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**POSITIVE DISCRIMINATION AS DISCOURSE: A  
METHODOLOGICAL APPROACH FOR STUDYING AUSTRALIAN  
AND CHILEAN INDIGENOUS EDUCATIONAL EXPERIENCES**

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*SUMMARY*

*This essay proposes a methodological approach based on a Foucaultian discourse analysis and also on Nakata's cultural interface, to study higher education institutions and their relationship with their indigenous students. The paper is divided into the following sections: the archeology of knowledge and statements; subjects and objects of knowledge; knowl-*

*er and subjectivity; truth and 'claims to know' indigenous subject; cultural interface; Australian indigenous higher education; and lessons for Chile. From the description of the concept of positive discrimination, treated here as discourse, the Australian case is analyzed and possible lessons are proposed for the context of indigenous students in Chilean higher education.*

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This essay focuses on positive discrimination measures in Australia to support the progress of Indigenous Australians in higher education. Our proposition is that the effectiveness of positive discrimination measures can be scrutinized against the terms of their own rhetorical and associated conditions. The use of Foucauldian archaeology is to enable us to render policy statements and positive discrimination measures by the Australian government as a

point of entry to rediscover their constitutive characteristics, the rules to their formation, and the conditions for their emergence, their possibility. Nakata's Cultural Interface allows us to look more closely at these statements as at a point of convergence with Indigenous standpoints, but at the more local level where statements find their coherence and acceptance in a 'common sense'; and that requires an analysis of both the production and reception of

statements engaged in a more localized meaning-making process rather than an analysis that looks to the production of statements as the result of some pre-given, distant entity.

To investigate how Indigenous people and their educational aspirations have been recruited to a policy discourse and promised support is essentially a consideration of how Indigenous Australians and their aspirations have been constituted at the level of

statements made about them, as both subjects and objects of government intervention.

In this methodological approach, we treat positive discrimination as discourse, which has formed around the notion of equal opportunity to provide special and beneficial measures to members of identified groups, as a remedy for past negative discrimination. To explore complexities in the constitutive characteristics of positive discrimination measures in Indigenous higher

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**KEYWORDS / Archaeology of Knowledge / Cultural Interface / Discourse / Foucault / Indigenous / Nakata / Policy /**

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## DISCRIMINACIÓN POSITIVA COMO DISCURSO: UN ENFOQUE METODOLÓGICO PARA ESTUDIAR LAS EXPERIENCIAS EDUCATIVAS INDÍGENAS AUSTRALIANAS Y CHILENAS

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### RESUMEN

*En este ensayo se propone un enfoque metodológico basado en un análisis foucaultiano del discurso y también en la interfaz cultural de Nakata, para estudiar las instituciones de educación superior y su relación con sus estudiantes indígenas. El trabajo se divide en las siguientes secciones: la arqueología del conocimiento y enunciados; sujetos y objetos del conocimiento; conocimien-*

*to, poder y subjetividad; verdad y 'reclamos de conocer' al sujeto indígena; la interfaz cultural; educación superior australiana; y lecciones para Chile. A partir de la descripción del concepto de discriminación positiva, tratado aquí como discurso, se analiza el caso australiano y se proponen posibles lecciones para el contexto de los estudiantes indígenas en la educación superior chilena.*

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### RESUMO

*Este ensaio propõe uma abordagem metodológica baseada na análise do discurso foucaultiano e também na interface cultural de Nakata, para estudar instituições de ensino superior e seu relacionamento com seus alunos indígenas. O trabalho está dividido nas seguintes seções: a arqueologia do conhecimento e enunciados; assuntos e objetos de conhecimento; conhecimento, poder e*

*subjetividade; verdade e 'reclamos de conhecer' ao sujeito indígena; a interface cultural; educação superior indígena australiana; e aprendizagens para o Chile. A partir da descrição do conceito de discriminação positiva, tratada aqui como discurso, o caso australiano é analisado e possíveis aprendizagens são propostas para o contexto de estudantes indígenas no ensino superior chileno.*

education, and to ensure that we are able to bring to the surface for interrogation some of the 'taken-for-granted' premises and assumptions that are at work in the Chilean and Australian government's policy and program texts analyzed in this essay, we will draw on the work of Foucault (1972), whose archaeological approach to knowledge production is a well-argued methodological tool for illuminating the discursive contexts in which knowledge statements are made and remade in the everyday world and come to find their coherence in public discourse.

While Foucault's approach enables us to attend to issues of subjectivity and historical knowledge/power relations in ways that are useful for our investigation of the positive discrimination measures, the centrality of Indigenous people to our inquiry requires further framing. For this purpose, we draw also on the work undertaken by Nakata (1997). Nakata's study of the archives on Torres Strait Islanders led to a re-conceptualization of the contemporary space for In-

igenous people as a Cultural Interface, one he argues is informed by the positioning effects of the corpus of knowledge produced through Western understandings of Indigenous people. Both theorists inform a) the need to investigate the discursive space where public statements such as positive discrimination measures are made and remade in tandem with their constitutive basis in power/knowledge relations, and b) the need to consider the knowledge production processes by which the subjects of policy statements and positive discrimination measures are turned into objects of particular discourses.

Our primary task in this study, then, is to investigate whether, and reveal how, such statements and measures come into existence and cohere with/on colonial terms. In short, we examine 'solutions' to the 'problem' of a disadvantaged group in higher education in order to reveal and consider what is 'un-problematized' in the acceptance of these positive discrimination measures as solutions to effect change.

### Archaeology of Knowledge and Statements

Foucault (1972, 1980) underpins in his archaeology of knowledge our methodological considerations, as his work expresses historical interest in the way human subjectivities are produced through both knowledge and discursive practices, which change and shift over time. Foucault reveals how subjectivities are not inherent or fixed, but are contingent on the conditions which give rise to their production. The concept of 'contingency of human subjectivity' emerged through Foucault's bringing to light the systems of thinking that underpin discursive productions (García, 1988). His method is to explore the substrate of knowledge production for evidence of the continuities that work to stabilize discourses and at the same time the discontinuities that unsettle and disrupt them by providing spaces for resistance to established ways of thinking. These disruptive practices (both the concert and tensions in movements between continuities and

discontinuities) offer our investigation a point of entry to the constitutive characteristics that come to shape social practices and, in turn, the narratives that coalesce around positive discrimination measures.

Foucault (1980) proposes that discursive statements are characteristically discontinuous. What gives them the illusion of unity and continuity in the development of a discipline or field of knowledge, are the conditions of possibility within a dominant 'episteme'. An 'episteme', for Foucault, is a kind of 'epistemological unconscious' particular to a given historical period; a set of fundamental assumptions or a configuration of knowledge, which has become so naturalized and internalized as to be invisible to those who hold the assumptions. He explains: "We would define the episteme retrospectively as the strategic apparatus which permits of separating out from among all the statements which are possible those that will be acceptable within, we won't say a scientific theory, but a field of scientificity, and which it is

possible to say are true or false. The episteme is the 'apparatus', which makes possible the separation, not of the true from the false, but of what may form what may not be characterised as scientific." (Foucault, 1980: 197).

An episteme which has become 'naturalized' and taken for granted as truth-telling, is assumed in what Foucault later calls a 'discursive formation'. Together they work as an 'apparatus' within which discursive operations and the set of enjoined relations they are linked to underpin a 'science' or discipline to which they refer, a positivism which enacts authority in a given area of knowledge. Discursive formations then are the composite of an identifiable 'regularity of relations', or relations signifying a coherent whole without internal differences. Gee (2001), who takes a socio-linguistic approach to methods of discourse analysis, explains discourses as "...different ways in which humans integrate language with non-language 'stuff' such as different ways of thinking, acting, interacting, valuing, feeling, believing, and using symbols, tools and objects in the right places and at the right times so as to enact and recognize different identities and activities" (Gee, 2001: 12).

For the purposes of this essay, discourses and discursive formations around positive discrimination and its beneficial intentions can be seen to produce and legitimate subject positions (who speaks and who does not). They can be seen also as operative processes of inclusion and exclusion in the definition of what forms an object of knowledge (what is spoken/written about), and provide conditions (unity and coherence) to rule what can be said and what is to remain unsaid. The conditions of possibility of statements categorize and infer in a particular way according to a particular episteme present within that field of knowledge. A statement in this sense, and for Foucault, always belongs to one field or

discursive formation rather than another, because knowledge is always situated.

The conditions of possibility establish and delimit the governing 'rules' by which statements are considered meaningful and relational within an encompassing 'formation'. Rules thus designate: who is permitted to speak or write and whom we should listen to (the question of credibility and certification); where statements can and cannot be made (the location of the enunciation of acceptable statements); and what is a viable form of discourse (the stylistic and organizational constraints on statements). For example, Australian Indigenous people speak in English, the language of those in power. But statements by them may be reassembled or reconfigured and selectively chosen within other discursive formations to produce a new illusion of unity or continuity, which is not the same as a notion of 'truth'.

Policy statements, like all statements when gathered together in a discursive formation, are provided conditions, the necessary elements for their participation in an 'authorized' discourse, which returns to the accepted statements logical 'truth-telling effects' according to the rules of the field of that particular discourse. Logically and rationally, what can be considered possible or impossible lines of thought and action are delimited at the boundaries of discursive formations. These boundaries represent the limits of discourse, and namely the point where some statements appear incoherent, unintelligible or irrational because they do not cohere with, and so make no sense within, the available or acceptable ways of speaking on any matter.

The task then for our contribution is to seek out the conditions that give rise to a discursive formation on Indigenous policy from a disunity of objects, forms, concepts, and statements from the known 'archive'. That is, a focus on rules and conditions that

provide the point of unity for positive discrimination measures to be enacted in one way and not another. In Foucault's terms, the point of entry to the archive is through the collection of statements, words, actions, symbols, all material traces left behind by a particular historical period and culture. Our investigation delves into such material traces in order to identify the regularities in discursive practices, as well as to investigate any contradictions or silences to ascertain how they exemplify different formations or how the formation in which they are found attempts to make them a 'natural fit'. Formations of statements about the assumed Indigenous subject, or positive discrimination, be they in agreement or not, in unity or disunity, can then be mapped in order to understand their rules of the formation, the conditions of their possibilities/impossibilities. The various inscriptions of the Indigenous subject who needs positive discrimination measures can then be revealed as an 'interested' assemblage of discursive events, ordered into a particular narrative according to the logic and the interests of those vested with the authority to make public policy statements on Indigenous peoples within an institutionalized field, rather than some 'natural' configuration.

For these reasons, Foucault's archaeological work on the knowledge production process reminds us that to adequately describe relations between discursive statements; we must not dismiss any discontinuities, contradictions, or fractures in the edifice of discursive continuities since they can intimate and reveal the 'constructedness', the very building blocks, of any given set of statements gathered into a discursive formation. The conditions for the unity of discursive statements (such as similarity of objects, modes of expression, concepts, or themes) will also then need to be considered as conditions for disunity. In the preface to *The Order of Things*, Foucault (1970) reflects on Jorge Luis

Borges's whimsical and humorous taxonomy of animals to highlight the cultural situatedness (personal or institutional) and the often arbitrary nature of all attempts to categorize the world and other human beings: "This book first arose out of a passage in Borges, out of the laughter that shattered, as we read the passage, all the familiar landmarks of thought -our thought, the thought that bears the stamp of our age and our geography- breaking up all the ordered surfaces and all the planes with which we are accustomed to tame the wild profusion of existing things and continuing long afterwards to disturb and threaten with collapse our age-old definitions between the Same and the Other". (Foucault, 1970: xv)

Foucault's archaeology of knowledge can thus be understood as a kind of formal method that seeks the description of a discourse, its internal and external relationships and the continuities and discontinuities that enable the establishment of its possible statements about the world, as well as the relations of possibility or conditions for its emergence as 'statements'. Statements, as we have tried to show here, inherently have rules to their formation. These rules, to Foucault (cited in García, 1988: 50) are the "conditions of existence in a determinate discursive distribution". Moreover, discursive formations and their rule-bound statements carry out a policing function, they determine what can and can't be said, what is accepted as valid knowledge and what is not, who is a subject of discourse and who is an object, and so forth.

### *Subjects and objects of knowledge*

To analyze the formation of subjects as objects of a specific knowledge, it is necessary to understand Foucault terms 'surfaces of emergence', the 'authorities of delimitation' and the 'grids of specification'. 'Surfaces of emergence' draws

our attention to where the objects of a specific knowledge emerge in a given discursive formation, the fields in which an object first arises; that is to say, the space where the objects of a discourse can emerge and can produce questions, such as 'where did it emerge, how was it named and analyzed in a historical moment, why did this object emerge instead of another?' The Chilean Indigenous Law, for example, can be identified as a historical moment of emergence of two interrelated phenomena: the decade of the nineties with the more forceful appearance of Indigenous rights discourse in Latin America more generally; and the return to formal democracy in Chile. These two events are central in explaining the emergence of Indigenous issues within the discourses of Chilean legislation and as an object of discussion and presence in mainstream media.

'Authorities of delimitation' draw our attention to how every field of knowledge is defined, bounded, and separated by the institutions that are recognized and accepted as authorities to classify, establish and designate what can circulate as legitimate knowledge and what cannot; for example, the processes through which the contours and limits of a given object of knowledge are adjudicated. For the Chilean case, the government and politicians have the authority to establish laws and policies that frame legal issues, as well as policies that will have an impact on Chilean society. But the government and politicians also establish which issues will in fact become the subject of a law or policy initiative and which will not; and in the Chilean case, it is never altogether clear which individuals, collective voices, or institutions are charged with the authority to frame and generate authoritative statements on issues such as Indigenous education.

'Grids of specification' draw our attention to the systems in which the objects of discourse are separated, opposed, and classified into different concepts

and as objects of a specific discourse. Therefore, it is necessary to consider the elements that articulate a concept and the ways that any concept has been named and staged as an object of a discourse. For example, in the case of Chilean policies we find the concepts of 'integration', 'nation', and 'Chilean identity', among others, around which and through government discourse on Indigenous peoples have been established and legitimated. But the emergence of discursive objects must still address the complexity of the relations between the object and its different surfaces/planes of emergence on the one hand, and the way the various surfaces of emergence overlap or mutually influence each other - not just the individual planes of emergence, but their mutual imbrications and tensions that arise therein (the space theorized in Nakata's Cultural Interface, for example) and how these then give rise to discursive objects.

An example of how these three elements work can be found in Foucault's history of madness (1989), in which he studied how the concept and the understanding of madness came to be produced and reproduced over time. He found that the discourses about madness came to be produced by and for medical and other authorities related to the field of mental illness. These authorities, he was able to show, established the concept of madness, the discussions about it, its conceptualization, and so on - the authority to speak on madness is self-instituted, self-arrogated, by authority itself. Another example would be Indigenous higher educational policies. Nakata (1991) was able to demonstrate in his study of Indigenous education policy statements that understandings of 'Indigenous' in policy were established by 'authorities' assumed through the narratives of colonialists to name and relate Indigenous people as 'cultural subjects' and in doing so rendered them as objects of charity; that is to say, by persons or institutions

with the 'accepted' authority to establish what can be constituted as 'the' understandings and dimensions of 'Indigenous issues'.

### *Knowledge, power and subjectivity*

The history of research that purports to work on behalf of and in the interests of Indigenous people is a vexed one. For this reason, we pause here to address Indigenous research concerns about power, subjectivity and knowledge by situating Foucault's conception of power in relation to other Indigenous research methods. We do this to help with the conceptualization of the contemporary Indigenous space that we will draw into our interpretative framework. For many Indigenous scholars, relations of power between Indigenous people and nation-states are viewed in structuralist terms, as relations of dominance and subordination over Indigenous people and their knowledge by non-Indigenous people; historically this dominance was achieved through imposed colonial regimes, and in contemporary times is carried forward in European and Western modes of thought and methods of knowledge production (Smith, 1999). In relation to research methods, this concern about the dominance of nation-states' social structures and/or Western thought in Indigenous contemporary spaces has led to the emergence of Indigenous methods in the Critical Theory tradition as a way to resist and re-write the Western, and to privilege and reclaim Indigenous meanings (Denzin *et al.*, 2008).

This critical tradition embraces a conception of power as oppressive. In this conception, power is something achieved by those who produce knowledge that serves and maintains their social interests at the expense of less powerful others. Knowledge, situated and contextually produced commentary on social reality, is paraded as universal 'truth'

and exercises its power through its prior institution and legitimation by authorities vested to legitimate or de-legitimate this or that discursive construction. In this conception of power, and in a classic structuralist move, the locus of agency is shifted from the human subject to the encompassing social structure. Critical Theory researchers hold that power is able to be disrupted by the less powerful through ideological critique of systems and practices of domination (revealing their faultlines and blindspots, their underlying logical contradictions and discontinuities) and through actions committed to social change, and both these methods of research are widely pursued to support Indigenous interests in the research process (Rigney, 1999).

In contrast, the Foucauldian view of power "rethinks the location of power [and] its nature" (St Pierre, 2000: 491) and considers both its productive and repressive effects. In simple terms, Foucault conceives power as networks and asymmetries of relations, both positive and negative in their effects. Conceived in this way, power has effects but also limits and these limits provide spaces for freedom. According to St Pierre (2000), this freedom lies in the human ability "to analyze, contest, and change practices that are being used to construct ourselves and the world, as well as the practices we ourselves are using in this world of praxis" (St Pierre, 2000: 493). In this conception of power, human agency cannot be determined even if it is constrained and limited: "Power is always a matter of both being positioned by [close and distant] social forces and responding to being positioned in unique and agentive ways" (Kamberilis and Demetriadis, 2005: 47).

### **Truth and 'claims to know' the Indigenous subject**

Knowledge has produced 'truths' about Indigenous people that have rationalized their historical treatment (Nakata,

1997). Since the early years of the colonial period in Australia, as well as in Chile, Indigenous issues have been framed and contextualized within Western perspectives of imperial power that have first dispossessed and then positioned Indigenous peoples in various ways over time, all the while dismissing or ignoring Indigenous knowledge, perspectives or inherent or civic rights. In the second half of the twentieth century, the global decolonizing movement, supported by the global Human Rights discourse, illuminated the historical injustices perpetrated upon Indigenous populations and brought recognition to their cause.

As our explorations of the conceptualization of positive discrimination have revealed thus far, Indigenous people became re-framed within a Western discourse of disadvantage as the result of prior 'unequal' treatment. Indigenous peoples are positioned as the subjects of this discourse as not just 'requiring' but 'deserving' extra-ordinary measures to address this disadvantage. Whilst considered positive measures, these special measures are of course forms of continuing external intervention that continue to affect the positioning of Indigenous subjects within relations of knowledge and power. As Nakata has argued in his historical analysis of the positioning of Torres Strait Islanders within Western disciplinary knowledge (especially anthropology), the portrayal of Indigenous peoples as 'disadvantaged' has "opened up a discursive space to produce a certain kind of truth" (Nakata, 1991: 30).

He claims that this discursive positioning is a continuance of Western 'truth-making', which in earlier times had positioned Indigenous people as 'savages' in need of civilizing, 'lost souls' in need of Christianity, and as 'children' in need of paternal protection. These discursive constructions of 'who they were' allowed colonial administrations to rationalize the Islanders' need to

assimilate European knowledge, work ethics and social values. Nakata (2007) was able to study these continuities and discontinuities in the changing constructions of the Indigenous education subject. From once being understood as mentally inferior, in more recent and supposedly progressive eras, Indigenous students came to be understood sociologically as 'culturally-deprived' people to explain their lack of progress in Western education. Then the discursive grounds shifted towards a view of Indigenous peoples as 'culturally-distinct' people, whose unique traditions and cultural customs were celebrated as worthy of preservation as part of the nation's heritage, linking their cultural development to the past and not the future. Education became the object that required reform and in ways particular to Indigenous Australians. According to Nakata (1992), the more recent 'truth' about Indigenous disadvantage continues in this tradition to rationalize government action. Despite efforts to consult with Indigenous people and afford them a semblance of self-management or determination, this discursive formation still nevertheless operates from within a Western understanding of Indigenous people and education (Nakata, 1991, 2007).

#### *The cultural interface*

Nakata's study of the national policy found that "...education policies are at the textual intersections of National, State and Territory governments' priorities and political philosophies" (Nakata, 1991: 28). In this discursive space, he argues, policy responds to the ideology and vision that the government of the day presents in relation to wider national narratives, within which are domesticated their understandings of Indigenous people's goals and needs. This space, where different actors position their discourses according to their particular perspectives, which "may be compatible, cooperative, contradictory, or

even antagonistic" (p. 28), is one of convergence and an example of what Foucault described as a discursive formation, which produces forms of unity that results in "a common epistemological standpoint" (p. 29), formations that have not proven to be necessarily advantageous to Indigenous Australians.

Nakata's concept of the Cultural Interface proposes what can be viewed as a poststructuralist quest 'to trouble' the oppositional binaries through which Indigenous and non-Indigenous relations have been constructed, in order to find a different space for thinking about alternate possibilities. For many years, Nakata's work has focused on how Indigenous, and especially Torres Strait Islander, understandings are produced. He recognizes other Indigenous perspectives in the contested space of Indigenous and non-Indigenous relations, such as those of Smith (1999) and Moreton-Robinson (2007), which advocate for the predominance of Indigenous voices and which subordinate or exclude, as a practice of resistance, non-Indigenous perspectives. However, Nakata chooses to highlight the importance of going beyond the traditional 'us/them' binary in relation to Indigenous and non-Indigenous positions. He theorizes the Cultural Interface as both the real and conceptual space in which Indigenous and non-Indigenous meanings and practices have been interrelating and mutually transforming life-worlds for generations. The Cultural Interface, he argues, is a space "constituted by points of intersecting trajectories" (Nakata, 2007: 199), formed by dynamic relations and intersections "of time, place, distance, different systems of thought, competing and contesting discourses within and between different knowledge traditions" (Nakata, 2007: 199) and where different people with different histories converge. The Interface allows for the re-examination of intersections and trajectories bet-

ween Indigenous and Western knowledge systems as they are constituted at the local level, organized and ordered by the rules of their formation and not through some distant narrative of a dominant nation-state. For Nakata, in the Australian context, Indigenous and colonial perspectives, meanings, and worldviews have always been in dynamic interaction since the early years of colonization.

Nakata's departure from the established structuralist position pivots on the emphasis he gives to convergences, rather than the divergences, between Indigenous and non-Indigenous positions and meanings. He highlights the notion of convergence within the Interface as one that enables the rediscovery of silenced 'truths' and/or alternate possibilities. As a space full of contradictions, ambiguities and conflicts, the Interface informs what can be seen or not seen, what can be said or not said, heard or not heard, understood or misunderstood, what knowledge can be accepted, rejected, legitimized or marginalized, or what actions can be taken or not taken on both individual and collective levels (Nakata, 2007).

This view of intersections shapes the framework in which "people are understood, explained and regulated, and through which they understand, contest, resist, explain, self-regulate and uphold themselves" (Nakata 2007, p. 199). This enables the author to question the privileging in Indigenous political discourse of a singular, unified 'Indigenous' position that sits in opposition to all that is non-Indigenous. This conceptualization of the Cultural Interface enables him to assert that in contemporary situations it is difficult to discern what is Indigenous and what is not Indigenous, and more importantly, which discourses, knowledge assertions, actions, arguments, and claims to truth uphold the interests of Indigenous people and which do not. For the analysis of how Indigenous students have been discursively constructed in po-

licity, the Cultural Interface provides a particular perspective for the investigation of positive discrimination measures that goes beyond the simplistic Indigenous/non-Indigenous binary, and includes the heterogeneity and complexity of intersections in contemporary spaces where knowledge, meaning and identities are in permanent flux and transformation.

In the following sections, we will briefly analyze an Australian educational policy, considered under the framework of positive discrimination, based on the proposed methodological approach.

### **Indigenous Higher Education in the Context of the Bradley Review of Australian Higher Education: the Role of Cultural Competency**

According to the frameworks proposed above to analyze Indigenous higher education policies, we will briefly describe the Bradley Review of Australian Higher Education (2008) as an example of how positive discrimination policies have been established, under their own situated meanings; in this case, under the framework of 'cultural competency'.

The Bradley Review was asked "to report on the future direction of the higher education sector, its fitness for purpose in meeting the needs of the Australian community and economy and the options for the future" (Bradley *et al.*, 2008: ix). The review stressed that increased participation of under-represented social groups was required to meet the "need [for] more qualified people if [Australia] is to anticipate and meet the demands of a rapidly moving global economy" (Bradley *et al.*, 2008: xi). In Australia, disadvantaged social groups are commonly referred to as equity groups. Equity groups include those of lower socio-economic status, the disabled, regional and remote students, students from non-English speaking backgrounds, and Indigenous people.

The report set out some guiding principles for Indigenous cultural competency, and these guiding principles were supported by recommended best practices, which emerged during the course of the project as common indicators of success: 1. Indigenous people should be actively involved in university governance and management. 2. All graduates of Australian universities should be culturally competent. 3. University research should be conducted in a culturally competent way that empowers Indigenous participants and encourages collaborations with Indigenous communities. 4. Indigenous staffing will be increased at all appointment levels and, for academic staff, across a wider variety of academic fields. 5. Universities will operate in partnership with their Indigenous communities and will help disseminate culturally competent practices to the wider community. (Universities Australia, 2011).

As cited above, in its final report, the Bradley Review had made reference to the 'cultural competence' of all staff (Bradley *et al.*, 2008). In 2009, Universities Australia, in collaboration with the Indigenous Higher Education Advisory Council (IHEAC), obtained funding from the Department of Education, Employment and Workplace Relations (DEEWR) to develop a two-year project on Indigenous Cultural Competency in Australian universities. The Cultural Competency project produced two outcomes: the primary project report, National Best Practice Framework for Indigenous Cultural Competency (Universities Australia 2011a) and an accompanying document to assist implementation, Guiding Principles for Developing Indigenous Cultural Competency (Universities Australia 2011b). The emergence of the concept of cultural competency is an example of the changing discursive conditions which give shape to arguments and strategic directions in Indigenous higher education. In 2009, when the project got underway,

the concept of cultural competency was not widely used in Australia.

The concept of cultural competency goes beyond cultural awareness and cultural safety and includes "critical reflexivity of self and profession, capacity building of skills and decolonisation of organisational paradigms, policies and procedures" (Nolan 2008, cited in Universities Australia 2011a: 38). It focuses on the improvement of outcomes through the integration of culture into the delivery of services. The IHEAC defined cultural competence as: "the awareness, knowledge, understanding and sensitivity to other cultures combined with a proficiency to interact appropriately with people from those cultures in a way that is congruent with the behavior and expectations that members of a distinctive culture recognise as appropriate among themselves". (Universities Australia 2011a: 48)

Cultural competency has emerged as a primary discourse and pedagogy in Australian and Indigenous higher education. It is still in the process of being operationalized across universities and it remains to be seen whether it will achieve what other policies and frameworks for action have not been able to achieve so far. It supports the NATSIEP/AEP (National Aboriginal and Torres Strait Island Educational Policy) as a strategic and practical framework provides the possibility of a much more integrated set of practices to re-frame Indigenous higher education within the main Australian higher education system. These integrated practices across the organizational and governance fabric of institutions, across teaching and learning, and across curriculum and research may be more effective than the two rather superficial and disconnected concepts of cultural awareness and cultural safety. The framework also appears to place the onus for the accommodation of cultural difference onto non-Indigenous students, staff and systems that

now have to acquire cultural competencies.

The focus on inclusive and integrated practices, however, sits in tension with Indigenous people's calls for forms of education appropriate to meet different Indigenous community needs. While the possibilities for these remain open, the integrative focus takes the locus of control away from Indigenous people unless the strategy is fully embraced and resourced beyond teaching and curriculum issues. This includes support for Indigenous research, relationships with Indigenous communities and the inclusion of Indigenous academics in senior positions and university governance mechanisms. In this, the framework constitutes a technology of social inclusion rather than supporting the development of Indigenous social institutions in contemporary spaces, as the Yunupingu AEP review (1995) highlighted. Nevertheless, the cultural competency framework for action maintains some continuity with many Indigenous positions across Australian Indigenous reviews and reports.

All the proposed actions for establishing cultural competence are sought by Indigenous people and are developed in accordance with the commitment to social justice, human rights and the process of reconciliation that Australian society values as an attempt to overcome the legacies of past injustice. However, a question is again raised: what is the relation between the cultural competency framework for institutional best practice and the performance/success of Indigenous students in universities? Discussions appear to have a closer focus on strategies to ameliorate the less than adequate study/learning conditions of Indigenous students and the circumstances in which they come to higher education.

### **Final Remarks and Lessons for Chile**

This contribution emerged as a way to reflect critically about the effectiveness of positive

discrimination measures for Indigenous students in higher education. This analytical approach has enabled us to focus on the emergence, specifications, and conditions of positive discrimination measures, as constituted from within complex discursive contests. Through the research process we have been able to recognize that, as researchers committed to improving the possibilities for Chilean Indigenous groups, we are not neutrally-positioned in relation to ideological debates in Indigenous higher education. At times it has been difficult for us not to enter these contests and debates on behalf of Indigenous people and against the governments that fail to deliver due justice. However, by looking below the literal and surface level of statements and actions it is possible to understand how and why the seemingly good intentions of governments and others continually re-position the interests and priorities of Indigenous people to align with their own interests and produce shifts away from protecting or enabling Indigenous peoples' rights.

This understanding reveals the wider contexts and concerns which constrain and limit the possibilities for Indigenous people within the much wider national and education contexts of competing priorities. This understanding of how the much wider discursive apparatus limits and constrains the possibilities for Indigenous people in higher education also illuminates some of the spaces in which more productive discussions directed towards overcoming these constraints and limits can occur. Thus, this exploration has been a major learning experience for us as researchers with an active interest in the forward direction of Indigenous higher education in Chile.

Today positive discrimination, also called affirmative action or positive action, is an internationally endorsed human rights-based concept. It is a legalized framework that permits beneficial discriminatory

actions as a means to overcome the effects of past systemic negative discrimination against certain social groups. This legal framework permits exemptions from anti-discrimination legislation for actions that meet the test of equal opportunity provisions. This means that in liberal democracies committed to egalitarian principles that treat all citizens as equal before the law, positive discrimination measures can be challenged at Law. As instruments that aim to bring about societal change, positive discrimination measures are also the subject of popular and partisan politics. This is because at the surface level positive discrimination appears firstly to contradict the notion of individual equality and to confer unearned benefits on all members of a group, without assessment of their individual need. Secondly, at the surface level it appears to confer a benefit at the expense of other individuals who have similar needs or those who feel their achievements were hard fought through their own efforts, without any assistance.

However, what has been most illuminating for one of us, as a Chilean researcher and as an outsider, is to understand the tensions that arise in these discursive entanglements and the positioning of Indigenous goals, priorities and students that occurs as a result. One example is the blurring between discourses of Indigenous self-determination and social justice with social inclusion and equity and diversity discourses. Social justice is associated with moral and, in some cases, legal rights. Social inclusion is an institutional framework that attempts to respond. Within this frame, the focus on equity through social inclusion works towards a sameness proposition in higher education and away from a social justice proposition. The international right for Indigenous people to self-determine the terms of their participation in the wider societies in which they now reside and to develop their own social institutions to continue their own traditions, as

an expression of social justice, is upheld but nevertheless displaced.

In our reflections on what our analysis says about the effectiveness of the Australian approach and what this might mean for Chile, a number of points stand out. Here we discuss them, in no particular order of importance, as all are significant for Chile's deliberations about the way forward. Firstly, the national context bears down on the way positive discrimination measures in Indigenous higher education are envisioned, able to be supported in the wider society, and able to be resourced and implemented. Australia is a prosperous first-world country where the Indigenous population is only approximately 2.4% of the total population. The wider society and all governments are broadly supportive of reconciliation with Indigenous people and the eradication of Indigenous disadvantage as an urgent matter of social justice. So, what stands out for one of us as a Chilean, is the slowness of change after close to half a century of tertiary educational reform initiatives. Here, in the prosperous conditions of a stable democracy like Australia, and in the case of the tiny population minority that has an internationally-enshrined right to assistance, positive discrimination measures have been eroded and limited and have persistently failed to reach set goals and targets. A lesson for Chile is to approach the vision and management of Indigenous higher education in cognizance of some of the challenges revealed in the Australian context and what these might imply in terms of Chilean conditions.

Secondly, the improvements in Indigenous Australians' access, participation, success, and completion numbers in higher education are undeniable. In this sense the positive discrimination measures established can be claimed to be effective measures. However, when considered in comparison with other domestic Australian students, Indigenous rates of access, participation, success and comple-

tion have made slow progress, suggesting Indigenous students are still very much educationally disadvantaged *vis-à-vis* other Australians. There is no way of knowing where to place the credit or criticism for these results as there has been very little rigorous evaluation of Indigenous higher education strategies and programs.

So far, our methodological approach has revealed how Australia has enacted positive discrimination measures in Indigenous higher education even though Indigenous people are not recognized in the Australian Constitution. The Australian experience also reveals that a unitary approach to the interpretation and implementation of policy into programs and strategies for action may not be the most effective way to meet *all* Indigenous education needs and realities. In their administration and implementation, positive discrimination measures have been revealed as fragile and able to be eroded and limited. As well, in Australia, the tensions between the need for a coherent national representation of the issues amongst Indigenous stakeholders and the range of differentiated practices required to meet different needs and contexts appear to be still finding a way towards resolution. These would appear to be areas where Chilean Indigenous groups have opportunities to build frameworks that allow them to work together and separately to build efficiencies and customized strategies more quickly than has been the cases in Australia.

Making decisions about such issues to change the direction of Indigenous higher education in Chile could be a very relevant matter of political discussion. Nowadays, any indigenous topic is very critical in Chile or even in any other South American country. It is our hope that this humble methodological approach on deconstructing the positive discrimination as discourse would be heuristically productive to open more possibilities for

democratic policies on indigenous issues in Chile.

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