In the two years since her election, Ms Hanson has achieved an extraordinarily high profile in the Australian media and has on occasion attracted international attention.⁴ Her support base has expanded and April 1997 saw the launch of "Pauline Hanson's One Nation Party". Fourteen months later, the party fielded candidates in the Queensland elections and took 23 per cent of the primary vote to obtain 11 of the 88 seats in the state parliament.⁵ Commentators are now predicting that the rise of One Nation will see the demise of the traditional rural political party, the National Party.⁶ From the beginning, the core issues

only these people can obtain no matter how minute the indigenous blood is that flows through their veins ..." "The Peril of Pauline", *Sydney Morning Herald*, 5 July 1997, Spectrum 5.

³ Hansard, Parliamentary Debates, House of Representatives, [hereafter *Hansard*] 10 September 1996 [hereafter, *Maiden Speech*] at 3862: "I may be only 'a fish and chip shop lady'...". In her speech to launch the One Nation party, she manipulates her own (proud) highlighting of her business in the first Parliamentary speech to suggest that it was a criticism from others made after that speech: "After my maiden speech when sections of the media, the multiculturalists, and the aboriginal industry tried to portray me as a simple fish and chip shop lady ..."; Hanson, P, "Party Launch Speech: Pauline Hanson's One Nation" 11 April 1997.

<<http://www.gwb.com.au/gwb/news/onenation/speech.html>> (29.04.98) [hereafter *Party Launch Speech*]. While many of the speeches used for this research were supplied by the Electorate Office of Pauline Hanson, I have made reference to the URL where they are available on the Internet.

⁴ Jinman, R, "Hanson's fame shocks Hong Kong firebrand", *Sydney Morning Herald*, 24 July 1997, p 2; Boreham, G, "Premier vows to dispel anti-Asian image", *The Age*, 11 September 1997.

<<http://www.theage.com.au/daily/970911/news/news7.html>> (20.03.98).

⁵ The political structure in Australia includes separate governments at state and federal levels. Hanson is a Federal MP, thus she was not a candidate in the Queensland elections, which were for the election of a state government. Nonetheless, she was the figurehead and a prominent campaigner for her candidates.

⁶ The Nationals have been coalition partners with the Liberal Party for almost forty years and the structural effects on Australian politics would be dramatic if the National Party were to be "replaced" by One Nation. The impact on the National Party has recently been the focus of lengthy reports on two of key television current affairs programs: *Sunday* (Nine Network), 2 August 1998; *Four Corners* (ABC), 3 August 1998. A number of articles addressed the issue in a large feature in the *Sydney Morning Herald*, 8 August 1998, Spectrum. Importantly, the political power of One Nation appears to have been lifted most significantly by its economic

on the Hanson agenda have included immigration and Aboriginal concerns (or, perhaps more accurately, concerns about Aborigines) and she is frequently labelled a racist for her comments.⁷ Her response to such accusations is consistently that she is not a racist, but is merely seeking equality for all Australians.

This article is concerned with the ability of the law to comprehend and combat racial hatred. It explores Ms Hanson's politics - through her political statements - as expressions of hatred and an incitement of hatred towards Aboriginal and Asian people. Commencing with an examination of the ruling of the Human Rights and Equal Opportunity Commission (HREOC) in *Combined Housing Organisation Ltd & Ors v Hanson*⁸, where it was unsuccessfully argued that she breached discrimination and vilification laws, the first section examines the legal interpretation of Ms Hanson's statements. The second section proposes an alternative analytical framework, drawing on Stanley Fish and his analysis of neoconservative politics in the United States. Third, Ms Hanson's politics are then explored in this light, arguing that there are substantial parallels between the North

focus which strongly supports farmers and rural economies. This does not necessarily represent a retreat from positions on race that are explored in this article but may instead lessen the visibility of the racial dimensions of One Nation politics which could make the racist potential of the movement even more difficult to combat.

⁷ For instance, Millett, M & Seccombe, M, "The Power of Pauline", *Sydney Morning Herald*, 12 October 1996, p 31; Cousins, G, "'One message for One Nation'", *Sydney Morning Herald*, 27 May 1997, p 15; Elias, D, "Faces of One Nation", *The Age*, 7 June 1997.

<<http://www.theage.com.au/daily/970607/news/spec4.htm>>,

(24.06.97); Middleton, K, "Backbenchers step up attack on Hanson" *The Age*, 20 June 1997.

<<http://www.theage.com.au/daily/970620/news/news6.html>>

(24.06.97). Hanson makes the point in many of her press releases and speeches that she has been labelled a racist; for instance, *Media Release*, (Untitled), 14 June 1996; *Hansard*, 2 December 1996 at 7442; *Media Release*, "Hanson, 'I speak of jobs, Howard speaks of me'", 18 June 1997.

<<http://www.gwb.com.au/onenation/press/180697.html>>, (20.03.98); *Media Release*, "Hanson, 'So called anti-racists are nothing but socialist thugs'", 30 September 1997.

<<http://www.gwb.com.au/onenation/press/300997.html>>, (20.03.98); Hanson, P, "Speech - 11 June - Adelaide" text supplied by the electorate office of Pauline Hanson, [hereafter *Adelaide Speech*], p 3.

⁸ Unreported, Human Rights and Equal Opportunity Commission, Sir R Wilson, 16 October 1997, [hereafter *HREOC Decision*]. Sir Ronald Wilson is a former Justice of the High Court of Australia, and a former President of the Human Rights and Equal Opportunity Commission.

American experience and the strategies of One Nation. Part four explores more closely the social and cultural project which underlies One Nation politics. The concluding section offers some reflections upon the relationships between racism, language and law. The central contention is that Hanson and One Nation are engaging in political strategies and goals which can draw on and promote racial hatred while the languages of liberalism and nationalism provide sanctuary and legitimacy against allegations of racism. A "legalised" interpretation of these strategies, however, cannot comprehend these possibilities.

Legal Interpretation: Combined Housing Organisation v Hanson

The day following her election to the seat of Oxley, Pauline Hanson was interviewed by a journalist from *The Australian* newspaper.⁹ The statements which were published gave rise to a complaint to the Human Rights and Equal Opportunity Commission (HREOC) by a number of parties alleging breaches of the discrimination and vilification provisions of the *Racial Discrimination Act 1975* (Cth).¹⁰ Ms Hanson wrote an initial letter of explanation and then declined any further involvement. The Race Discrimination Commissioner determined that the complaints were not amenable to conciliation and the complaints went to a hearing.¹¹ Ms Hanson did not appear at the hearing.¹² The complaints were dismissed by the Hearing Commissioner, Sir Ronald Wilson, at a directions hearing on 16 October 1997, the statements complained of being incapable of conveying the meaning

⁹ The published article was Dore, C, and Gunn, M, "Liberal reject claims a victory for the 'white community'", *The Australian*, 4 March 1996, p 10.

¹⁰ As well as the named parties, two other parties lodged an initial complaint which was withdrawn at the hearing.

¹¹ *HREOC Decision*, already cited n 8, at 1.

¹² Ms Hanson's actions were reported by the media: "The Independent MP said she would refuse to apologise if asked to do so by the commission, and would not pay any fine levied by the Federal Court for enforcement. Ms Hanson said she had no case to answer and that she did not recognise the commission's jurisdiction. 'It should be disbanded, done away with. The whole organisation is so one-sided,' she said. 'They told me they could fine me \$1000 if I didn't turn up last week and I didn't. There's something out there called principle. Let them fine me, I won't pay it, and they can fine me and I'll do the time. I'll stand by what I believe in and I will go to jail", Roberts, G, "Jail me - I won't say sorry to blacks: Hanson", *Sydney Morning Herald*, 26 September 1997, p 3.

imputed to them.¹³ The decision is significant as it formally subjects Ms Hanson's comments to a legal analysis with respect to discrimination and racial hatred laws.

The argument was exclusively directed at s 9(1) of the *Racial Discrimination Act*, alleging a:

“distinction, exclusion, restriction and/or preference based on race ... which has the purpose or effect of ... impairing the recognition, enjoyment or exercise, on an equal footing, of any human right or fundamental freedom in the political, economic, social, cultural or any other field of public life”.¹⁴

The human right at issue was defined as “the political right to take part in the government, as well as the conduct of public affairs at any level and to have equal access to public service”.¹⁵ Breaches with respect to the provision of goods and services (s 13) and offensive behaviour based on racial hatred (s 18C) were also alleged, but not argued. These grounds of argument are not explored or explained in the decision, save for a statement that in spite of there being no argument about them, the Commissioner considered them in any case and found that the material complained of was not capable of supporting a claim under either of these provisions.¹⁶

The main evidence was a tape of the journalist's interview with Ms Hanson, reproduced in its entirety in the decision.¹⁷ Of the five page interview transcript, only half a page is relied upon by the complainants for the substance of the complaint.¹⁸ The whole interview is included in the reasons for the decision because “if there are any passages in that part of the transcript that is not relied upon by the complainants that throw new light on the possible meaning of the words used by the respondent in the shorter passage, then I believe I am required in all fairness to take the entire interview into consideration”.¹⁹

¹³ *HREOC Decision*, already cited n 8.

¹⁴ *id.*, at 9.

¹⁵ *ibid.* See Article 5(c) of the International Convention on the Elimination of all forms of Racial Discrimination (which is attached as a schedule to the *Racial Discrimination Act 1975* (Cth)).

¹⁶ *id.*, at 15.

¹⁷ *id.*, at 4 - 8.

¹⁸ *id.*, at 9.

¹⁹ *id.*, at 12.

The text upon which the complainants relied was the following:

Hanson: I've had a couple of Aboriginal people phone me up and one girl ... was asking me why I am doing this and I explained to her and she said to me, she said that we fought for this and said I can appreciate that and I said that now I'm fighting for the white person for the same rights.

Interviewer: So what rights are they?

Hanson: Oh, well, you see, they have benefits that are only available to them because they're Aboriginal and I don't believe this is fair. ... You know what I'm saying let's make it equal across the board.

Interviewer: So you're fighting for the white people of Oxley?

Hanson: I think it's gonna go wider than just the people of Oxley. I think. I can't say yes, I'm only fighting for the white people of Oxley.

Interviewer: So you're fighting for the white community generally?

Hanson: Yeah, look, the white community, the immigrants, the Italians, Greeks, whoever, it really doesn't matter, you know, anyone apart from the Aboriginal and Torres Strait Islanders, you know. I just want everyone to be equal and I think then we could get rid of this um, I think there's a racial discrimination out in the community and we might start to get on to work together as one.²⁰

The complainants imputed the following meanings to the above passage of the interview:

²⁰ id, at 9.

- (a) Aborigines and Torres Strait Islanders would not be represented by the respondent as an elected member of the House of Representatives;
- (b) the respondent as a member of the Australian Parliament would work against Aboriginal and Torres Strait Islander people;
- (c) Aboriginal and Torres Strait Islander persons because of their race ought to have less political rights;
- (d) white people only would be represented by the respondent;
- (e) race was a suitable basis on which to make distinctions about political rights;
- (f) the respondent would determine who she would fight for on the basis of race and as a consequence would exclude Aboriginal and Torres Strait Islander persons from the pool of persons she would fight for;
- (g) the rights of Aboriginal and Torres Strait Islanders were not worth fighting for;
- (h) the rights of the white community were worth fighting for to the exclusion of the rights of Aboriginal and Torres Strait Islander people.²¹

Sir Ronald explains the purpose of the hearing is to dismiss a complaint as early as possible if it “clearly has no chance of being upheld”, and thus enquires “whether the words are capable of bearing the meaning imputed to them by ... the complainants”.²² It is concluded first that the words are incapable of bearing the imputations, and the Commissioner then proceeds to articulate what he sees as Ms Hanson’s argument:

“I believe it to be clear beyond argument that the respondent is making a statement, the component parts of which are as follows:

²¹ id, at 10-11.

²² id, at 11-12.

1. That she does not consider it to be fair that Aboriginal people should have benefits that are only available to them because they're Aboriginal people.
2. That she will be fighting for the same rights for other people - the white community, the immigrants, the Italians, Greeks, whoever, anyone apart from the Aboriginal and Torres Strait Islanders because they already enjoy these benefits.
3. She just wants everyone to be equal.
4. She thinks there is racial discrimination out in the community reflected in the way that Aboriginal people receive benefits because they are Aborigines that are not available to other members of the community. If we can get rid of this discrimination, then we might start to work together as one."²³

This interpretation is supported by some of Ms Hanson's statements from other parts of the interview: "I'm not trying to take anything away from the Aboriginal people. What I'm saying is all I want is equality".²⁴ She does not argue that Aborigines should receive no benefits, rather that they should not receive "any extra benefits. Look, I'm not saying that we shouldn't look after these people like anyone else ...".²⁵

The decision accepts Hanson's claims on her terms. The interpretation of meaning divorces the words from their political context, including a possible public perception of a racist meaning. Sir Ronald acknowledges this when he states carefully:

"I hope it will be understood - particularly by Aboriginal and Torres Strait Islander peoples - that I am required to decide this case on a strictly legal basis. It is not a question whether or not I agree with the political views which I have found the respondent to be expressing in her interview with the journalist from *The Australian*. I appreciate that the complainants and many other members of the community may find them misguided, unwarranted and offensive, but that does not mean that

²³ id, at 13.

²⁴ id, at 14.

²⁵ ibid.

giving expression to them as part of a political statement was an unlawful act contrary to s 9(1) or any other section of the Act".²⁶

The statements made in the interview of 3 March foreshadowed what was to come. The themes have remained constant, though more expansive. In the sections that follow I would like to suggest that Sir Ronald Wilson's legal interpretation of Pauline Hanson's comments legitimates a form of political discourse which promotes racial hatred. A political and cultural analysis of Hanson's statements is far more illuminating, suggesting the HREOC decision is an example of the sterility of legal interpretation and the difficulty of recognising through the law forms of discourse and power which exclude minorities implicitly, rather than overtly.

Speaking in Code

Stanley Fish's concern in "Speaking in Code, or How to Turn Bigotry and Ignorance into Moral Principles" is with the ways in which neoconservative American politics has reacted to the rise of rights for minorities, in particular racial and ethnic minorities, and the attack on academics (and the academy itself) as advocates for such rights.²⁷ He draws in particular on the use of language and especially the "most stunning success" of the neoconservatives - the:

"production, ... packaging and distribution of the term 'political correctness,'" which he defines as an indictment that "a group of unscrupulous persons is trying to impose its views ... rather than upholding views that reflect the biases of no group because they are common to everyone".²⁸

²⁶ *ibid.* For Hanson's comments on the apology, see *Media Release*, "Hanson, 'My innocence could have been proven in 5 minutes, but it took 18 months'", 29 October 1997.

<<http://www.gwb.com.au/onenation/press/291097.html>>, (20.03.98).

²⁷ Fish, S, *There's No Such Thing as Free Speech ... and it's a good thing too*, Oxford University Press, New York, 1994, pp 89-101.

²⁸ *id.*, p 8. There is a good deal of literature on political correctness in Australian publications, though little of it offers a conceptually deep and thorough exploration. Generally, Bennett, D, "PC Panic, the Press and the Academy" (1993) 52 *Mearjin* 435 explores the genesis and development of political correctness in Australian media and higher education. Williamson, D, "Political Correctness" (1996) 8(2) *Sydney Papers* 113 and Doogue, G, "Political Correctness" (1996) 8(2) *Sydney*

Fish identifies the neoconservative political strategy as “a formula”:

“first you detach your agenda from its partisan origins, from its history, and then present it as a universal imperative, as a call to moral arms so perspicuous that only the irrational or the godless (two categories often conflated) could refuse it. You can do this in many ways, but one way, tried and true, is to appropriate a vocabulary that is already an honoured one and then ‘spin’ it so that it will generate the conclusions - the marching orders - that are the content of your politics”.²⁹

Fish claims the neoconservative project is (in part) one of racism. The difficulty is that it is no longer “acceptable” to be racist: those who wish to revitalise a racist agenda are hamstrung by contemporary discourse about rights.

“The response of former and present bigots ... is to figure out a way of appropriating the new vocabulary so that it transmits the same old messages. The favourite strategy is to find a word or a concept that seems

Papers 118 offer different and intelligent perspectives on contemporary issues in a casual manner. On the relationship between Hanson and Prime Minister Howard, as well as the Howard take on political correctness, see Jakubowicz, A, “Fear and Loathing in Ipswich” (1996/97) 42 (Summer) *Australian Rationalist* 6, examined particularly through the public sphere and the media, and Sullivan, M, “Wake up Australia: it’s 1897” (1997) 13 *Policy, Organisation and Society* 180, which focuses on Hanson’s maiden speech. For a conservative - if superficial, unsophisticated and often mocking - spin on the emergence of political correctness in Australia, see Kinsler, J, “Yankee Go Home: A Critique of America’s Semantic Transformation” (1995) 18 *UQLJ* 275. However, even Kinsler notes that “PC has become a lethal weapon for America’s conservative right,” p 283. For other conservative perspectives, see McIntyre, A, “PC? Non Merci!” (1996) 48(4) *IPA Review* 47 who offers a cursory and conservative comparison between France, the US and Australia; Kukathas, C, “Fear of Freedom: Political Correctness, Free Speech and Alien Invasions” [1996-97] (Summer) *Policy* 11. For left perspectives, see also Leach, B, “Political Correctness - A View from the Left” (1995) 14(3) *Social Alternatives* 16; Middleton, H, “Racism in Australia” (1997) 37 (April) *Australian Marxist Review* 5; Furet, F, “The Democratic Utopia American Style: An interview with Francois Furet” (1993) 34 *Thesis Eleven* 141 [originally published in France in 1991] considers the complexities of the issues, albeit without an Australian focus.

²⁹ Fish, already cited n 27, p 8.

invulnerable to challenge - law, equality, merit, neutrality - and then to give it a definition that generates the desired outcome.”³⁰

The aim is to legitimise the discourse of racism by dressing it up in language that is acceptable. In doing so, he argues,

“ignorance joins with bad faith to produce a coded discourse ... The chief suggestion they wish to push away is the suggestion that their motives are not pure, the suggestion that the slogans they trade in - slogans that breathe moral rectitude - are a thin veneer barely covering attitudes that will not bear examination”.³¹

The aim is to avoid the accusation of racism, while still spreading a racist message. The objective then is to *be* racist without *presenting* as racist.

David Duke, a well spoken leader of the Ku Klux Klan in America, is Fish’s example par excellence. Duke quotes Martin Luther King, Jr: “I have a dream that one day my four little children will live in a nation where they will not be judged by the colour of their skin, but by the content of their character”.³² “What we want in this country”, says Duke, “is equal opportunity for everyone, not affirmative action for a few”.³³ The problem, as Fish points out, is “everyone knows that he doesn’t mean it”.³⁴

Fish’s aim is to counter such political strategies. His anti-foundationalist project argues that the neoconservative claim that liberal notions of equality, fairness and merit are beyond politics is itself a claim that is necessarily political due to the assumptions inherent in the liberal notions themselves.

“While notions like ‘merit’ and ‘fairness’ are always presented as if their meanings were perspicuous to anyone no matter what his or her political affiliation, educational experience, ethnic tradition, gender, class, institutional history, etc, in fact ‘merit’ and ‘fairness’

³⁰ id, p 91.

³¹ id, p 98.

³² id, p 89.

³³ *ibid.*

³⁴ *ibid.* It should be noted that this is not to compare the Hanson and Duke political projects in their aims, objectives or origins. The project at hand is to explore parallels in their strategies.

(and other related terms) will have different meanings in relation to different assumptions and background conditions."³⁵

That is, he argues *not* that the "intellectual left" is correct as a matter of atemporal values, but that the left must point out that both sides - all sides - are "no less politically invested, only differently so".³⁶ There is a need to "[deny] the ... central premise, which is that any party to the dispute could occupy a position above or beyond politics".³⁷ "The essential", he claims, "is a rhetorical category whose shape varies with the contingencies of history and circumstance".³⁸

How then do One Nation strategies seek to "seize the high ground by laying claim to a certain charged vocabulary and using it not to further argument but to shut it down in a fit of moral posturing"?³⁹ In what ways does Pauline Hanson use language so as to appropriate the meanings of words? How does she give and take power in and through language? How does this help her political project? And what food for thought might this offer with regard to the decision of Sir Ronald Wilson and the legal interpretation of language?

Ordinary People: The Politics of Pauline Hanson

"It's nothing personal. I'm just afraid of the unfamiliar."⁴⁰

The Hanson politics - by which I mean the views and political strategies which she articulates in her role as the Member for Oxley - are found throughout her public statements. The first example here was drawn from the HREOC decision in part I. This section seeks to draw on a far wider spectrum of Hanson and One Nation politics to suggest that the emerging pattern is remarkably similar to that Fish identifies in the US such that the critique proposed by Fish might inform Australian debates.

In the two years since her election, Pauline Hanson has spoken to the press, to the public and - perhaps most memorably - to

³⁵ id, p 4.

³⁶ id, p 9.

³⁷ *ibid.*

³⁸ id, p vii.

³⁹ id, p 11.

⁴⁰ Marge Simpson - The Simpsons.

the Parliament. Her first speech on 10 September 1996 clearly marked out her agenda.⁴¹ It was a watershed statement which formally synthesised her views expressed until that point (including those which gave rise to the discrimination complaint) and remains the backdrop for all that she has done since.⁴² In case there is a suspicion that Ms Hanson's views are promoted by the media out of context or inaccurately, perhaps making more of her opinions than might really be there, I will focus primarily on her statements in Parliament, press releases or speeches, avoiding for the most part any comments that were made in response to questions from the media.⁴³ The repetition of her statements is used to stress that the argument that follows is not based upon isolated comments or skewed emphases, but rather upon a visibly consistent and systematic pattern in Ms Hanson's public and parliamentary statements.

In her so-called "maiden speech" in Parliament, Ms Hanson said the following:

"Present governments are encouraging separatism in Australia by providing opportunities, land, moneys and facilities available only to Aborigines. ... I talk about ... the privileges Aborigines enjoy over other Australians."⁴⁴

"I do not believe the colour of your skin determines whether you are disadvantaged."⁴⁵

"Arthur Calwell said, 'Japan, India, Burma, Ceylon and every new African nation are fiercely anti-white and anti one another. Do we want or need any of these people here? I am one red-blooded Australian who says no and who speaks for 90% of Australians.' I have no hesitation in echoing the words of Arthur Calwell."⁴⁶

⁴¹ *Maiden Speech*, already cited n 3.

⁴² *ibid.* It should be noted that the speech canvassed a range of issues well beyond immigration, and Aboriginal affairs, such as employment, tariff protection, the environment, privatisation, family law, foreign aid and the UN, national service and government projects.

⁴³ Hanson has claimed this has happened: "statements attributed to me by the media, most statements of which have been distorted and taken out of context", *Hansard*, 2 December 1996 at 7442.

⁴⁴ *Maiden Speech*, already cited n 3, at 3860-1.

⁴⁵ *id.*, at 3860.

⁴⁶ *id.*, at 3862.

"I and most Australians want our immigration policy radically reviewed and that of multiculturalism abolished. I believe we are in danger of being swamped by Asians."⁴⁷

These typify her attitudes to immigration and Aboriginal affairs and the sentiments recur throughout Hanson's speeches and media releases:

"When government hand-outs are considerably more generous towards Aboriginal and Torres Strait Islanders than non-Aboriginal Australians it is little wonder more people are willing to hitch their welfare wagons to the Aboriginal gravy train."⁴⁸

"[T]here is the chance for change. ... The chance to stand against those who have betrayed our country, and would destroy our identity by forcing upon us the cultures of others. ... [I]f we fail, our fears will be realised, and we will lose our country forever, and be strangers in our own land. ... [T]he majority of Australians will become second class citizens in their own country ..."⁴⁹

"We will reclaim our country, and the future of our children. We have been pushed far enough. Tonight we start to push back. ... Do you want our country to become like the place they [immigrants] left?"⁵⁰

"[A]boriginal and non-Aboriginal activists [long ago] began their unconscionable PR exercise to carefully cultivate guilt in the minds of ordinary Australians - in this war of Aboriginal greed, truth was the first casualty."⁵¹

⁴⁷ *ibid.*

⁴⁸ *Media Release*, (Untitled), 14 June 1996, already cited n 6, at 21-22.

⁴⁹ *Party Launch Speech*, already cited n 3.

⁵⁰ *ibid.*

⁵¹ *Media Release*, "Hanson, 'Aboriginal land grab was the object of a shameless PR campaign'", 4 December 1997.
<<http://www.gwb.com.au/onenation/press/041297.html>>, (20.03.98).

“Australians are sick of imported problems - be they crime, disease or aspects of cultural difference that will never be able to accept the Australian way of life.”⁵²

These statements, I would suggest, might reasonably be understood as an expression of and incitement to hatred of Aboriginal and Asian people. This is so because they occur in a social, political, historical and cultural context where Ms Hanson’s views, if not providing a high profile and mainstream representation for people and interests which (regardless of the claimed rationale) are against Asian immigration and overtly critical of “special treatment” for indigenous peoples, then they are at least clearly vulnerable to such appropriation. Underpinning One Nation politics is the view that there is inequality in Australia which is driven by government policies implemented over the last 25 years (supported and promoted by the new class of politically correct elites), and the people who are disadvantaged by these policies are white Australians. To interpret the statements literally, as in the HREOC decision, is to extract the words from their location in the political milieu and thus distort their meaning. Ms Hanson is a legitimate voice for racists and bigots, even while maintaining ever-present qualifiers:

“I must stress ... that I do not consider those people from ethnic backgrounds currently living in Australia anything but first class citizens, provided of course that they give this country their full undivided loyalty.”⁵³

“I am not a racist by any definition of that word. None of my remarks in their proper context could fairly be regarded as racist. I am not opposed to any person or group because of their race, colour or national or ethnic origin. I do not think that anyone is superior or inferior to anyone else because of their origin or background.”⁵⁴

⁵² *Hansard*, 3 September 1997 at 7641. See also, *Hansard*, 10 December 1996 at 8093; “Hanson accuses PM of inciting violence”, *The Sunday Age*, 11 May 1997.

<<http://www.theage.com.au/daily/970511/news/news2.html>>, (11.05.97).

⁵³ *Maiden Speech*, already cited n 3, at 3863; see also *Hansard*, 31 October 1996 at 6341. On the terms already established by Ms Hanson, it is questionable whether it is possible to give full, undivided loyalty if you are from an “ethnic background”.

⁵⁴ *Hansard*, 2 December 1996 at 7442.

"No one is superior to any other race in this country ... It's not something that I would say and it's something that I totally disagree with. I have never denigrated the Aboriginal people, I am concerned for them, I am concerned for their wellbeing, but we are all Australians together."⁵⁵

Her ultimate forceful point: "Criticism is not racism".⁵⁶ Her criticisms, however, are made more complex by the context and may appear as racism in political debate. My argument turns on the reader accepting the proposition that Ms Hanson's statements may have a different meaning politically than that attributed to them in the findings of Sir Ronald Wilson. If such a possibility is accepted, then what is the justification for this politics of racial hatred? That is, what is the strategy by which the expression of hatred becomes legitimate political discourse?

Equality and Racial Hatred

The answers to these questions are found again in the maiden speech. Hanson quotes MP and Minister Paul Hasluck from 1955:

"We do not want a society in Australia in which one group enjoy one set of privileges and another group enjoy another set of privileges." Hasluck's vision was of a single society in which racial emphases were rejected and social issues addressed. ... But, remember, when he gave his speech he was talking about the privileges that white Australians were seen to be enjoying over Aborigines. Today, 41 years later, I talk about the exact opposite - the privileges Aborigines enjoy over other Australians".⁵⁷

She is more straightforward in other places:

"[M]y call [is] for equality for all Australians ..."⁵⁸

⁵⁵ Middleton, K, "Hanson reversal on book", *The Age*, 31 May 1997, <<http://www.theage.com.au/daily/970531/news/news10.html>>, (24.06.97).

⁵⁶ Hanson, P, "Speech - Friday 30 May - Newcastle", 30 May 1997, text supplied by the Electorate Office of Pauline Hanson, [hereafter *Newcastle Speech*], at 4.

⁵⁷ *Maiden Speech*, already cited n 3, at 3860.

⁵⁸ *ibid.*

"[M]y greatest desire is to see all Australians treat each other as equals as we travel towards the new century".⁵⁹

The pursuit of equality is the ubiquitous justification: "What we need are policies which are not based on race. ... I call for fairness and equality for all Australians".⁶⁰

"I want a fair go for all Australians, no matter where they or their parents come from."⁶¹

"I want all Australians to be treated equally and not on the basis of race ...".⁶² "We must all be Australians together, either we are equal in all things or equal in none."⁶³

In short, Ms Hanson uses the language of liberalism and equality. It is, almost verbatim, the strategy articulated by Stanley Fish of "appropriating the new vocabulary so that it transmits the same old messages. The favourite strategy is to find a word or a concept that seems invulnerable to challenge - law, equality, merit, neutrality - and then to give it a definition that generates the desired outcome".⁶⁴ And defining equality? "Reconciliation is everyone recognising and treating each other as equals, and everyone must be responsible for their own actions."⁶⁵ Pauline Hanson's desire for equality is really a desire for a certain *type* of equality, a desire for equality when it means a certain set of conditions.

⁵⁹ id, at 3863.

⁶⁰ *Newcastle Speech*, already cited n 56, at 7.

⁶¹ *Hansard*, 10 December 1996 at 8093.

⁶² *Media Release*, "Hanson, 'You can count the good guys on one hand'", 30 October 1997.

<<http://www.gwb.com.au/onenation/press/301097.html>>, (20.03.98).

⁶³ *Media Release*, "Hanson, 'We must extinguish native Title'", 1 October 1997.

<<http://www.gwb.com.au/onenation/press/011097.html>>, (20.03.98).

⁶⁴ Fish, already cited n 27, p 91. Hanson's speech to Parliament, *Hansard*, 31 October 1996 at 6341, takes her systematically through these issues when she responds to a joint government and opposition motion "that this House reaffirms its commitment to the right of all Australians to enjoy equal rights and be treated with equal respect regardless of race, creed, colour or origin." See also Sullivan, already cited n 28 at 186, who independently identifies the same strategy as Fish: "The tactic is simple. Write or speak in such a way that the message will get over, yet, if confronted, the actual words will never prove by themselves that a particular interpretation was intended". The interpretive issue is at the heart of the *HREOC Decision*, already cited n 8.

⁶⁵ *Maiden Speech*, already cited n 3, at 3861.

Fish's identification of the strategy is apparent in other respects: "... first you detach your agenda from its partisan origins, from its history, and then present it as a universal imperative ...".⁶⁶ Hanson:

"Along with millions of Australians, I am fed up to the back teeth with the inequalities that are being promoted by the government and paid for by the taxpayer under the assumption that Aboriginals are the most disadvantaged people in Australia. ... [I] challenge anyone to tell me how Aboriginals are disadvantaged when they can obtain three and five per cent housing loans denied to non-Aboriginals. ... I draw the line when told I must pay and continue paying for something that happened over 200 years ago."⁶⁷

Recall Fish's identification of political correctness as the ubiquitous term by which the neoconservatives critique rights for minorities. Hanson:

"We now have a situation where a type of reverse racism is applied to mainstream Australians by those who promote political correctness and those who control the various taxpayer funded 'industries' that flourish in our society servicing Aboriginals, multiculturalists and a host of other minority groups."⁶⁸

An *Age* reporter who interviewed workers at the Geelong branch of the One Nation Party in June 1997 observed,

"Political correctness was the issue that lit their flares. All complained that the two words had stifled debate so, as [one] put it, what was being said in the pub was not being said outside it, notions common on the factory floor were taboo on the airwaves. [Another] compared

⁶⁶ Fish, already cited n 27, p 8.

⁶⁷ *Maiden Speech*, already cited n 3, at 3861.

⁶⁸ id, at 3860. An editorial in *The Age*, 4 May 1997, stated that Ms Hanson's "simplistic messages" are "unvarnished by political correctness"; it would appear that even in an "anti-Hanson" editorial, the media plays into her hands by accepting her division of the debate. <<http://www.theage.com.au/oped/oped970504.htm>>, (28.07.97). Note also that the Prime Minister, Mr Howard, damns political correctness: *Hansard*, 30 October 1996 at 6158. For a slightly more questioning view, see the Leader of the Opposition, Mr Beazley, *Hansard*, 30 October 1996 at 6160.

the suppression of debate with the rise of 1930s Nazism.”⁶⁹

The attack on political correctness is recurrent. It was the foundation of the One Nation party launch⁷⁰ and has been the cornerstone of Hanson’s claims to freedom of speech: “We must address the political correctness that has destroyed our right to free speech”.⁷¹ The history of Australia, particularly with respect to colonisation and the “ANZAC spirit” is being distorted by “the politically corrected view of history of the Internationalists”,⁷² and “trendy, politically correct rubbish”.⁷³ Nationalism is the enemy of the politically correct.⁷⁴ Indeed, political correctness has become politics itself, as a “standard operating procedure for the Keating regime”, and “the political correctness that now passes for debate in this country has taken such a hold that a Royal Commission is perhaps the only way we will get to the bottom of [all aspects of Aboriginal welfare and funding]”.⁷⁵

The strategies which form the core of Fish’s critique, it has been argued, are all clearly present in the political project of Pauline Hanson and One Nation. The question of whether Hanson herself is a racist is more difficult.

⁶⁹ Elias, already cited n 7.

⁷⁰ The third paragraph of the speech begins, “The chance to finally rid ourselves of the inequality that has grown from years of political correctness ...”, *Party Launch Speech*, already cited n 3.

⁷¹ *Adelaide Speech*, already cited n 7, at 1-2; see also, *Media Release*, “‘So-Called’ Anti-racism committee plots personal assault on Hanson”, 16 July 1997.

<<http://www.gwb.com.au/onenation/press/160797.html>>, (20.03.98);

Media Release, “Hanson, ‘Anti-Hanson Rally peaceful, thanks to us”, 19 May 1997.

<<http://www.gwb.com.au/onenation/press/190597.html>>, (20.03.98).

⁷² Hanson, P, “Speech - Prosper Australia - Brisbane 4/10/97”, text supplied by the Electorate Office of Pauline Hanson, [hereafter *Prosper Australia Speech*], at 1-2.

⁷³ *Hansard*, 10 December 1996 at 8092.

⁷⁴ Hanson, P, “Address - RSL North Ipswich”, 21 July 1996, text supplied by the Electorate Office of Pauline Hanson, [hereafter *Address - RSL North Ipswich*], at 4.

⁷⁵ *Hansard*, 17 June 1997 at 5455-5456. The suggestion of a Royal Commission is perhaps worth further exploration for its representation of the ways in which the law is used by Hanson to serve her politics.

Ignorance and/or Innocence: A Question of Faith

Fish claims that the politics of hate is the combination of ignorance and "bad faith".⁷⁶ By bad faith, it seems he means to refer to an intention, rather than a consequence of this politics. That is, bad faith would perhaps not be satisfied by the consequences of such a politics being an "increase" of racial hatred. It would perhaps not be sufficient that one is constituted as a racist by engaging in the political strategies identified by Fish. It would not be enough because of Fish's suggestions of conscious complicity in hate. For instance, of David Duke, he says "he isn't really concerned with the rights and opportunities of everyone; he is concerned that people previously denied equal opportunity are now in the process of gaining it ...".⁷⁷ He is more express about the communicative process:

"More often than not the audience to whom such coded messages are addressed is complicit in the transaction they enable. Not only is the code readily understood, its status as code - as something that wears a vocabulary like a disguise - is welcomed by both parties. The speaker does not deceive the audience but tells it what it wants to hear. ... The question is one of motives".⁷⁸

The implication of this line of reasoning is that without the requisite bad faith, one is not engaging in the politics of hate. In the One Nation case, this would translate as a question about whether Ms Hanson truly believes in what she says about equality, or whether she uses it consciously because it is a way communicating a different message.⁷⁹ On the one hand, does she mean what she says? Or is she saying what she means? The answer to this is uncertain and it is not my intention (nor, I will argue below, is it necessary) to imply a racist motivation - to assert a lack of faith - on Ms Hanson's part. The assertion here is not that she does not mean what she says; rather, I am suggesting that others - racists - may

⁷⁶ Fish, already cited n 27, pp 92 & 98.

⁷⁷ id, p 89. Note that this is not intended to be a direct comparison of the views of David Duke and Pauline Hanson. I use it as a comparison of political strategy rather than political content.

⁷⁸ id, p 90.

⁷⁹ Ms Hanson denies absolutely and expressly that she is motivated by racial hatred; for instance, "I do not continue ... statements against [the Aboriginal and Torres Strait Islander Commission] out of a hatred or even dislike for Aboriginal people", *Hansard*, 17 June 1997 at 5456.

use her strategies and align with her politics for the legitimacy it affords them.

There are suggestions by Fish that a conscious complicity in hate might not be necessary to constitute a politics of racial hatred. It may be sufficient to have a lesser degree of complicity, which might perhaps be evident in a willingness to delve into fears. Of David Duke, he continues:

“he speaks from the position of those who fear that the efforts to disempower minorities are being made at their expense.⁸⁰ What he’s really saying is: ‘Those niggers and kikes and faggots have come far enough; it’s time to stop them before they take our jobs, cheat our children out of a place in college, and try to move in next door’”.⁸¹

Hanson clearly plays on the fears of her audience. At a speech in Newcastle, she asked, “What will the union leaders do as Asianisation is forced upon us? If we are to become part of Asia how long will it be before Australian workers are forced to compete for jobs with Asian conditions and Asian wages?”⁸² The launch of One Nation revolved around fears: “if we fail, all our fears will be realised, and we will lose our country forever, and be strangers in our own land”.⁸³

For Fish, it appears to be sufficient to constitute a person as a racist if the goals of their politics are exclusionary on racial grounds, while the strategies of the politics are those of coded speech. That is, he appears to have a consequentialist view of what will constitute a politics of hate: if the effects of the politics and policies are racially discriminatory, then that will be to engage in racist politics.

The point is to suggest that even if Ms Hanson (or her supporters) denies she is (they are) a racist(s), she is (they are) nevertheless engaging in racist politics. Even if there is a denial that they aim to systematically disadvantage certain groups of people because those people are Aboriginal or Asian,

⁸⁰ Fish, already cited n 27, p 89.

⁸¹ *ibid.*

⁸² *Newcastle Speech*, already cited n 56, at 23-4.

⁸³ *Party Launch Speech*, already cited n 3.

Hanson and One Nation are nevertheless engaging in politics of racial hatred.⁸⁴

Come on, Aussie, Come On: Liberalism, Nationalism and Language

The reconstitution of “equality” in One Nation politics was the focus of the ‘Ordinary People: The Politics of Pauline Hanson’ (see above). In this section I want to look further at Hanson’s appropriation of language and suggest another word which, to paraphrase Fish, appropriates a time-honoured vocabulary⁸⁵, which seems invulnerable to challenge, and then to give that word a definition which generates the desired outcome.⁸⁶ In Hanson’s case, the vocabulary is not drawn only from liberalism, but from nationalism, and the interrelationship between the two to form our understanding of the content and values of our liberal democracy. The word is “Australia.” As

⁸⁴ This is, of course, without considering the issue of the extent to which Ms Hanson’s supporters are overtly racist. Victorian Liberal MP, Petro Georgiou, claims Ms Hanson deliberately presents two faces: the “ordinary woman ... who has had her share of hard knocks and is just speaking her mind” and the “ugly face, the face that attracts the racists and the bigots.” (Quoted in Middleton, K, “Backbenchers step up attack on Hanson”, *The Age*, 20 June 1997. <<http://www.theage.com.au/daily/970620/news/news6.html>>, (24.06.97). A note needs to be made that for those of us who would criticise Ms Hanson, there are important questions of strategy. There must be a constructive politics of opposition; a simplistic labelling of Hanson and her supporters as racists would leave us open to an inverted application of Fish’s critique. That is, to damn the speaker and silence the issue through a process of labelling is a manipulation of language. As Chandran Kukathas, already cited n 28, p 13, observes, “in responding to Ms Hanson, her critics have taken the easy option of demonising the messenger, and taken too little notice of the message and its troubling popularity”. Ironically, this parallels the right-wing critique of the neoconservatives by Andrew Norton (discussed in Doogue, already cited n 28, p 120), who argues that the cursing of a person or expression as politically correct is to excuse inaction: “Instead of parading as victims of free speech, my colleagues on the Right should be out there igniting the debates they claim are not happening ... If they don’t, the irony will be very painful. The anti-PC forces will have fallen victim to their own scare campaign and said too little on subjects on which much should be said.” If there is to be any opposition of substance, it must do more than merely reverse the witchhunt and respond to the Hanson cries of “politically correct!” with louder cries of “racist!” This paper cannot offer the substance of a constructive opposition, though it is hoped that it contributes in some way by identifying the issues.

⁸⁵ Fish, already cited n 27, p 91.

⁸⁶ id, p 8.

with her use of equality, the starting point will be to return to her debut parliamentary speech.

"To survive in peace and harmony, united and strong, we must have one people, one nation, one flag."⁸⁷ She states that "ordinary Australians" have been kept out of the debate on multiculturalism, and that "ordinary Australians" are funding the "industries ... servicing Aboriginals, multiculturalists and a host of other minority groups".⁸⁸ "Abolishing the policy of multiculturalism will ... allow those from ethnic backgrounds to join mainstream Australia".⁸⁹ "I consider myself just an ordinary Australian ..."⁹⁰ The statements and sentiments are repeated over and over in speeches and media releases.⁹¹

The more subtle use of simply "Australians" is similarly prescribed with meaning: "We will make sure it is we Australians who determine our future, and the future of our country."⁹² The term "Australian" is defined by exclusion. In spite of her claim that, "there *is* a clearly defined Australian identity and culture", the content of this identity is never

⁸⁷ *Maiden Speech*, already cited n 3, at 3861.

⁸⁸ *id.*, at 3860.

⁸⁹ On the use of "mainstream" as a term which Hanson (and Prime Minister, John Howard) manipulate and give meaning to, see Andrew Jakubowicz, already cited n 28, p 9: "The cultural significance of this term cannot be underestimated, as it conveys enormous power to those political forces which can appropriate it, and claim to represent it".

⁹⁰ *Maiden Speech*, already cited n 3, at 3863.

⁹¹ See for instance, *Newcastle Speech*, already cited n 56, at 27 ("fair dinkum Aussie workers"); *Prosper Australia Speech*, already cited n 72, at 3, 8; *Media Release*, "Hanson, 'Unlike Cheryl, I will not be sleeping with the enemy'", 22 October 1997.

<<http://www.gwb.com.au/onenation/press/221097.html>>, (20.03.98); *Media Release*, "Hanson, 'You can count the good guys on one hand'", 30 October 1997.

<<http://www.gwb.com.au/onenation/press/301097.html>>, (20.03.98); *Media Release*, (Untitled), 14 June 1996, p 1.

⁹² *Adelaide Speech*, already cited n 7, at 10-11. It is interesting to note that although she claims "it is flawed to essentially suggest some of our people are more Australian than others" it appears that this is precisely what she does. For instance, "... there are so many people in Australia who do not think of themselves as Australians. ... Where will they stand in any future crisis, beside us, behind us, or will they themselves be in crisis?" See: *Media Release*, "Hanson, 'We must extinguish Native Title'" 1 October 1997.

<<http://www.gwb.com.au/onenation/press/011097.html>>, (20.03.98); *Party Launch Speech*, already cited n 3.

articulated.⁹³ It is all left unsaid, as anybody who is really an Australian does not need it identified - they just know. There are some things, however, that are certainly not Australian and these are not so difficult to explain to her audience. The undertone is that the "ordinary Australian" - the real "Australian" - is not Aboriginal. The ordinary Australian is not from an ethnic background, or at least not Asian. Ordinary Australians are not "the fat cats, the bureaucrats and the do-gooders".⁹⁴ The ordinary Australian is like Hanson herself: someone "who has had her fair share of life's knocks"⁹⁵; someone who does not want the nation being "divided into black and white"⁹⁶; somebody who is "fed up with being told, 'This is our land,'" and who wants to know, "Well, where the hell do I go?"⁹⁷; somebody "who wants to keep this great country strong and independent".⁹⁸ This is the ordinary Australian. She even invokes the language of these "ordinary Australians": "If the government wants to be fair dinkum ...".⁹⁹

These themes of claiming a particular identity as a universal identity are clearly apparent in the media coverage devoted to One Nation.¹⁰⁰ A party worker claims he is "a strong believer in Australian culture, or what is left of it".¹⁰¹ The League of Rights describe her as potentially "the salvation of traditional Australia. She has acted as a catalyst, which is already starting to define the nature of the battle for Australia's future".¹⁰² The Governor-General, Sir William Deane, did not

⁹³ Hanson, P, "ANZAC Day Address, Bundamba, 25 April 1996", text supplied by the Electorate Office of Pauline Hanson, at 3 (emphasis in original).

⁹⁴ *Maiden Speech*, already cited n 3, at 3860.

⁹⁵ *ibid.*

⁹⁶ *id.*, at 3861

⁹⁷ *ibid.*

⁹⁸ *id.*, at 3863.

⁹⁹ *id.*, at 3862; see also *Newcastle Speech*, already cited n 56, at 27: "And I mean sit down with fair dinkum Aussie workers ..."

¹⁰⁰ See, for instance, Elias, already cited n 7; Schwartz, L, "Extremists laud Hanson as savior", *The Age*, 22 June 1997.

<<http://www.theage.com.au/daily/970622/news/news6.html>>,

(24.06.97); "Hanson accuses PM of inciting violence", already cited n 52; Pegler, T, Willox, I & Conroy, P, "I have never said anything racist and it is ... those who oppose me that use the weapon of racial hatred", *The Age* 6 May 1997.

<<http://www.theage.com.au/daily/970506/news/news1.html>>,
(24.06.97).

¹⁰¹ Elias, already cited n 7. Please note that the selected quote is directly from the article but was not in quotation marks in the article.

¹⁰² Schwartz, already cited n 100.

name Hanson, but did warn that “those who undermined Australia’s respect for people of different races were denying the very basis of the nation”.¹⁰³ Hanson has referred to her supporters as “decent, patriotic Australians”, arguing that she is not racist but has “only called upon the need for us to be Australians”.¹⁰⁴ And then there is the more recent image with which we associate Hanson; a woman looking away from the camera, draped in the Australian flag.¹⁰⁵ Ironically, this was noted by one journalist as being “Cathy Freeman style”.¹⁰⁶

The message is clear: Hanson’s politics is nothing less than a campaign to give meaning to “Australia” as a place, a society and a culture. It is an attempt to shift our imaginings - the ways in which we view ourselves as a nation - in a particular direction. She does this by invoking a range of images and by appropriating language. Through the language of liberalism

¹⁰³ “Hanson accuses PM of inciting violence”, already cited n 52. Please note that the selected quote is directly from the article but was not in quotation marks in the article.

¹⁰⁴ Pegler et al, already cited n 100. For a critical exploration of how such processes “legitimise and normalise racist violence” against indigenous Australians in daily life, see Cunneen, C, “Hysteria and Hate: the vilification of Aboriginal and Torres Strait Islander people” in Cunneen, C, Fraser, D, & Tomsen, S, *Faces of Hate: Hate Crime in Australia*, Hawkins Press, Sydney, 1997, pp 137-161. From the same collection, for a discussion of racial hatred directed at Asian Australians see White, R, “Immigration, nationalism and anti-Asian racism”, pp 15-43, or for an overview of the context of racist violence in Australia, see Cunneen, C, Fraser, D, & Tomsen, S, “Introduction: defining the issues”, pp 1-14.

¹⁰⁵ This image is on the cover of the biography written with Ms Hanson’s “support and assistance”: Dodd, H, *Pauline: The Hanson Phenomenon*, Boolarong Press, Brisbane, 1997. There have been suggestions by at least one former staff member that Ms Hanson was advised in the US of tactics such as using the flag: Daly, M, & Roberts, G, “The Perils of Pauline’s Party”, *The Age*, 26 April 1997.

¹⁰⁶ <<http://www.theage.com.au/news/970426/nsp6.txt.htm>>, (11.05.97). Elias, already cited n 7. The analogy is apt. It could be argued Freeman is also trying to reclaim the meaning of Australia. The sporting arena is a significant site for such claims. The Nine Network’s Australian rules football program, *The Footy Show* broadcast in Grand Final week (25 September 1997) was viewed by almost one million people in Melbourne alone. It included a performance by Yothu Yindi which was accompanied by six Aboriginal players carrying Australian flags, then joined by non-Aboriginal players carrying Aboriginal flags. The two players involved in the first complaint to the Australian Football League of on-field racial abuse in the AFL, Michael Long and Damian Monkhurst, finished at the front of the performance. At its conclusion, host Eddie Maguire, called for an end to racial abuse in football. The theme was unmistakable through the use of the flags: all people, Aboriginal and non-Aboriginal are Australians. Through the use of the flag, the aim is to redefine “Australia” in a more inclusive manner.

she directs the meaning of “equality” and through the language of nationalism she aims to determine what kind of liberal democracy we have in this country.¹⁰⁷ That is, she argues that to be Australian is to be democratic, promoting fairness and equality. But she aims to prescribe what both “equality” and “Australian” are.

The notion of what it is to be Australian has been recently apparent in the debate over what it is to be “un-Australian”. In July 1997, a meeting of the One Nation party occurred in Dandenong, an outer suburb of Melbourne. Outside the rally, 1500 protesters gathered. Their chants included “racist cowards” and “un-Australian”. A Hanson supporter was beaten and knocked unconscious by protesters.¹⁰⁸ The media coverage that followed and the letters to the editor columns in the newspapers offered competing views of what was “un-Australian”.

The first target was to turn the accusation back on the protesters themselves. Police, explained *The Age*, labelled “the protest” un-Australian. (Note that it was not particular protesters, or particular actions, but the whole protest.)¹⁰⁹ A more specific quote said the *violence* was “disgusting” and “un-Australian.”¹¹⁰ Hanson argued, “It’s not Australia’s way of life, is it, for these sort of protests? I’m not saying that people shouldn’t have their say. Protest, but do it in a civilised, friendly manner”.¹¹¹

¹⁰⁷ The theme of nationalism surfaces expressly on occasion: “The politically correct amongst us don’t like words like ‘Nationalism’ being used but I have news for them! It is time for all mainstream Australians to stand up and be counted. As a proud Australian ‘Nationalist’ ...”, *Address - RSL North Ipswich*, already cited n 74, at 4; With respect to employment and trade, she uses the expression “economic nationalism”, *Speech - Prosper Australia*, already cited n 72, at 6.

¹⁰⁸ “Violence erupts over One Nation” *The Age* 8 July 1997; “One Nation backers blame ‘criminals’ for street attack”, *The Age*, 9 July 1997.

¹⁰⁹ One Nation has received some support from police officers in the NSW town of Mudgee, by their presence at a rally and the wearing of one nation t-shirts: see Roberts, already cited n 12.

¹¹⁰ (my emphasis) Shiel, F, “One Nation backers blame ‘criminals’ for street attack”, *The Age*, 9 July 1997.
<<http://www.theage.com.au/daily/970709/news/news4.html>>
(20.03.98).

¹¹¹ “Hanson’s advice is to turn the other cheek”, *The Age*, 9 July 1997.
<<http://www.theage.com.au/daily/970709/news/news5.html>>,
(09.07.97).

The editorial in *The Age* which followed the protest discussed the issue of being “un-Australian” at some length, providing an interesting comparison of the ways in which the language is used and meaning is claimed:

“there is a depressing affinity between Ms Hanson’s rhetoric and the ‘un-Australian’ taunts that the protesters hurled at the people attending the One Nation rally. ‘Un-Australian,’ like ‘divisive,’ the word often heard in Ms Hanson’s complaints about immigration levels or special programs for Aborigines, is a term used to control the limits of debate. They are both dangerous terms in democratic politics, although the temptation to use them can be difficult to resist. *The Age*, for example, might describe Monday night’s violent protesters as un-Australian, by which we would mean that a cherished assumption of Australian democracy is that even bigots deserve a measure of toleration, and that the way to fight bigotry is by reasoned argument, not thuggery. ... Similarly, we could call Ms Hanson’s views divisive, by which we would mean that they treat the just claims of indigenous Australians with contempt, and are hostile to the amicable co-existence of cultures ...”.¹¹²

In the popular press - in a very public domain - there is a debate about what it is to be Australian.¹¹³ The One Nation campaign to give meaning to “Australia” is a part of our everyday life.

The problem remains, nevertheless, that there seems to pervade the coverage a presumption that there is in fact

¹¹² “Editorial opinion: The Politics of Hatred”, *The Age*, 9 July 1997. <<http://www.theage.com.au/oped/oped970709.htm>>, (09.07.97).

¹¹³ Hanson uses the term “un-Australian” on occasion; for instance, *Media Release*, “Hanson, ‘Credit Union services get political’”, 14 August 1997. <<http://www.gwb.com.au/onenation/press/140897.html>>, (20.03.98). Sullivan, already cited n 28, at 181, argues that Hanson “identifies two un-Australian activities; political correctness and support for the ‘other’ ahead of ‘ordinary’ Australians ...; the attack on political correctness cannot be distinguished from her views about Australian identity and is indeed essential for understanding them.” The expression has become very recently the focus of the Maritime Union of Australia and its supporters in the pickets at wharves around Australia. The powerful image in the photograph of a large security guard whose identity is hidden by a balaclava dominates the protests: see photograph, *Sydney Morning Herald*, 2 May 1998, p 8.

something that can be identified as being Australian, and that this will emerge throughout the debates. What I would suggest - drawing obviously on the perspective of Stanley Fish - is that there is no such inherent meaning or identity, and the battle is better seen as one which is about defining meaning and identity. It is the ongoing creation and re-creation of identity itself. One Nation politics, the protests against it and the media coverage surrounding it are aspects of the political and cultural act of imagining. Hanson wants, as she says, "people who know that being Australian is a state of mind".¹¹⁴ But what particular state of mind does she see as being Australian?

The Hanson Imaginings and The Things You Need

What is Ms Hanson trying to privilege as Australian identity? I return again to her debut speech. She quotes Arthur Calwell. She refers to the unemployment rate of the 1960s. She pushes for the abandonment of ATSIC, and the halt to Asian immigration. She yearns for a time when we were all white, or at least shades thereof. Her supporters echo the calls: "My uncles and great uncles fought in four wars to make this country free, to make this country the country it used to be back in the 60s".¹¹⁵ They want "the traditional Australia".¹¹⁶

She draws the past and present together when discussing the anti-war protesters of the Vietnam era:

"They were a rabble of mindless creatures who did not deserve to be called Australians, and not unlike their modern-day counterparts who have turned out to attack the decent ordinary Australians who chose to come here and listen today".¹¹⁷

While she claims that she does not want "policies that will take us backward to a bygone era", she expresses the desire to "get

¹¹⁴ Birnbauer, B, "Patriot games", *The Age*, 14 June 1997.
<<http://www.theage.com.au/daily/970614/news/spec2.html>>,
(24.06.97); *Adelaide Speech*, already cited n 7, at 11.

¹¹⁵ "Pauline's people", *The Age*, 11 May 1997.
<<http://www.theage.com.au/daily/970511/news/spec1.html>>,
(20.03.98); her grandfather was wounded at Gallipoli, *Prosper Australia Speech*, already cited n 72, at 1.

¹¹⁶ Schwartz, already cited n 100.

¹¹⁷ *Prosper Australia Speech*, already cited n 72, at 3.

Australia manufacturing again".¹¹⁸ Much of her politics suggests a great call to the past, such as statistics for comparison from 1961¹¹⁹; a desire to "recover what we have lost"¹²⁰; a call to "regain our history, our heritage, our wealth, our land, our pride, our patriotism...".¹²¹ This is evident in Hanson's appeal to others who long for this time. She is "a fish and chip shop lady," representative of the quintessential battler - at least, of the urban battler.¹²² She trades in the food from a time before McDonald's - meals from the golden past, rather than the golden arches. We are, however, unlikely to return to that past.

Hanson was asked what she would do if she lost her seat at the next election. She replied that she would go to her farm outside Ipswich, and "work the land".¹²³ The imaginings remain: out of the city, even without the fish and chip shop, she would remain the quintessential battler, the Aussie who works the land.

Pauline Hanson is calling to the past, calling the ghosts and searching for the souls that long for a time before this.¹²⁴ She harks back to the 1950s and 1960s, when Australia was white and Aborigines knew their place. She has the tools to make such calls: she is white, a battler, an "ordinary Australian"; she speaks in the legitimate and legitimising language of liberalism, she speaks in the patriotic and untouchable language of nationalism. She has all the things her constituents need.¹²⁵

¹¹⁸ See for example *Adelaide Speech*, already cited n 7, at 1-2, 8, 10 on manufacturing; also *Hansard*, 3 September 1997 at 7706-10.

¹¹⁹ *Party Launch Speech*, already cited n 3.

¹²⁰ *Newcastle Speech*, already cited n 56, at 32.

¹²¹ *Media Release*, "Hanson calls for candidates for One Nation" 3 October 1997. <<http://www.gwb.com.au/onenation/press/031097.html>>, (20.03.98).

¹²² *Maiden Speech*, already cited n 3, at 3862.

¹²³ Roberts, G, "Moving target", *Sydney Morning Herald*, 26 September 1997, p 19.

¹²⁴ On this theme generally, see Sullivan, already cited n 28.

¹²⁵ "If you've forgotten what you did,
If you've forgotten how you felt,
If you've forgotten who you fucked,
Come and see me, I hoard the things that you need"
The Jackson Code, "The Things You Need", from the CD *The Things You Need*, Ra Records, Sydney, 1995.

Conclusions (or Apologies): The Limits of the Law

"The people of Australia know my aims ..."¹²⁶

The arguments proposed in this article have suggested there is a hidden core of meaning to the politics of Pauline Hanson and the One Nation party. This meaning is one of racial hatred, and it is expressed (using Fish's language) in code. The appropriation of concepts of liberalism and nationalism, placed in their historical context and political environment, enables Hanson to promote an agenda of equality which carries an exclusionary and discriminatory effect for those who are not "Australian" as she defines it. This is so, it has been argued, regardless of whether or not Pauline Hanson herself is a racist, or consciously promotes the message of racism (she denies that she does - patriotism, she reminds us, is not racism¹²⁷).

While the sections *Speaking in Code - Come on, Aussie, Come on* have dealt with the meaning of One Nation politics in a wider context, Sir Ronald Wilson dealt with them (as he was required to) in a legal context. The outcome was that Pauline Hanson, in the eyes of the law, had said nothing that was even capable of giving rise to an arguable complaint of discrimination or offensive behaviour based on race. The law accepts Hanson in her own words, on her own terms, and in doing so grants a legitimacy to the political discourse in which she engages. It protects her on the basis of grammar and syntax, and leaves the parties to fight the battle for meaning in the domains of politics and culture. The legal interpretation notwithstanding, Sir Ronald does not leave the issues uncontested.

The Commissioner's desire for recognition that he was "required to decide this case on a strictly legal basis" is a curious addition. The apology - for it is undoubtedly an apology - is suggestive of one of two possibilities. First, it could mean that based on the text of the interview, some parts of the community find offensive the notion that Aboriginal people should not receive any extra benefits than the rest of the community. Such an interpretation could be supported by an earlier reference to the special measures provision of the *Racial*

¹²⁶ Pauline Hanson, *Media Release*, "Hanson 'Howard has Amnesia'", 8 May 1997, <<http://www.gwb.com.au/onenation/press/080597.html>>, (20.03.98).

¹²⁷ *Newcastle Speech*, already cited n 56, at 33.

Discrimination Act - s 8(1) - which would mean that extra benefits are not discriminatory.¹²⁸ Alternatively, as it has been argued in this paper, it could be an acknowledgment that there is more to Ms Hanson's statement than the purely legal and literal interpretation uncovers, and in the context of other understandings about Ms Hanson's project, her specific comments take on a meaning that is offensive because it is racist, or popularly perceived as racist. This latter interpretation could be supported by a widely held public perception that - in spite of her claims about a desire for equality - Ms Hanson's agenda is in reality one which seeks the social, economic and political subordination of Aboriginal people.

The difficulty we face and the pressing problem for us as lawyers is that Sir Ronald Wilson's interpretation is, of course, correct. That is, Pauline Hanson's claims do not express any hatred. She is what she claims to be - innocent of any charge of hatred. Her claims remain plausible because the language is clear in its meaning and, rightly, we cannot go beyond it. If, however, one accepts that Pauline Hanson speaks in a social, cultural, political and historical context and if one accepts that her words mean nothing more than what she says they mean, does this create an interpretive anomaly? Is it acceptable to remove all language from its context, for surely it only gains meaning through its context, through points of mutual reference. If legal interpretation divorces language from culture, do we lose something in the legal process?

That the law cannot reach into the political discourse of One Nation due to the required interpretive techniques is not necessarily fashioned as a prescriptive criticism. That is, I am not suggesting that the law should prohibit the statements of One Nation through discrimination and vilification laws.¹²⁹ However, the political reflections on the nature of law and legal interpretation should inform our understanding of what we do as lawyers and citizens when we engage in legal discourse, particularly insofar as we view the law as a legitimate and legitimising institution. To legally validate the statements of Pauline Hanson should not be to suggest they deserve respect; simply because the law says something is acceptable does not necessarily imbue it with civic or moral worth, which Hanson

¹²⁸ HREOC Decision, already cited n 8, at 13.

¹²⁹ In any case, it would perhaps be futile to do so, for the politics runs far deeper than the net of the law can ever reach.

claims the decision does.¹³⁰ Ultimately, a legal interpretation is merely one possible interpretation, and we should be sceptical about the privileging of any one interpretive discourse, be it legal or otherwise.

The project here has been to suggest the possibility of an alternative interpretation - it is in no way a claim to a definitive interpretation - of some statements that were found at the Human Rights Commission to have no foundation in racial hatred. The aim has been to contribute to both legal and political debate about the One Nation party and national identity in Australia. This article has attempted to offer an explanation of the apology from Sir Ronald Wilson. This article is - in a time of reconciliation - an apology.

¹³⁰ *Media Release*, "Hanson: 'My innocence could have been proven in five minutes, but it took 18 months'", 29 October 1997.
<<http://www.gwb.com.au/onenation/press/291097.html>>, (20.03.98).