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Media Release

**PROFESSOR IVISON: WHILE ONGOING INJUSTICES GO UNADDRESSED,
RECOGNITION WON'T REFORM ANYTHING**

Professor Duncan Ivison, Deputy Vice-Chancellor (Research) at the University of Sydney, has stated that the debate about recognising Indigenous peoples in the Australian *Constitution* is a deeply political one and has warned of the danger in confusing the referendum process and its outcome with the necessary and sufficient conditions for establishing a just set of relations between Indigenous peoples and the state.

In a new article published in the latest [Indigenous Law Bulletin](#), Ivison—one of the Australia's leading experts in political philosophy—explores legitimacy and justice, and claims that the relationship between the two is particularly pertinent with regard to relations between Indigenous people and settler states. Issues around legitimacy and justice are primarily dealt with by two modes: recognition and justification. But Ivison questions whether a claim by Indigenous people for recognition can overcome the presence of deep and ongoing historical injustices.

In analysing what he refers to as 'games' of recognition and justification, Ivison identifies two key problems with recognition: first, that it is often only a *part* of what is at stake, and that to see it as the key driver of *all* social and cultural interactions would be to misconstrue the motives and aims of those in political struggles.

And, second, that the very nature of colonialism prevents true recognition—whereby both parties genuinely and mutually recognise each other—from being possible, as the relationship between coloniser and subjects cannot avoid the coloniser seeing the subject in terms of their colonial project and their desire for territory. That is, recognising first requires mutual *valuing*, in which critical evaluation and judgment about the beliefs and practices of the person (or peoples) making the claim for recognition is an unavoidable step, and this is problematic in colonial contexts because the 'recogniser' inevitably exercises considerable power over the 'recognisee' in being the one with the capacity to grant recognition.

Instead, Ivison proposes a shift from a primary focus on recognition to one on *power* and thus to relations of justification: how is power exercised and by whom? What are the consequences of those exercises of power? In making this shift, in relation to the constitutional and political situation of Indigenous peoples in Australia, he suggests that the onus of justification of the current political

arrangements would shift from resting almost entirely with Indigenous communities to one (at least) equally shared with the state.

Power is at the heart of this issue, and underpinning the legitimate exercise of power are certain reciprocal and generally valid norms which form the basis of the right to justification. To get this right, these norms—these terms of our fundamental moral and political relations—must be constructed collectively, from the ground up, respecting each other’s fundamental freedom and equality at each step in the process.

And although this path would not be without its challenges, Ivison does conclude that a project focused on attempting to re-conceptualise our ideas of legitimacy and justice, in the full light of our colonial past, is worth pursuing and can offer genuine hope for a future of more just relations between Indigenous peoples and the state.

Ivison’s argument throws down a philosophical gauntlet that we cannot afford to overlook in the current debate around Constitutional recognition, lest the long journey takes us no further than where we already stand.

Click here to access a copy of [‘JUSTIFICATION, NOT RECOGNITION’ by Duncan Ivison.](#)

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