## CONTENTS

WHAT IS CONSTITUTIONAL RECOGNITION OF ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLES? by Dylan Lino JUSTIFICATION, NOT RECOGNITION 12 by Duncan Ivison RECOGNISE WHAT? PROBLEMS WITH THE CAMPAIGN FOR 20 CONSTITUTIONAL RECOGNITION by Sarah Maddison 25 LISTENING AND HEARING: A REVIEW OF TWO BOOKS ON INDIGENOUS 'RECOGNITION' IN AUSTRALIA RECOGNISING THE POLITICS OF CONSTITUTIONAL 30 REFERENDA: INITIATION AND THE POLICY PROCESS FOR CHANGE

## ART

CON WRECK by Jason Wing	1
FIELD OF DREAMS by Blak Douglas	10
TALKING TO A BRICK WALL by Nicole Monks	18
DON'T DRINK THE KOOL-AID by Amala Groom	28
CUSTODY by Chico Monks	34

Aboriginal and Torres Strait Islander people are advised that this publication may contain images of deceased persons.

## EDITORIAL

Welcome to our very special edition on constitutional recognition, where we bring you up to date with the legal and non-legal developments that have taken place over the last eight to ten months.

Not only do we have a stellar line-up of constitutional reform and recognition experts writing for us, in this edition we also feature five specially commissioned works of art from five different Indigenous artists. Each artwork is the individual artist's response to and comment on the constitutional recognition issue.

The *ILB* has a proud tradition of publishing art alongside legal commentary, and doesn't shy away from controversial works which critique the law, and push at the edges of law reform. What distinguishes art from commentary—and the works in this edition are excellent examples—is its capacity to strike at the heart of the issue, capturing complex emotions and distilling them into something thought-provoking, something confronting, something compelling, something beautiful. It is the brave role of the artist to convey a point of view in an unencumbered and unimpugnable way; a freedom of expression that can sometimes elude academics, social commentators and organisations.

Not to be outdone, though, accompanying our original and bold art in this edition, we have an impressive array of articles, including Professor Duncan Ivison analysing recognition politics, and writing on the philosophical differences between a recognition claim and a rights claim; Dylan Lino on 'big-C' Constitutional reform versus 'small-c' constitutional reform; and Associate Professor Sarah Maddison on the Recognise campaign and its problems.

Laureate Professor Emeritus Cheryl Saunders reviews two recent books published on constitutional recognition and, in doing so, draws out the key issues, and Glenn Patmore and Sarah Moorhead write on the party room considerations around a referendum.

It is an edition rich with content, both written and visual, and the *ILB* is delighted to be able to contribute to the discussion on this pivotal issue for Aboriginal and Torres Strait Islander peoples through both the articles and artwork featured here.

Special thanks to Amala Groom, who was the artistic co-editor for this *ILB*, and to her and the four other artists—Jason Wing, Blak Douglas, Nicole Monks and Chico Monks—who produced artwork for this edition.

## **Emma Rafferty**

Editor