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Aboriginal History

is a refereed journal that aims to present articles and information in the field of Australian ethnohistory, particularly in the post-contact history of the Aborigines and Torres Strait Islanders. Historical studies based on anthropological, archaeological, linguistic and sociological research, including comparative studies of other ethnic groups such as Pacific Islanders in Australia, will be welcomed. Issues include recorded oral traditions and biographies, narratives in local languages with translations, previously unpublished manuscript accounts, resumes of current events, archival and bibliographic articles, and book reviews. This volume of the journal is formally dated 2001, but is published in 2002.

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Introduction

Genocide: definitions, questions, settler-colonies

Ann Curthoys and John Docker

Genocide is … a composite of different acts of persecution or destruction.
Raphaël Lemkin, *Axis rule in occupied Europe*¹

... we need far more, not fewer, serious comparative studies.
Ward Churchill, *A little matter of genocide*²

The idea for this collection of essays on ‘Genocide’? came originally from our reading of Marcia Langton’s comment in *Australian Humanities Review* in mid-2000. She said that Aboriginal writing, scholarship, and research are taking on the feel of Holocaust studies in the sense that Aboriginal people write, read, and research ‘to try to understand the terrible, inexplicable past’. She expressed disgust at ‘those who do not want what happened to us and our ancestors remembered into “history”’. She did not use the word ‘genocide’.

We thought the questions she raised, of how to come to terms with terrible pasts, and to what degree one can use insights from one history to interrogate another, deserved further thought. The unresolved issue for us was whether the notion of genocide could be fairly applied to Australian history. The Human Rights Commission’s *Bringing Them Home* report of 1997, which investigated the history and effects of Aboriginal child removal in the nineteenth and twentieth centuries, had controversially argued that Australian child removal practices fell within the definition of genocide used in the UN 1948 Genocide convention. In other words, Australia had its own history of genocide. This aspect of the report horrified many Australians of quite varying political views. Many people, including historians, rejected the notion that child removal could be reasonably described as ‘genocide’.

We did not know where to stand in this debate. Was the term genocide applicable to Australian history in relation to the Stolen Generations? Did it apply to other aspects of the past, such as Australia’s history of massacres and violence on the frontiers of sett-

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¹. Lemkin 1944: 92.
tlement? Ought not Australians to be more aware of the international debates, as a way of clarifying our thinking?

We approached the editorial board of Aboriginal History (of which Ann is a member) and offered to edit a collection of essays entitled ""Genocide"? Australian Aboriginal History in International Perspective'. After some soul-searching, the board agreed to take up our offer. In July 2000, we approached some possible contributors, more than actually appear in this volume, and asked them to ‘address Australian and/or international debates around concepts such as genocide, Holocaust, trauma, guilt, and apology, and their applicability or otherwise in the Australian context’. We sought authors with knowledge of international debates and at the same time a desire to contribute to increased understanding of Australian Aboriginal history. Our main purpose was, and remains, to see the issues canvassed in a serious and scholarly manner, and we assured the board that ‘we seek neither false analogy on the one hand, nor the isolation of Australia from international debates on the other’.

It took a little over a year to recruit our authors, allow them appropriate writing time, and conduct a demanding refereeing and revision process. In that time, a great deal happened. While our contributors were working on their essays, the public debate over the term ‘genocide’ and whether and how it can be applied to Australian history greatly intensified. Some of the debate was about matters of historical interpretation — the nature and extent of Aboriginal child removal, and of killing on the frontiers of settlement — and much of it has been about whether ‘genocide’ is an appropriate or a misleading term for characterising some or all of these events. Many felt that ‘genocide’ properly referred only to the Holocaust, that is the killing of millions of Jews by Nazi Germany, and that any comparison with the Holocaust was insensitive to the latter’s uniquely terrible nature as well as wildly exaggerating the negative aspects of Australia’s history of colonisation, dispossession, institutionalisation, and cultural imposition.

One of the leading opponents of the use of the term ‘genocide’ to describe child removal as it occurred in Australia was a group associated with the journal Quadrant, which published several articles disputing the findings of the Bringing Them Home report. Quadrant sponsored a seminar on Aboriginal history over the weekend of 9-10 September 2000, at which a number of speakers defended Australia’s record on child removal, and opposed its characterisation as ‘genocide’. A former editor of Quadrant, Robert Manne, became the foremost outspoken critic of its current position, describing as ‘denialists’ those who thought the Bringing Them Home report misrepresented the history of child removal. In April 2001, his book In denial: the Stolen Generations and the Right appeared, generating sustained discussion.3 We have been able to include in this collection Bain Attwood’s analysis of Manne’s argument, and several other contributors (Tatz, Moses) also refer to it.

Just as sharp as the debate over the Stolen Generations report was a parallel debate on the extent of killing on the frontier. At the Quadrant seminar, Keith Windschuttle launched his attack on the work of Henry Reynolds, especially the latter’s estimate that approximately 20,000 Aboriginal people were killed in the course of the

European invasion and settlement of the continent. Windschuttle was not the first to suggest that reports of massacres had been greatly exaggerated. Rod Moran had written in 1994 in the West Australian an article claiming that the Forrest River massacre, generally thought to have occurred in the Kimberleys in 1926, never happened. This had led to subsequent debate between Moran, historian Neville Green, and others. Subsequently, both Green and Moran published books on the subject.4

When sent Moran’s book, Massacre myth, to review, Windschuttle was impressed by Moran’s argument, and undertook a broader detailed investigation of massacre history, especially Reynolds’ claims and sources. His essay on the matter was later published in the last three issues of Quadrant in 2000. In subsequent months, the debate between Windschuttle and Reynolds was aired in public forums from Gould’s bookshop in Sydney to the Lateline program on ABC television, and in newspapers such as the Sydney Morning Herald, the Australian’s Review of Books and the Age. They debated the existence or otherwise of particular massacres, the general conduct of warfare on the frontiers of settlement, and the role of the Native Police in Queensland in perpetrating or preventing frontier violence. Several historians later joined in these debates, such as Raymond Evans and Bill Thorpe in Overland, and again Windschuttle replied.5 The debate continues.

The question of whether or not the term ‘genocide’ is appropriate in the Australian context has been for us a genuine question. In the course of editing this collection, we have learnt a great deal about the legal meaning of genocide under the 1948 UN convention, and now recognise more clearly than we did the difference between genocide as a legal concept and ‘the Holocaust’ as a way of describing a particular historical event.

The question-mark remains in our title, however, not only to indicate that our contributors do not all agree with one another, but also to signal the problem that the genocide debate has already revealed itself to be difficult and confused, in large part because legal, academic, and popular understandings of the word differ. In popular discussions, ‘genocide’ is equated with mass killings of an entire people, and some of the public rejection of the term rests on this assumed meaning, a meaning also shared by some academic commentators. Inga Clendinnen stirred the debate further in May 2001 when she described the ‘persistent invocation of the term “genocide”’ by the authors of the Bringing Them Home report as ‘a moral, intellectual and (as it is turning out) a political disaster’.6 Like many others, we do not agree with Clendinnen’s dismissal of the genocide question, and think it remains important if we are truly to understand Australian history in its international contexts. We agree with the philosopher Raimond Gaita who has urged us all not to rush the discussion, not to be impatient.7 It is important to be careful and precise, and to recognise the limits of our current historical knowledge and that conceptual and theoretical considerations and discussions have barely begun.

One of those who continues to pursue the issue is Henry Reynolds. Just as the last of the revised articles arrived on our desk, his book on genocide appeared, also featuring a question mark. Reviewed by Peter Read in this volume, Reynolds's book is entitled *An indelible stain? The question of genocide in Australia's history.* It outlines the definition of genocide in the United Nations Genocide convention, briefly discusses the history of consideration of the term 'genocide' in the Australian context, and then examines a number of historical events in Australia and assesses them against the yardstick of the convention, in particular its stipulation that there be evidence of intention to commit genocide against a group or people. As he does not examine the extent of killing on the frontier, he chooses not to engage with critics like Keith Windschuttle, or the findings of most other historians on the consequences of invasion and settlement for Indigenous peoples in Australia. The events he considers in the light of intention — the smallpox epidemic of 1789, the frontier violence and institutionalisation in Tasmania, frontier violence in Queensland, and the assimilation policies of the 1950s — have all at one time or another been considered a form of genocide. In uncharacteristically and curiously indecisive mode, Reynolds feels that 'genocide' is probably not the appropriate term when discussing smallpox, Tasmania, or assimilation. In the context of a discussion of the Queensland frontier, however, he says:

> The story of frontier conflict was punctuated with genocidal moments when settlers and police systematically pursued particular groups of Aborigines with the intention of destroying them. Such moments occurred in a variety of circumstances ... How many genocidal moments there were must be a matter of speculation. Much detailed local research still needs to be done.\(^8\)

His argument is close to that of Dirk Moses, one of our contributors, who argued in an essay in 2000 that the term genocide is less appropriately applied to Tasmania (where it is usually thought most relevant) than to Queensland (which has rarely been discussed in this context).\(^9\)

One can only agree with Reynolds' call for further research. We would add to it a call for continued discussion of and participation in international debates, so that interpretation of the Australian sources is placed in a wide and illuminating historiography.

II

Such internationalising of debate in Australia and participation in international historiography are key purposes of this collection. Colin Tatz leads with a consideration of the meanings of genocide, and an overview of the Australian debates so far. Several contributors — Tony Barta, Andrew Markus, Anna Haebich, and Dirk Moses — consider the connections and differences between Australian and German history. Larissa Behrendt considers the standing of genocide as a crime within Australian law; Rosanne Kennedy investigates issues of historical writing, representation, and testimony, and what can be learnt from the largely American scholarship of trauma and memory, in relation to the Holocaust; and Deborah Bird Rose explores the idea that torture of the living may affect our understanding of genocide. Concluding the collection, Bain Att-

III

One way to illuminate the complex ‘genocide’ debate is to look more closely at the origins and historical contexts of the concept of genocide itself. The great twentieth century Polish–Jewish jurist Raphaël Lemkin (1901–59) is generally regarded as having defined the term in his 1944 Axis rule in occupied Europe: laws of occupation, an analysis of government, proposals for redress. His definition became the basis of the 1948 UN convention, though that convention significantly altered his original formulations in ways our contributors discuss.

In Axis rule in occupied Europe Lemkin recalls that the advent of Hitler convinced him to propose for the Fifth International Conference for the Unification of Penal Law, held in Madrid in October of 1933 in cooperation with the Fifth Committee of the League of Nations, two new crimes in international law. These crimes, of barbarity and vandalism, could then be introduced into the penal legislation of the 37 participating countries. Barbarity was to be conceived as oppressive and destructive actions directed against individuals as members of a national, religious or racial group. Vandalism involved the malicious destruction of works of art and culture because they represent the specific creations of the genius of such groups. These new crimes were to be internationalised so that the offender could be punished wherever he was apprehended. Lemkin laments that the international treaty he had proposed 11 years earlier in Madrid had not been adopted. If it had, the procedural machinery for the extradition and punishment of war criminals by members of the United Nations and neutral countries would already be available, for dealing with the tragic experiences of German rule in occupied Europe. 

Lemkin notes that while many different acts of persecution or destruction were already prohibited in international law by the Hague Regulations of 1907, many others were not covered. The German practices of the current world war, he points out, have surpassed anything that could have been envisaged by the framers of the Hague Regulations.

Against the limitations of both the Hague Regulations and his own formulations of barbarity and vandalism in Madrid in 1933, Lemkin proposed his new concept of ‘genocide’ — deriving the term from the Greek word genos (tribe, race) and the Latin cide (killing, as in tyrannicide, homicide, fratricide). The new crime is to be defined as a twofold process, as Lemkin explains in ch IX ‘Genocide’ of Axis rule in occupied Europe.

Genocide has two phases: one, destruction of the national pattern of the oppressed group; the other, the imposition of the national pattern of the oppressor. Genocide meant that one national pattern was to be destroyed, to be replaced by the imposition of another.

12. Lemkin 1944: 79.
Genocide signified a 'coordinated plan' of different actions 'aiming at' the destruction of the essential foundations of the life of national groups, with the 'aim' of annihilating the groups themselves. Genocide was to be considered as manifold and wide-ranging, a composite of actions rather than one single defining act or mode by which the destruction of a nation or group's foundations of life was to be secured. What are these constitutive actions?

For Lemkin, destruction of the essential foundations of the life of a group can occur in many ways. It involves considerations of the political, social, legal, intellectual, spiritual, economic, biological, physiological, religious, and moral. It involves considerations of health, food, and nourishment in relation to genocide and as part of genocide. It involves consideration of family life, care of children, and birth as well as death. It involves consideration of the honour and dignity of peoples, and the future of humanity as a world community.

In his consideration of genocide in relation to physical existence, Lemkin insists that genocide historically does not usually or necessarily involve mass killing, though it certainly can, as was occurring, he pointed out, in the present world war. When Germany occupied the various European countries, the 'plan of genocide' had to be adapted to political considerations in different countries; it could not be implemented in full force in all the conquered states, and accordingly the plan varied as to subject, modalities, and degree of intensity in each occupied country. Blood was an important criterion. A distinction was made between peoples considered related by blood to the German people, such as Dutchmen, Norwegians, Flemings, Luxemburgers, deemed worthy of being Germanised; and peoples thought unrelated by blood, such as Poles, Slovenes, Serbs, who were not. The latter group of peoples was in some way to be replaced.

Genocide in terms of physical existence could involve mass killings. The technique of mass killing was employed mainly against Jews, Poles, Slovenes, and Russians. 'Some groups — such as the Jews — are to be destroyed completely.' Sometimes mass killing was selective: in Poland, Bohemia-Moravia, and Slovenia it was the intellectuals who were being liquidated because they had always been considered the main bearers of national ideals and at the time of occupation they were especially suspected of organising resistance.

Genocide could involve also methods that were not immediate in their destruction of peoples or segments of peoples. It could involve a 'policy of depopulation' of peoples of so-called non-related blood while procreation by Germans in the occupied countries was promoted. The German occupier endeavoured to lower the birthrate of the undesired group while attempting to raise the birthrate of Germans and those like Dutch and Norwegians considered to be of 'related blood'. Illegitimate children born by Dutch and Norwegian women, begotten by German military men, were subsidised. In Luxembourg extramarital procreation with Germans was encouraged. In the occupied

15. Lemkin 1944: xii, 77, 80-2, 89.
countries, the birthrate of the undesired group was further decreased as a result of the separation of males from females by deporting the males for forced labour elsewhere.\footnote{Lemkin 1944: xii, 86-7.}

Genocide, then, entails the destruction of the ‘biological structure’ and ‘corporal integrity’ of a national, religious, or racial group.\footnote{Lemkin 1944: 80, 93.}

Genocide involves issues of health, food, and nourishment, such as the German policy of introducing a starvation rationing system for non-Germans. The undernourishment of parents because of discrimination in rationing brought about not only a lowering of the birthrate but a lowering of the survival capacity of children born of underfed parents. The Germans introduced what Lemkin calls racial discrimination in feeding. Rationing of food was organised according to racial principles throughout the occupied countries. In accordance with this ‘program’, the German population was getting 93\% of its pre-war diet, while those in the occupied territories received much less, in particular the Poles and Jews. In terms of meat rations, the Germans received 100\% of pre-war levels, the Poles 36 per cent, the Jews zero per cent. Such ‘racial feeding’, as Lemkin strikingly phrased it, affected captive populations in terms of calories and basic nutrients, as in carbohydrates, proteins, and fats. Its result was a decline in health amongst the occupied and subjugated peoples, instanced in anaemia, and an increase in the death rate. Health and life were also endangered in the undesired national groups, as in Poland including in the Warsaw ghetto, by the deprivation of elemental necessities. In winter warm clothing and blankets were requisitioned, firewood and medicine were withheld. The Jews in the Warsaw ghetto were crowded together under conditions of housing inimical to health, and in being denied the use of public parks the Jews were even deprived of the right to fresh air. Such measures were especially pernicious to the health of children and caused the development of various diseases. During the winter of 1940–41, only a single room in a house could be heated in the Warsaw ghetto, and children had to take turns in warming themselves there; after 1941 the Jews in the ghetto received no fuel.\footnote{Lemkin 1944: 86–8.}

Genocide can involve removal from homes. At first the conditions imposed on Jews in the occupied countries of western Europe were not as severe as those in central and eastern Europe. Shortly after the occupation in the west, however, the German military commanders issued regulations forbidding Jews who had fled from the occupied territory to return their homes.\footnote{Lemkin 1944: 75.}

Lemkin pointed out that acts of the occupier which ‘cause humiliations, debilitation by undernourishment, and danger to health’ were already in violation of the laws of humanity as specified in the preamble to the Hague Regulations. But other acts — such as encouraging members of the armed forces to impregnate women nationals of the occupied area by subsidising the costs of the resulting children — were not expressly prohibited by the Hague Regulations and needed now to be seen as coming within the purview of genocide. Lemkin suggested in general terms that the ‘German occupant’ had embarked upon a gigantic scheme to change, in favour of Germany, the

\footnotesize{\begin{itemize}
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\item \footnote{Lemkin 1944: 80, 93.}
\item \footnote{Lemkin 1944: 86-8.}
\item \footnote{Lemkin 1944: 75.}
\end{itemize}}
balance of biological forces between it and the captive nations and subjugated peoples for many years to come. Even in the case of German defeat, the Germans would still be in a position to deal with other European nations from the vantage point of numerical, physical, and economic superiority. Lemkin predicted that given the disastrous state of nourishment and health in the occupied countries, the post-war generation of such countries would be stunted, survivors of the ill-fed children of the war years.21

Lemkin referred to economic aspects of genocide, where the general aim in the occupied territories was the destruction of the foundations of the economic existence of a national group. Participation in economic life was made dependent upon one’s being German or being devoted to the cause of Germanism. There was a comprehensive shifting of wealth to Germans and prohibiting the exercise of trades and occupations by people who were considered unable to promote Germanism. The Jews were immediately deprived of the elemental means of existence. This was contrary to international law at the time. Unless military necessity were involved, the occupier was obliged to restore economic order, which means the right to work and to make a living: ‘Depriving the Jews of … the exercise of professions is a violation of Article 43 of the Hague Regulations.’ Lemkin suggested that in relation to the Poles the ‘purpose of the occupant’ was to shift the economic resources from the Polish national group to the German national group: ‘Thus the Polish national group had to be impoverished and the German enriched.’22

Genocide involves issues of forced labour and free movement. Genocide occurs when an action infringes on the ‘liberty’ of inhabitants when such action is committed because they belong to a national, religious, or racial group. Lemkin pointed out that depriving the Jews of the right of free movement was a violation of Article 43 of the Hague Regulations. Exposing Jews to mass death by creating unhealthy conditions in the ghettos and in forced labour camps contravened Article 46 of the Hague Regulations; the institution of forced labour was a violation of Article 52. The ‘denial of wages to Jews’, Lemkin wrote, ‘amounts to involuntary servitude, which is a violation of the laws of humanity’.23

Genocidal economic measures have more than economic consequences. The lowering of the standard of living creates difficulties in fulfilling what Lemkin referred to as cultural-spiritual requirements. And a daily fight for bread and physical survival may handicap thinking in general and national terms.24

As part of a ‘synchronised attack on different aspects of life of the captive peoples’, genocide has political meanings. In the current world war the Germans were destroying institutions of self-government and imposing a German pattern of administration: ‘Every reminder of former national character was obliterated.’ Such can apply even to personal and family names. Lemkin noted that nationals of Luxembourg held to have foreign or non-German first names were required to assume corresponding German first names, and if that was not possible they had to select new German first names. German family names could be imposed on Luxembourg nationals.25

22. Lemkin 1944: xii, 77, 85.
23. Lemkin 1944: 77, 93.
In its social and legal aspects, genocide entails the disruption of a nation's social cohesion, so vital to its development. The abolition of local law and local courts and the imposition of German law and courts accompanied such destruction of the national social pattern. At the same time there was a Germanisation of the judicial language and of the bar.26

There is intellectual and spiritual genocide. Elements of the nation or group such as the intelligentsia and the clergy that provide spiritual leadership are killed or removed. In Poland and Slovenia the intelligentsia and the clergy were in great part separated from the rest of the population and deported for forced labour in Germany. Genocide involves such weakening of the national spiritual resources.27

There was genocide in the religious field. In occupied Europe the Germans interfered with the activities of the Church, which in many countries provided not only spiritual but also national leadership. In Luxembourg, eager for children to enroll in pro-Nazi youth organisations, the Germans tried to disrupt the role of the Catholic religion in the field of education. In 1939 the Germans burned the great library of the Jewish Theological Seminary at Lublin, Poland. Lemkin quotes from a 1941 German newspaper article celebrating the event:28

For us it was a matter of special pride to destroy the Talmudic Academy, which was known as the greatest in Poland ... We threw out of the building the great Talmudic library, and carted it to market. There we set fire to the books. The fire last for twenty hours. The Jews of Lublin were assembled around and cried bitterly. Their cries almost silenced us. Then we summoned the military band and the joyful shouts of the soldiers silenced the sound of the Jewish cries.

Frankfurter Zeitung, Wochen-Ausgabe, 28 March 194129

In Poland as well as persecution of the clergy there was systematic pillage and destruction of church property, the German occupying authorities seeking to destroy the religious leadership of the Polish nation.30

There was genocide in the field of morality. The German occupiers, Lemkin argues, attempted to create an atmosphere of moral debasement through promoting pornographic publications and motion pictures, and the excessive consumption of alcohol.31

Genocide involves questions of the honour of the inhabitants in the occupied territories. Although the Hague Regulations were silent, Lemkin feels, on the ‘preservation

27. Lemkin 1944: xi, 83, 89.
28. Lemkin 1944: xii, 84–5, 89.
29. Lemkin 1944: 85. In a footnote to p 80 Lemkin mentions the wars of Islam and the Crusades as among classical examples in history of campaigns of extermination in which nations and groups of the population were almost completely destroyed. We can in this connection think of the Crusader invasion of Jerusalem in 1099, when all Muslims within the city walls were slaughtered. When the entire Jewish community gathered within the main synagogue to pray, the Crusaders torched the building and slew anyone who tried to escape. See Amin Malouf 1984 prologue, ii.
30. Lemkin 1944: 89.
31. Lemkin 1944: xii.
of the integrity of a people', the constitutions and the penal codes promulgated after 1918 contained provisions for the protection of the rights of national groups, 'especially of their honour and reputation'. Genocide is constituted in 'humiliations' visited upon a people. Genocide also involves the destruction of 'family honour'. When Jewish families were separated during deportations, Article 46 of the Hague Regulations protecting family honour was violated.

There is cultural genocide. The German occupiers prohibited or destroyed cultural institutions and activities. They substituted vocational education for education in the liberal arts, in order to prevent humanistic thinking, considered dangerous because it was held to promote national thinking. In the incorporated areas the local population was forbidden to use its own language in schools and printing. A rigid control of all cultural activities was introduced. Populations were deprived of inspiration from the existing cultural and artistic values; such occurred especially in Poland, where national monuments were destroyed, and libraries, archives, museums and art works were carried away.

Genocide involves the future honour and diversity of humanity itself. The world represents only so much culture and intellectual vigour as are created by its component national groups (though Lemkin observes that the idea of a nation should not be confused with the idea of nationalism; such would be to mistake the idea of individual liberty with that of egoism). The destruction of any nation therefore results in the loss of its future contributions to the world. Progress in civilisation can be gauged by the respect for and appreciation of the national characteristics and qualities contributed by the different nations to 'world culture' and the 'world community'; and such characteristics and qualities can be offered to humanity by nations weak in defence and poor in economic resources; they are not to be measured in terms of national wealth and power.

IV

In Axis rule in occupied Europe Lemkin reflected on the relationship of genocide to colonialism. Colonisation was an aspect of political genocide, the replacement by German patterns of administration of formerly self-governing institutions.

The German occupiers of Europe introduced notions of genocide that were the reverse of world-communitarian. The extremely inhuman treatment of Jews (outlined in ch VIII, 'The legal status of the Jews') promoted, Lemkin noted, the 'anti-Christian idea' of the inequality of human beings and of German racial superiority.

Practices of colonialism were important for the German occupiers and constituted the second phase of genocide, the imposition of the national pattern of the oppressor during or after the destruction of the national pattern of the oppressed group: 'This imposition ... may be made upon the oppressed population which is allowed to remain,
or upon the territory alone, after removal of the population and the colonization of the area by the oppressor’s own nationals. 38

Colonisation by Germans worked on the theory of Lebensraum, making room for living by Germans in certain areas they conquered. In western Poland, especially, Lemkin observes, colonisation was conducted on a large scale. The Polish population was removed from their homes in order to be replaced by German settlers who were brought in from the Baltic States, the central and eastern districts of Poland, Bessarabia, and from the Reich itself. The properties and homes of the Poles were allocated to German settlers, and to induce them to reside in these areas the settlers received many privileges (including tax exemptions). In Poland special subsidies were provided for German families having ‘at least three minor children’. 39

Those living in a liberal democracy could, Lemkin suggests, choose racial superiority, genocidal aims, and colonisation. Lemkin writes that the German people treated as an entirety must bear responsibility for the history of genocide carried out against the peoples of occupied Europe. Hitler’s Mein Kampf had formulated the prolegomenon of destruction and subjugation of other nations: ‘The mere fact that the vast majority of the German people put Hitler into power through free elections is evidence that they freely accepted his program which was secret to nobody.’ The destruction of Europe, Lemkin feels, would not have been as complete and thorough had the German people not accepted its plan, participated voluntarily in its execution, and (up to the time of writing Axis Rule) profited greatly from it. 40

Indeed, all groups of the German nation had their share in the spoils of occupied Europe. The German Hausfrau used for her family the food of all occupied countries, Polish geese, Yugoslav pigs, French wine, Danish butter, Greek olives, Norwegian fish; the German industrialist used French and Polish coal, Russian lumber; the German employer in agriculture and industry used for his greater profit imported conscript labor; the German businessman bought up foreign interests and properties, taking advantage of the debasement of non-German currencies; the importer benefited through low prices and compulsory credits; and by Hitler’s decree of 28 July 1942, the access to women in occupied countries was facilitated for German manhood by fiat of law. 41

Lemkin hoped that after the war the United Nations would create ‘such political and spiritual conditions that the Germans will be impelled to replace their theory of master race by a theory of a master morality, international law, and true peace’. 42

Lemkin’s reflections in Axis rule in occupied Europe on the relationship of genocide to race and colonialism in German-occupied Europe are illuminating for the study of the possible relationship of genocide to settler-colonialism in modern world history. In his impassioned, bitter, mordant 1997 text A little matter of genocide: Holocaust and denial in

38. Lemkin 1944: 79.
40. Lemkin 1944: xiii.
41. Lemkin 1944: xiv.
42. Lemkin 1944: xiv.
the Americas 1492 to the present the Native American historian Ward Churchill takes up the challenge to relate Lemkin’s definitions and reflections (indeed, the book is dedicated to the memory of Lemkin) to the post-Columbian history of the Americas. Churchill’s book is also a contribution to the comparative study of European settler-colonies.

Churchill expresses anger at how the range, subtlety and inclusiveness of Lemkin’s 1944 definitions have been diluted, reduced, and distorted since World War II. The process, he argues, began with the 1948 UN convention. In specifying five different categories of actions (which have the intent to destroy, in whole or in part, a national, ethnic, racial or religious group), the Convention follows Lemkin. Because of objections from some UN members, however, in particular the United States, all that remained of cultural genocide from Lemkin’s original definition was a provision prohibiting the forced transfer of children. The effect of the truncation of the notion of ‘cultural genocide’ was that the UN convention came to place far more weight on direct killing than had ever been in Lemkin’s wide-ranging formulations, his composite of different forms.

Lemkin’s concept of genocide, Churchill reminds us, does not assume a hierarchy of actions and certainly was never meant to pertain exclusively to direct killing, this being but one means to the end of destroying the identity of a targeted group. He protests at the way a simplistic reductive reading of Lemkin has become orthodoxy in international law, academic and scholarly discussion, and popular understanding. The UN convention also created severe problems for the comprehension, condemnation and possible punishment of the crime of genocide by inserting the term ‘intent’ into its definition. Introducing the notion of demonstrable intent, he suggests, established a requirement that would be virtually impossible ever to prove.

For Churchill, the greatest series of genocides ever perpetrated in history — in terms of magnitude and duration — occurred in the Americas, led by Columbus himself when, having with the blessing of the Spanish Crown installed himself as viceroy and governor of the Caribbean islands and America, he took up residence in 1493 in Española (today Haiti and the Dominican Republic). By first dispossessing them of their abundant cultivated fields and then instituting policies of slavery and systematic extermination, Columbus reduced the formerly prosperous Taino people from as many as eight million at the outset of his regime to about three million in 1496. By the time of Columbus’ departure in 1500, only 100 000 Taino had survived; by 1514, there were 22 000; by 1542, only two hundred were recorded. The pattern of destruction inaugurated by Columbus continued as the pattern of genocide for the Americas, so that, Churchill suggests, it is probable that more than one hundred million pre-Columbian peoples died in the course of Europe’s ongoing conquest of the continent. A hemispheric population estimated to have been as great as 125 million was reduced by something over 90 per cent. From the outset entire civilisations were eradicated.

Many died from disease and starvation. Such means of death, loss, and sometimes extinction was and still is, Churchill argues, the responsibility of the European invaders and settlers. He observes that a considerable portion of those who died in the Nazi death camps as well as in forced marches died from starvation as well as epidemics of diseases like dysentery and typhus. Yet the Nazis were nonetheless found culpable under international law after the war for such deaths by deliberately imposing the conditions which led to the spread of starvation and sickness among them. Churchill reminds his readers that the English Puritans rejoiced that diseases like smallpox were having a catastrophic effect — they could daily observe the death and terror — on Indian numbers, thus facilitating rapid colonisation. Some of the worst examples of escalating death by sickness and disease occurred on the Spanish Christian missions in Florida, Texas, California, Arizona, and New Mexico in the period 1690–1845. After the military delivered captive Indians to the missions, they were expected to perform arduous agricultural labour while being provided with no more than 1400 calories per day in low-nutrient foods, with some missions supplying as little as 715 calories per day. Amongst the survivors, stress, anxiety, trauma, depression, demoralisation and despair led not only to vulnerability to physical and psychological illnesses but also to a plummeting of birth rates. In his own definition of genocide that he offers at the end of his book, Churchill in the spirit of Lemkin’s 1944 discussion suggests that the crime of genocide should include not only forms of systematic economic deprivation leading to starvation and other deterioration in the physical wellbeing of group members but also denial of fundamental medical attention to a group.48

In Churchill’s view, the English distinguished themselves in the range and extent of their genocidal actions in North America: ‘The most overtly genocidal of the European powers operating in North America was England.’ From almost the first moment of invasion in the 1580s, the English established processes of dislocating the lives of indigenous peoples and destroying the economic basis of their survival, processes that escalated in the following two hundred years. The English like the Spanish before them in the Americas engaged in systematic direct killing of the most ‘savage’ kind, including mounting of the skulls of dead Indians on poles. By the late 1600s, the Pamunkeys, Chickahominies, Nuansemonds, Rappahannocks, Paspaheghs and other smaller peoples were reduced to a remnant of no more than 600 people, rendered destitute, homeless, starving, disease-ridden, harried, and harassed. Meanwhile the English, having destroyed a once-thriving civilisation, now established themselves and their economy and society on its ruins. Churchill remarks that the goal of the English settlement everywhere in North America was to create ‘Indian-free zones of occupation for itself, as rapidly as practicable, in every locality to which it lay claim.’49

European settler-colonial practices since 1492 were, Churchill suggests, influential in Nazi conceptions of colonisation, serving as models to be followed. Churchill compares Columbus’ policies and practices of settlement of the Americas and racial ideas during his reign as governor on Española to Heinrich Himmler and Nazi notions of Untermenschen. The Spanish policy of conscripting entire indigenous populations into forced labour served as a prototype for Nazi policies in Eastern Europe. United States’

clearing operations, so-called, against the indigenous peoples of North America also served as an exemplar for Nazi notions and practices of Lebensraum. Settler-colonies like ‘Australia, New Zealand, South Africa, Argentina, the United States, and Canada’ led the way in setting out to achieve what the Nazis also set out to achieve, the displacement of indigenous populations and their replacement by incoming peoples held to be racially superior.\(^{50}\)

Churchill argues that settler-colonies around the world established during European expansion post-1492 in the United States, Canada, Australia, New Zealand, South Africa, and Argentina, are not only potentially but inherently genocidal. In settler-colonies — again Churchill is reprising Lemkin’s definition of genocide as a twofold process of dispossession of the life-world of a national group and imposition of the life pattern of another — ‘an invading group quite literally supplants the indigenous population on its own landbase’. A settler-colony to be a settler-colony requires ‘wholesale displacement, reduction in numbers, and forced assimilation of native peoples’. Churchill feels that Sartre, addressing the war crimes tribunal established by Bertrand Russell in 1967 (prompted by US destructive acts in the Vietnam War), went a long way towards restoring Lemkin’s original notions of genocide by equating colonialism and genocide. In Churchill’s view, settler-colonies involve genocide in their very being.\(^{51}\)

V

In the last decade or so historians have been exploring concepts like genocide, Holocaust, trauma, and memory. Notable here is Peter Novick’s challenging *The Holocaust in American life* (1999) and a renewed interest in the writings of thinkers like Raphaël Lemkin and Hannah Arendt.\(^{52}\) Our contributors discuss a wide range of texts, from American, German, and other scholars. Specialists in Australian history have only recently begun participating in these broad international debates. We see the essays in this issue of Aboriginal History as valuable contributions to this ongoing global conversation.

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\(^{52}\) Novick 1999. See also Curthoys, Ned 2000/1, which discusses Novick and Ward Churchill as well as Arendt’s writings.


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Confronting Australian genocide

Colin Tatz

‘In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

(a) Killing members of the group;
(b) Causing serious bodily or mental harm to members of the group;
(c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
(d) Imposing measures intended to prevent births within the group;
(e) Forcibly transferring children of the group to another group.’

— Article II, Convention on the Crime of Genocide


Few Australians recognise that genocide was perpetrated here. ‘We wiped them out’ is a common belief about Tasmania’s Aborigines — but even that acknowledged elimination doesn’t accord with our current notion of genocide. For a very small minority, genocide means a fleeting knowledge of forced death marches, 85 years ago, of Armenian women and children from eastern Turkey to Syria. For the great majority, the perception of genocide resides in that other planet, Auschwitz, where the musulmänner, scarcely human beings, are draped across the wire, awaiting gas and crematoria. Closer to home is a John Pilger documentary showing stacks of Cambodian skulls shattered by Pol Pot and his minions — a unique case of auto-genocide. The immediate lounge room image of genocide is Rwanda in 1994, presented as tribal savagery in darkest Africa; or of Kosovars or Bosnian Muslims fleeing torture, rape and mass death for obscure feudal reasons in unpronounceable arenas somewhere in a place known vaguely as the Balkans. How could any of these remote horrors have anything to do with democratic Australia?
'We are a moral people'

A curious national belief is that simply being Australian is sufficient inoculation against deviation from moral and righteous behaviour. In January 2000, a reporter asked Senator Amanda Vanstone, Minister for Justice, whether Konrad Kalejs, then a naturalised Australian and formerly a member of the notorious Arajskomando killing unit in Latvia in the Holocaust years, would be welcome here. The question was put as Kalejs, already deported from the United States and Canada, was about to leave London on the eve of British deportation proceedings. 'Would you expect a situation where any Australian citizen would not be welcome here?', replied the Senator.2 In the same year, at the height of Australian reaction to criticism by the United Nations and other international agencies — on apologies and reparations for Stolen Children, and on mandatory sentencing laws in Western Australia and the Northern Territory — Foreign Minister Alexander Downer was indignant: 'We cannot', he declaimed to the ABC, 'breach human rights in this country — because we're Australians.'

In 1949, when Australia reluctantly ratified the Genocide Convention, a bipartisan parliament was aghast that Australia should in any way be associated with that dreaded ‘g’ word.3 Liberal MP Archie Cameron declared ‘no one in his right senses believes that the Commonwealth of Australia will be called before the bar of public opinion, if there is such a thing, and asked to answer for any of the things which are enumerated in this convention.’ Labor MP Leslie Haylen was adamant that ‘the horrible crime of genocide is unthinkable in Australia ... that we detest all forms of suicide ... arises from the fact that we are a moral people.’

These immediate postwar reactions would certainly have been based on cinema newsreel images of ‘liberated’ Buchenwald and Belsen. Such also was my imagery at the time, retained even two decades later when first teaching the politics of race in 1964.

On my arrival here from South Africa in 1961, Sir Keith Hancock, then Professor of History at the Australian National University, gave me a copy of the 1961 edition of his Australia. In 282 pages, he discussed Aborigines in 23 lines. ‘Pathetically helpless when assailed by the acquisitive society of Europe, the invading British did their ‘wreckers’ work with the unnecessary brutality of stupid children.’ ‘From time to time [Australia] remembers the primitive people it has dispossessed, and sheds over their predestined passing an economical tear.’4 That was it. About to embark on a doctoral study of

2. Daily Advertiser, Wagga Wagga, 4 January 2000. The Senator is also reported to have said that she ‘would welcome him at the airport, as she would any other Australian.’
3. Tatz 1999: 1. It is instructive to read the Hansard record of debate on this ratification (vol. 203:1864-61). In some 19 pages, the fate of Jews occupied four or five lines. Aborigines were not mentioned. The bulk of discussion was devoted to possible or probable cold war ‘genocides’ in communist controlled or communist occupied Europe. Mr Blain, the Member for the Northern Territory, objected to the ratification bill: It was a slur on Australia because ‘it deals with a crime of which no Anglo-Saxon could be guilty’. The Liberal Member for Henty, H. B. (Joe) Gullett, was eloquent in defence of events in immediate postwar Germany: ‘It is a wretched spectacle to see many German generals, now old men, who, during the war, rendered good service to their country according to their lights, being subjected to every possible kind of degradation simply because in accordance with the ethics of their profession and acting under instructions from their government they carried out their duties as best they could.’
contemporary Aboriginal life in northern Australia, my perception of the past was, in a phrase, ‘unnecessary brutality’ — by the brutish British, not by past or present Australians.

A decade later, Charles Rowley discussed the way in which Aborigines — and their physical killing — had been ignored by practically every historian to date. Rowley was always polite. Australian historians ‘tended to play down’ the history, consigning ‘the moral and political issues to the past.’ The ‘mental block’ had by no means disappeared when he was writing: there was a ‘majority sentiment that raking up the misdeeds of the past serves no good purpose.’ He quietly lamented the catchcry that ‘what is done is done and should now be forgotten’, but he was encouraged by the knowledge that ‘a few young historians are beginning to work in the field of Aboriginal affairs.’

Soon enough the works of Evans, Saunders and Cronin in 1975, Lyndall Ryan, Noel Loos and Henry Reynolds in 1981, and Noel Butlin in 1983, began to percolate, and then to trickle (rather than bubble) over into school and university curricula. Here was physical killing, but because it occurred over long periods, in sporadic and episodic rather than in (seemingly) systematic ways, and because the killings were in twos, threes, even dozens at a time, it never entered the mind that this was genocide in any Armenian and Jewish sense. It seemed to be murder, mass murder at times, massacre often enough, bush pogrom perhaps, but nothing that could be equated with those appalling European and Near-Eastern events. Several ventured the word extermination. Butlin, who speculated that disease may have been ‘a deliberate exterminating act’ against Aborigines, did not conceive of that alleged ‘action’ in the language of genocide studies. No one, except Michael Cannon, used the term. Andrew Markus shied away from the word, and Ann McGrath was prepared to talk about attempted genocide in Tasmania, but not on the mainland. Henry Reynolds still admits to a reluctance about, or an avoidance of, the crime. Robert Manne and Raimond Gaita, in the forefront of the literature on removed children, wish that a more appropriate nomenclature, or a better or more flexible formal definition, could be found for what has happened in our country.

In the 1980s and 1990s, the developing preoccupation was with massacre. Myall Creek, Waterloo Creek, Forrest River, Bathurst, Orara River, Gippsland, Palmer River, Pinjarra, and Alice Springs became more familiar as sites of killing. But nobody was studying genocide theory and practice and no one was examining the Convention outlawing its attempt or implementation. No one was reading the Polish international jurist, Raphael Lemkin, who coined the word for the destruction of a genus of people in 1944. No scholar was looking at the fine print, or at the fact that the United Nations had created an international law which equated physical killing with such acts as imposing

birth control measures and forcibly transferring children. We were all steeped in Auschwitz, Treblinka, Sobibor and Belzec, in monstrous SS men, in Himmlers, Heydrichs and Hoesses. Who needed to look further than these men and their doings for an understanding of genocide? Who could look any further?

Tony Barta, an historian at La Trobe University, was the first to penetrate the membrane that locked or blocked out the unthinkable notion of genocide having occurred in this moral country. At the German-Jewish Experience symposium in Sydney in 1985, he gave a paper entitled After the Holocaust: consciousness of genocide in Australia. My paper, on the same day, reflected movement towards recognition of parallel themes or analogies — it was called Racism, responsibility and reparation: South Africa, Germany and Australia. The editors asked me, with some disquiet and scepticism, whether Barta’s ‘surrealistic’ vision should be included in the conference publication. I have a memory of momentary shame because I hesitated before saying ‘yes’. Why hesitate? I think I was still afflicted with Downer’s Syndrome, unwilling to believe that our Australian behaviour could, in any way, be analogous to this German criminality.

Peter Read’s seminal essay, The Stolen Generations, was written in 1981. It coincided with the work of Richard Chisholm, who had been writing about the policy that pervaded the Aborigines Welfare Board, certainly from 1912: the socialisation of children away from their Aboriginality. Read and Chisholm triggered a memory of a research visit I had made to the Retta Dixon Home in Darwin in 1962. While inspecting the place with Miss Amelia Shankleton, she asked my wife to hold an infant boy. At tour’s end, she asked my clearly doting spouse if we’d like to have him. ‘What do we have to do?’ we asked. ‘A donation of 25 guineas will be acceptable’, replied the amiable servant of the Australian Inland Mission. Incredibly, we didn’t blanch at the prospective ‘sale’. We drove around for an hour, contemplating, debating, and in the end decided no: to raise a child as both Aboriginal and Jewish would truly be a double cross.

In 1986, I studied the official records and archives of Holocaust history at Yad Vashem in Jerusalem. In lectures there, fleeting mention was made of Gipsy children removed from parents in Switzerland, of some 200,000 Polish children considered Aryan enough in looks to be stolen and taken to Germany as future soldiers of the Thousand Year Reich. I can’t and don’t speak for others, but in my case the synapses finally connected a variety of concepts and realities: irrational prejudice acted upon; scientific racism; nationalism; physical killing; Native Police’ dispersing’ Aborigines; the eugenics movement; doctrines of racial purity; obsession with degrees of ‘bloodness’; all that Australian legal and administrative language — mixed-blood, half-caste, quadroon and octoroon; forced assimilation; systematic destruction of the essential institutions and foundations of particular societies; causing serious mental and bodily harm to particular groups; transfer of children and their ‘socialisation away from their Aboriginality’; official policies which aimed at ‘eventually forgetting that there were
ever any Aborigines in Australia’, and so on. If we add together each of these factors, the answer comes out as genocide.

What has happened to the word genocide in the Australian context? Have historians, social scientists and a few lawyers contrived to find, or squeeze, or even manufacture ingredients to support a new-fangled crime? Is this use of the ultimate word in our lexicon merely a fit-up, a contrived calumny, for such vague reasons as hating Australia or wanting to see Australia squirm on the hook of guilt and shame? Is this simply political correctness and moral blackmail? Or is it a case of some Australians finally catching up with a reality that has been with the world for some thousands of years, although only formally defined and criminalised a mere 50 years ago?

As we know it today, the sub-discipline of Aboriginal history is barely 34 years old, baptised by this very history journal. The serious analysis of genocide in Australia is less than half that age. The youth of both may help explain why a few dozen ‘moral’ democrats and humanists — a coterie of conservative politicians, a half-dozen broadsheet and tabloid journalists, a barrister, a pair of retired senior bureaucrats and a quartet of freelance academics — feel emboldened enough to want to snuff it out.

The matter of intent

Auschwitz overwhelms, as it should. The Bible tells us about Hittites, Ammonites, Midianites, and Moabites who were slain in their legions — and disappeared, forever. In 416 BCE, the Athenians eliminated the population of the island of Melos. The Spanish conquistadors did their best to annihilate the native inhabitants of Hispaniola, reducing some five million people in 1496 to less than 20,000 by 1518. Turkey eliminated half of its three million Armenians between 1915 and 1923, saving some, forcibly adopting and converting others. Stalin contrived to eliminate 20 million Soviets between 1919 and 1939, mainly by starvation, because they were land-owning peasants or belonged to ‘unacceptable’ tribes, like the Ingush, Tatars and Chechens. In little Burundi, 120,000 Hutu were put to the machete between 1962 and 1972. As many as three million Bengalis died giving birth to Bangladesh in 1971, and so on.

But no other event has matched the Nazis’ messianic achievement. No one else made murder an end in itself by establishing industrial camps to manufacture death, and collect its by-products of spectacles and artificial limbs for recycling, and of hair, false teeth, gold teeth and body fat. Nowhere else was there a factory timetable, with targets of 10,000 to 12,000 stukke (pieces) per day, in Auschwitz, Belzec, Treblinka, Majdanek and Sobibor — until all of Europe, the world perhaps, was Judenfrei (free of Jews).

In passing, note the moral obtuseness in Attorney-General Garfield Barwick’s refusal in 1961 of a Russian request for the extradition of Estonia’s Ervin Viks, responsible for thousands of deaths in the above manner and context: “there is the right of this nation, by receiving people into its country, to enable men to turn their backs on past bitternesses and to make a new life for themselves and for their families in a happier community.”

Neither the volume nor the mass of death makes genocide. While numbers are hardly inconsequential, tallies are not the essence of the crime, as Australian denialists assert. It isn’t the short, sharp encapsulated time frame — such as 1915-23 in Turkey, or 1941-45 in Nazi-occupied Europe — that constitutes genocide. It isn’t even the technology used, whether individual killing or mass murder. Legally, genocide hinges on the words I have italicised in the definition: ‘genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such.’

The legal definition — the only one that establishes the crime — is deeply flawed. It omits political groups from the victim list and it says nothing about the role of the state in perpetrating genocide. It equates what to me, and to most others, are acts that are clearly unequal in outcome, and probably in intent. I see a difference in scale or nature between the shooting of Armenian men and the forced death marches of women and children to Syria, on the one hand, and the forced transfer of Christian Armenian children to Turkish Muslim families on the other. Is there not a similar qualitative difference between the slaughter — by club, poison and gun — of 10,000 Aborigines in Queensland between 1824 and 1908, or of 20,000 across the country from 1788 to 1928, and the forced assimilation of Aboriginal children in the twentieth century? The Convention allows no degrees or levels of genocide. There are different levels, by both objective and subjective standards, and there ought to be an equivalent of the American criminal justice system, which would allow us to distinguish differences in action and motive, for example, as between physical killing (genocide 1), and sterilisation of some members of a group (genocide 2), and so on.

Those who seek to exculpate Australia as a genocidal state may well argue my very point: that the mind can’t readily equate, for example, gas chambers with removal of children. Those who reject this equation are not denialists in the Holocaust denialist sense. However, as we will see, it is one thing to disparage the Genocide Convention’s equating the seemingly unequal and quite another to deny that any killing took place in this country, or to assert that children were never removed unilaterally. (To contend that child removal shouldn’t be a crime may make for an interesting academic debate — but it is there, writ large in international law.)

Since 1948, academics in several disciplines have worked hard at improving the legal definition. By July 1998, it looked as though their efforts would bring about change. The world’s delegates met in Rome to plan the new International Criminal Court, the constitution of which includes the most comprehensive list of national and international crimes ever assembled. Unfortunately, it defines genocide verbatim from the 1948 Convention. I asked an American delegate how this could have come to pass. She explained that had the framers of the new body attempted an improved or graduated, or at least an expanded, definition, nearly all the signatory States to the present Convention would have declined to be party to the new Court. It seems that nearly all nations — Russians and Americans especially — have regret about having signed in 1948.

18. At the Association of Genocide Scholars Conference in Madison, Wisconsin in 1999.
Impunity is, of course, what all perpetrators seek.\(^\text{19}\) (It is also likely that Australia won’t be party to the new court, certainly not under the Coalition government and probably not under Labor.)

The fulcrum of genocide is ‘intent’, in two senses: premeditation and the specificity of the victims of that mindset. Criminal law refers to intent as mens rea, the state of mind, the aforethought (usually malicious) to commit a crime. The Genocide Convention is clear on this point. The words ‘as such’ are vital: the United Nations clearly required prosecutors to indict perpetrators who not only wanted to kill specific peoples but who wanted to kill them specifically (and perhaps only) because they were those people.

‘As such’ has not been sustainable in the case of South American tribes. In 1974, two international agencies charged Paraguay with complicity in the genocide of the Aché (Guayaki) Indians.\(^\text{20}\) Charges included enslavement, torture, killing, withholding food and medicine, massacre outside their reservations, splitting families, selling children into slavery, denying their language, customs and religious practices. Paraguay admitted that there were victims and victimisers but denied that the Aché were killed because they were Aché: they died as a result of industrial ‘progress’, not because of who they were. Similarly, Brazil consistently denies genocide of Amazon Indians because ‘the crimes were committed for exclusively economic reasons, the perpetrators having acted solely to take possession of the lands of their victims.’ Murder? ‘Yes’, said the killers. Genocide? ‘No’, according to the defenders of these killers.

Did Australians ever kill Aborigines with the intent of destroying them, ‘in whole or in part’, because they were Aborigines? If much of this early killing was done privately, by squatters and settlers, were the colonial authorities complicit by countenancing these events? Were Aborigines simply in the way of the economic progress of the cattle or mining industries? Did Australian governments, and their agents of policy — the mission societies and the pastoralists — ever introduce or condone practices that caused serious bodily or mental harm to Aborigines qua Aborigines? Did any official policies or practices inflict conditions of life calculated to bring about their total or even partial physical destruction? Did the Native Police ‘disperse kangaroos’ or shoot Aborigines?\(^\text{21}\) Has any government agency ever tried to prevent Aboriginal births? Has any government ‘forcibly transferred’ Aboriginal children to another group? Equally pertinent is this question: even if none of these things occurred, or if none are provable as having occurred, has any government ‘attempted to commit genocide’ or been ‘complicit in genocide’, both punishable offences under the Convention?

\(^{19}\) Peter Drost, Irving Louis Horowitz, Helen Fein, Israel Charny, Frank Chalk, Kurt Jonassohn, Henry Huttenbach and Australia’s Jennifer Balint, among others, have produced broader and perhaps better definitions of genocide. Most, if ever adopted, would widen the net of ‘perpetrators’. Huttenbach’s ‘genocide is any act that puts the very existence of a group in jeopardy’ is so broad as to make virtually anyone who breaches another’s human rights a ‘perpetrator’.

\(^{20}\) Kuper 1981: 33-34.

Australia and Article II

My two recent papers on genocide can be read rather than be re-stated here. The 1997 chapter reflects on the politics of remembering and forgetting in the Jewish, Armenian and Aboriginal contexts. The 1999 research essay addresses images of genocide, the physical and social attacks on Aboriginal society, disease as genocide, and examines how each of the clauses in Article II may or may not apply to Australia. However, several aspects of genocide and of the Convention need comment here.

The disease-as-genocide thesis is common in many texts. Butlin was its chief proponent: 'it is possible and, in 1789, likely that infection [smallpox] of the Aborigines was a deliberate exterminating act.' Accident is not genocide and genocide is never accident. It isn't feasible that a fleet of soldiers and settlers, themselves suffering huge losses from a disease they didn't understand, ignorant of the germ theory that would explain such diseases nearly 100 years later, could conceive of extermination by deliberately inflicting 'variolous matter' on the native peoples. This by-product of colonial invasion was catastrophic, but not intentional.

The massacres and the organised killings, two of which were as recent as 1926 and 1928, were killings of Aborigines because they were Aborigines. White settlers, according to Evans et al, killed some 10,000 blacks in Queensland between 1824 and 1908. Considered to be wild animals, vermin, scarcely human, hideous to humanity, loathsome, and a nuisance, they were fair game for white 'sportsmen'. In 1883, the British High Commissioner, Arthur Hamilton Gordon, wrote privately to his friend William Gladstone, Prime Minister of England:

The habit of regarding the natives as vermin, to be cleared off the face of the earth, has given the average Queenslander a tone of brutality and cruelty in dealing with 'blacks' which it is very difficult to anyone who does not know it, as I do, to realise. I have heard men of culture and refinement ... talk, not only of the wholesale butchery ... but of the individual murder of natives, exactly as they would talk of a day's sport, or having to kill some troublesome animal.

In 1896, Archibald Meston was appointed Royal Commissioner to investigate the slaughter. In his Report on the Aborigines of North Queensland, he wrote that the treatment of the Cape York people was 'a shame to our common humanity'; their 'manifest joy at assurances of safety and protection is pathetic beyond expression. God knows they were in need of it.' Aboriginal people met him 'like hunted wild beasts, having lived for years in a state of absolute terror.' He was convinced their only salvation lay in strict and absolute isolation from all whites, from predators who, in no particular order, wanted to kill them, take their women, sell them grog or opium. The world's first anti-genocide statute — the Aboriginals Protection and Restriction of the Sale of Opium Act 1897 — followed.

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25. See Tatz 1999: 11-13, for a fuller discussion of this point.
The more loosely worded clauses in Article II bear examination. II(b) — ‘causing serious bodily or mental harm’ — has never, to my knowledge, been used or invoked anywhere to bring, or sustain, an allegation of genocide. Nor has II(c) — deliberately inflicting destructive conditions of life. The latter has strong echoes of the forced labour and slave camps under the Nazis, but the former is a generalised and a less contextualised act, one which is, I believe, sustainable in our context.

Ironically, or perversely perhaps, protection-segregation practices, operative for more than half of the twentieth century, amounted to both bodily and mental harm. Within the ambit of II(b) are the following ‘protections’: draconian laws in all States and the Northern Territory; a separate legal status for Aborigines — as perpetual minors and wards; incarceration on reserves, settlements and missions in every jurisdiction; destruction of hunter-gatherer systems by such confinement in these penitentiary-like institutions; unappealable and unsupervised powers of officials and missionaries to imprison for offences which only Aborigines could commit, especially in Queensland; powers to exile Aborigines, without families, often for life, to remote and inaccessible penal colonies like Palm Island, Yarrabah and Woorabinda; compulsory communal kitchens, further breaking down familial patterns in the Territory; removal of children across the nation, in Victoria as early as the 1840s; removal of women and boys to segregated dormitories; removals of whole clans and societies to new ‘lands’, sometimes at gunpoint in Queensland; work for rations only, and then later for rations and a pocket money component in northern Australia; imprisonment for refusing to work in Queensland; abolition of ceremonies that offended white officialdom, especially in Queensland; outlawing of Aboriginal painting at Elcho Island mission; control and guardianship of all children even while natural parents were present in most jurisdictions; official control over marital and sexual relationships in the Territory; denial of access to alcohol, gambling, reading and film material in most of the country; apprenticeships and indentures without payment to the individual but, instead, to the Welfare Board in New South Wales; prohibitions on trade union membership and ineligibility to vote at elections for much of the last century. Some of these practices — often administered beyond the letter of the law — could well fit within Article II(c).

From time to time allegations surface that State medical services engaged or engage in administering contraceptive ‘therapy’ without informing the women of its purpose: in Western Australia, the use of Depo-Provera, producing three-to-six month infertility. Depo-Provera, by injection, has alarming side effects, necessitating dire warnings about contra-indications and the need for stringent physical examination before administration. Another allegation is the permanent sterilisation of Aboriginal women: in Queensland, a series of ‘non-explained’ tubal ligations. These birth prevention issues need careful research.

There is another, paradoxical sense in which we should pay more attention to II(d), preventing ‘births within the group’. Attempts were first made by Victoria in the 1860s and 1880s, then later by senior bureaucrats in the 1930s and 1940s, to ensure births outside rather than within the group. C.F. Gale and later O.A. Neville in the West, Dr W.E. Roth and later J.W. Bleakley in Queensland and Dr Cecil Cook in the Northern

Territory actively sought every form of separation possible between ‘half-castes’ and ‘full-bloods’. Their collective efforts bore fruit at the meeting of Commonwealth and State administrations in Canberra in 1937: ‘The destiny of the natives of Aboriginal origin, but not of full blood, lies in their ultimate absorption by the people of the Commonwealth, and it therefore recommends that all efforts shall be directed to this end.’ This meant child removal, ‘breeding them white’, and ‘dismantling’ everyone who was regarded as less than ‘full-blood’. The Administrator’s report for the Northern Territory in 1933 had this to say:

In the Territory the mating of an Aboriginal with any person other than an Aboriginal is prohibited. The mating of coloured aliens with any female of part-Aboriginal blood is also forbidden. Every endeavour is being made to breed out the colour by elevating female half-castes to the white standard with a view to their absorption by mating into the white population.

Neville had a three-point plan: first, the full-bloods would die out; second, he would take half-castes away from their mothers; third, he would control marriages among half-castes and so encourage intermarriage with the white community. The ‘young half-blood maiden is a pleasant, placid, complacent person as a rule, while the quadroon [one-quarter Aboriginal] is often strikingly attractive, with her oftimes auburn hair, rosy freckled colouring, and good figure...’ These were the sort of people who should be elevated ‘to our own plane’. In this way, it would be possible to ‘eventually forget that there were ever any Aborigines in Australia.’ In this way, too, births would be prevented within the half-caste, quadroon and octoroon societies because their offspring would henceforth be non-Aboriginal.

Eugenics, as a science of animal pedigree, can only work in controlled stud and stock farms. Fortunately, societies can’t be regulated in the veterinary sense, but Neville, Bleakley and Cook certainly intended the disappearance of the ‘part-Aboriginal’ population by ‘eugenically’ many of them. This was a clearly articulated intent to commit what would come to be called genocide. The Convention talks about the ‘intent to destroy, in whole or in part’: it doesn’t say that the crime requires successful completion.

We need careful examination of the applicability of the word destroy in the definition. ‘Destroy’ was clearly used in the immediate aftermath of World War II with its tally of 50 million dead across the globe. Destroy is a negative, pejorative verb, resonant of evil, wantonness, violence. With hindsight and lapse of time, that is what can now be read into it. But, as with all statutes, we are obliged to look at the ordinary or plain meaning of the word(s), not at what we think the framers intended, or felt, at the time.

‘Destroy’ brings to light an issue current in the debate about the Stolen Generations, namely, that whatever was done in this country was done with good intent, and therefore could not, by definition, be genocidal. In 1997, Bringing Them Home: the report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families, concluded that child removal was an act of genocide. The essence of the crime, it said, was acting with the intention of destroying the group, not the extent to which that outcome resulted. The forcible removals were intended to ‘absorb’.

merge', 'assimilate' the children 'so that Aborigines as a distinct group would disappear.' That such actions by perpetrators were in their eyes 'in the best interests of the children is irrelevant to a finding that their actions were genocidal.'

We always assume that 'with intent to destroy' means intent with male fides, bad faith, with evil intent. Nowhere does the Convention implicitly or explicitly rule out intent with bona fides, good faith, 'for their own good' or 'in their best interests'. Starkman's is but one of several opinions that the reasons for the crime, or the ultimate purpose of the deeds, are irrelevant: 'the crime of genocide is committed whenever the intentional destruction of a protected group takes place.'

Storey points out that 'genocide does not require malice; it can be (misguidedly) committed 'in the interests' of a protected population'. Elazar Barkan asks whether there can be genocide 'despite ostensibly good intentions': 'The illegitimacy of the white man's burden may suggest that indeed the answer is affirmative.' Gaita contends that 'the concept of good intention cannot be relativised indefinitely to an agent's perception of it as good'. If we could, he writes, then we must say that Nazi murderers had good, but radically benighted intentions, because most of them believed they had a sacred duty to the world to rid the planet of the 'race' that polluted it.

In this volume, Larissa Behrendt discusses the nature and significance of two important legal cases — Nulyarimma & Others and Kruger v Commonwealth. The Peter Gunner and Lorna Cubillo cases in the Northern Territory were also lost. My criticism of the plaintiffs' cases in Kruger, Gunner and Cubillo is that they failed to confront the issue of whether any, or all, of the physical or social actions complained of fall within the ambit of Article II. In Nulyarimma, the statement of claim was that by securing the Wik ten-point plan legislation in 1998, senior Coalition ministers committed specified and unspecified acts of genocide. One has to say that, by any yardstick, the Wik judgment was hardly the worst experience to have befallen Aborigines since 1788.

Irrespective of these outcomes, I place great store in trials. They posit a prima facie case that 'something happened'. They usually establish the victims and perpetrators; certainly they establish the actors. Trials produce both historical and contemporaneous documents (of permanent record). They produce eyewitness accounts from all actors — victims, alleged perpetrators and bystanders or observers. Trials are not undertaken in the pragmatic belief that every case will be won, that all charged in criminal court will be convicted, or that all plaintiffs will be awarded damages in civil suit. Trials are a contention, an articulation by the state, or by parties against the state, under strict rules of evidence, in a legal theatre. Trials are a public declaration that there are moral and ethical values which society should sustain. Trial records are infinitely more powerful educative tools about contemporary social and political history, and values, than the passive voice and the indirect speech of history texts, or of essays like this one.

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Admissions and denials
The years 1997 to 2000 were crucial for both admissions and apologies about the past, and for vigorous denials that anything needed admission or apology.

Earlier, in 1990, the Secretariat of the National and Aboriginal and Islander Child Care organisation (SNAICC) demanded an inquiry ‘into how many of our children were taken away and how this occurred’. It wanted to know whether these policies fell within the definition of Article II(e). Prime Minister Paul Keating was the first senior politician to acknowledge that we ‘took the traditional lands ... smashed the traditional way of life ... brought the diseases and the alcohol ... committed the murders ... took the children.’

The Australian Archives presented a national exhibition, Between Two Worlds, a study of the Federal government’s removal of Aboriginal ‘half-caste’ children in the Territory from 1918 to the 1960s. It was a brilliant depiction of one facet of genocide, without using the word. Throughout this entire history, there were exceptionally few men and women who heard whispers in their hearts that anything was awry or amiss. One who did was the late E.C. (Ted) Evans, then Chief Welfare Officer, whose exhibited letters to the Administrator urged that removals cease: because, he wrote, they were intrinsically evil and because the world would never understand either the motives or the practices.

By 1994, Aborigines at the Going Home conference in Darwin felt sufficiently confident to begin planning civil lawsuits against governments and missions for the forcible removal of children and the break-up of family life.

Bringing Them Home became a best seller when published in April 1997. Within a month, some States were apologising. South Australia apologised for ‘the mistakes of the past’, including ‘any relevant actions of South Australia Police’, and regretted ‘the forced separation of some Aboriginal children.’ Western Australia apologised for children removed, an act which ‘encompasses acknowledgment by the Western Australian Police Service of its historical involvement in past policies and practices of forcible removal.’ In June, New South Wales apologised unreservedly ‘for the systematic separation of generations of Aboriginal children from their parents, families and communities’, regretting parliament’s passing of laws and endorsement of policies which produced such grief. The NSW Police Commissioner offered an apology on behalf of his Service in May 1998. In June 1997, the ACT Legislative Assembly, with no removals to apologise for, nevertheless did do so as a symbolic gesture.

The Tasmanian parliament, but not the police, regretted and apologised for ‘removed children’ in August 1997. A month later, Victoria apologised, expressing ‘deep regret at the hurt and distress’ caused. The police indicated that enforcing policies ‘that now are acknowledged as racist’ are a ‘significant cause of distrust of police.’

38. The exhibition was held in 1993-94. It is now in book form: see MacDonald 1997.
39. Henry Reynolds, 1998, has written elegantly about the people who couldn’t satisfy their conscience, who worried about the Aboriginal-white relationship, who said so publicly and who attempted some kind of action to try to change the way things were.
Queensland, in May 1999, apologised for the ‘Indigenous children [who] were forcibly separated’, but the Police Service did not.

In 1998, the Northern Territory Legislative Assembly castigated the ‘empty-apology option’ taken by other parliaments. The Chief Minister had earlier told the National Inquiry that the Territory, self-governing since 1978, wasn’t party to child removal (it wasn’t) and that apology and compensation ‘are matters for Commonwealth consideration’.

In November 2000, a Senate committee reported on the Federal government’s implementation of the recommendations made in Bringing Them Home. Their document Healing: a legacy of generations recommended a ‘Motion of national apology and reconciliation … gesture of good faith’ by the Northern Territory parliament, and the establishment of a Reparations Tribunal.41 This Committee, with two dissenters, interviewed over a hundred witnesses, and received numerous written submissions from churches, government agencies and Aboriginal individuals and organisations. It produced compelling evidence for the conservative Federal government to do what it has so steadfastly refused to do.

Initially, Howard’s government refused to make a formal submission to the national inquiry chaired by Sir Ronald Wilson. Under pressure, it did so just short of the deadline, in October 1996. Written by unnamed bureaucrats, sourced as Anonymous: Commonwealth Government, it declared — in advance of the findings — that the government would not compensate for child removal. In judging these practices, it said, ‘it is appropriate to have regard to the standards and values prevailing at the time of their enactment and implementation, rather than to the standards and values prevailing today.’ It ended with a remarkable rationalisation: ‘there is no existing objective methodology for attaching a monetary value to the loss suffered by victims.’42 Restitution, it argued, would cause intolerable inequities, but it didn’t say to whom.

When Bringing Them Home was released, media attention focused heavily on acknowledgment and apology. When pressed, the Minister for Aboriginal Affairs (then) Senator John Herron and the Prime Minister — neither of whom, I believe, had any thoughts of their own on the matter — appropriated the exact wording of the bureaucracy’s inquiry submission and locked themselves into these ‘principles’: restitution was not possible, there was no methodology for it, it would create ‘new injustices’, formal apology could open the way for lawsuits, all this happened yesteryear, and, in a new version of ‘for their own good’, removal was akin to Anglo children being sent to boarding school. Furthermore, some very successful Aborigines had come through these assimilation homes. Finally, in words that echo popular misconceptions, Herron declared: ‘This practice could not be described as genocide as it did not involve an intentional elimination of a race.’43

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42. Yet Germany has (twice) given us a reparations model, and at the end of 1996 found the will to compensate the surviving slave labourers of over half a century ago. The Swiss banks—‘inheritors’ of Jewish deposited money — have now given us another model.
With a degree of reluctance, the Prime Minister offered his personal apology. A formal apology, he insisted, would set up a chain of claims for reparation. Further, 'Australians of this generation should not be required to accept blame for past actions and policies.' Howard, like so many, claims that the present generation is not responsible for the past; yet the present inherits the riches, the spoils and the acquisitions of the past and, in so doing, it also inherits the historical debts. In August 1999, the Federal parliament shed its own minimalist tear, its 'deep and sincere regret' for past injustices — but without apology.

The low-water mark of the government's intransigence was Senator Herron's support for, and endorsement of, a paper written by his bureaucrats to the Senate Healing inquiry in April 2000. It denigrated and diminished the Stolen Generations issue. Herron contended that since an entire generation was not removed but perhaps only one in ten children, one could not use the phrase 'Stolen Generation(s)'. This sophistry produced a national outcry which further fuelled Aboriginal (and non-Aboriginal) determination.

An even lower point was reached when the esteemed Aboriginal elder, Lowitja O'Donoghue, told a Melbourne journalist, Andrew Bolt, that she preferred to describe herself as removed rather than stolen. The talkback 'stars', a few tabloids and the Prime Minister rejoiced in the inference that if she, of all people, wasn't stolen, then no one was.

In October 1999, an Anti-Genocide Bill was introduced privately by West Australian Democrat Senator, Brian Greig. A Senate committee inquired into the Bill, examining, inter alia, the adequacy of Australia's implementation of the Genocide Convention, with particular attention to finding an appropriate definition of the crime, the status of the Convention in Australian law, and the appropriateness of retrospectivity of any such new law. In June 2000, the Committee's Humanity Diminished recommended 'that the parliament formally recognise the need for anti-genocide laws'. In April 2001 the debate on the Bill was adjourned indefinitely. If it is ever debated, I doubt it will be passed, irrespective of party in office: we persist in refusing to confront the genocide issue in this country.

Amid these State and church apologies, and despite the work of Raimond Gaita, Robert Manne and Colin Tatz, the national and Senate inquiries, and the careful journalism of Debra Jopson and others, a denial industry was born.

Denialism takes several forms. First, the denial of any past genocidal behaviour, whether physical killing or child removal. Second, the somewhat bizarre counterview that whites have been the victims. Third, the hypothesis that concentration on unmitigated gloom (Professor Kenneth Minogue's phrase), or on the black armband view of history (Professor Geoffrey Blainey's phrase), overwhelms the reality that there has been more good than bad in Australian race relations.

Denials are accompanied by, or based on, several strange moral equations. Thus, the Holocaust equals past bitternesses (Barwick); removal of children is good for them (Howard-Herron); Aboriginal pluses outweigh the minuses (Blainey-Minogue-

Howard); and that, at most, Australian racism is no more than ‘a sentiment rather than a belief, involving rejection of, or contempt for, or simply unease in the presence of, people recognised as different’ (Minogue).

The Witnesses for the Defence, as Padraic McGuinness styles himself and his colleagues, are remarkable for their anorexic arguments and, at times, quite silly explanations. In concert with a few academics, a small coterie of journalists — lacking any academic or practical credentials in Aboriginal affairs — contrive to claim, inter alia: that the charge of genocide is either pedantry or mischief; that Australia didn’t commit genocide by forced removal because, if we had, we would have prosecuted the crime (when committed by Federal and State bureaucrats?); that many or even most removals were with parental consent; that only a ‘small number’ (12 500) were removed, citing an Australian Bureau of Statistics 1994 survey to support the mini-removal thesis; removal was akin to white kids at boarding school; that many benefited from removal; that Aboriginal leaders were assimilationists; that since earlier anthropologists didn’t find genocide, it couldn’t have occurred; and, finally, some — but unspecific as to number — who assert genocide ‘are of Jewish background and have an interest in the Holocaust’.

Ron Brunton attacked the National Inquiry because, as an anthropologist, he wished to protect the standards of science — and he strongly believed the inquiry to be deeply flawed. He is concerned at the ‘role of suggestion in creating false memories of events that never really happened.’ He castigates the failure to distinguish ‘truly voluntary’ and ‘coerced’ removals. He asserts that my ‘silence’ on genocide over the years makes it look suspicious that I — ‘the doyen of genocide studies’ — ‘suddenly’ use the word now. Had I spoken out earlier, this ‘certainly would have brought a very rapid end to the supposedly genocidal practices’. He is aware of the Genocide Convention but rails against the ‘elasticity’ of the crime, at being asked to equate ‘misguided child welfare’ with the skeletons hanging off the wire at Auschwitz.

Kenneth Maddock, reviewing Colin Macleod’s patrol officer memoir, suggested that two noted anthropologists thought well of the assimilation homes where ‘half-caste girls’ could find haven from sexual predation and depravity. He pointed to the ‘significant silence’ of anthropologists Marie Reay and (the late) Diane Barwick, neither of whom ever mentioned genocide. Later, he pointed to the silence of all anthropologists. He quotes the Australian Law Reform Commission report on customary law as saying something it should never have said — that ‘genocide is restricted to forms of physical destruction’. He talks of the ‘absurdity’ of imputing evil to the Aboriginal authorities in Darwin. Besides which, his three academic acquaintances who worked with these authorities — Tatz, ‘the outspoken political scientist’, the pre-historian Carmel White and the anthropologist John Bern — ‘were of Jewish background and interested in Israel’. Even they, with Zionistically-attuned antennae, ‘caught not a whiff of genocide’.

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45. Minogue 1998: 11-20
An array of conservative critics now refute genocide and/or the gloom and mourning pervading Aboriginal colonial history. Some are reputable academics like historian Geoffrey Blainey, British political scientist Ken Minogue, anthropologist Ken Maddock and Keith Windschuttle, a former lecturer in social policy and media studies. Some are senior politicians — John Howard, John Herron, Bill Hayden and former premiers Wayne Goss and Ray Groom. Goss, when Queensland Premier, insisted on the removal of such ‘offending’ words as ‘invasion’ and ‘resistance’ from Queensland school texts. Former Tasmanian Premier Ray Groom contended that there have been no killings in the Island State — making him, in effect, Australia’s foremost genocide denialist in the 1990s.49

There is a journalistic group vehement about the Bringing Them Home material: between them, Piers Akerman, Andrew Bolt, Frank Devine, Michael Duffy, Padraic McGuinness, Christopher Pearson and Bill Hayden, who now serves on the board of Quadrant, have described the entirety of Bringing Them Home as a hoax, a monument to false memory syndrome. Hayden sees the ‘use of victimhood as some sort of heavy waddy for punishing the guilty mass’. Furthermore, the inquiry exercise showed ‘the extraordinary display of legal gullibility by Sir Ronald Wilson’.50 Devine talks of ‘frail wisps of evidence’ and ‘manufactured’ case studies.51 McGuinness considers ‘truth, sentiment and genocide as a fashion statement’, and the ‘whole Wilsonian edifice’ of Bringing Them Home as ‘built on sand’.52 In his attack on Reynolds, Keith Windschuttle, the latest defence witness, labels the ‘alleged’ physical killing as the ‘myths of frontier massacres’ and as ‘the fabrication of the Aboriginal death toll’.53

Windschuttle is author, inter alia, of The killing of history.54 This 1996 book — a concerted attack on structuralism, poststructuralism, cultural relativism, postmodernism and assorted other new theories — stoutly defends traditional history, especially that of Rowley and Reynolds. By 2000, he had experienced a conversion and joined the company of McGuinness, ex-Liberal cabinet minister Peter Howson, former Assistant Administrator of the Northern Territory Reg Marsh, barrister Douglas Meagher, Bruntton and others. But in his case, he was refuting the history of killing, with blistering attacks on Reynolds, his historical veracity, his sources and, above all, his ‘numbers dead’.

Geoffrey Blainey is not a denialist in this vein. But he has now backtracked on a phrase he claimed was never anti-Aboriginal in the first place, the phrase that so enamoured the Prime Minister — ‘the black armband view of history’. In 1997, Blainey disparaged the way in which interpretations of Aboriginal issues had allowed ‘the minuses to virtually wipe out the pluses’. The swing of the pendulum was ‘wild’ and even the High Court was ‘that black armband tribunal’.55 He now claims he was refer-

52. Sydney Morning Herald, 14 September 2000.
53. See footnote 15.
54. Windschuttle 1996.
ring to such matters as the environment, for which he was and is in mourning and, Australian football fan that he is, he insists his metaphor was born out of the practice of these footballers wearing a black arm stripe when someone connected with the game dies.  

There is also a netherworld of radio talkback ‘philosophers’, Alan Jones, John Laws, Stan Zemanek, Howard Sattler. What many of these self-confessed ‘entertainers’ have in common — apart from a seeming antipathy to Aborigines generally and to the whole Aboriginal ‘thing’ — is that they do neither fieldwork nor homework. Like so many genocide denialists, they assert but don’t demonstrate, they disapprove but don’t ever disprove. They won’t take on the burden of proving that Hamilton Gordon was lying when he wrote to Gladstone in 1883, or that Meston fabricated his evidence for a protective statute in 1896, or that Lieutenant Wheeler perjured himself when he told an inquiry in 1861 that he shot Aborigines. They could hardly sustain their views if ever they were in a civil suit witness box (which is where, I suggest, they should be ‘coaxed’ into being.) Rather, they rely on a new methodology: attacking the integrity of authors and witnesses. Reynolds, for example, now has ‘a tattered reputation’ and I am a scaremonger seeking to impale Australia on exaggerated history. Besides which, I am Jewish, with an interest in the Holocaust.

Are these denialists merely protecting themselves, and us, from a massive scam, as former senior bureaucrat and Senator, John Stone, would have us believe? He talks about ‘the misplaced remorse’ of the Australians and the ‘well-groomed pseudo Aborigines ... whose sole personal achievement has been to climb aboard the lushly furnished gravy-train while holding out their hands for even more gravy.’

These men behave in the manner of genocide denialists generally: either asserting that genocide never occurred here, couldn’t have occurred here, could never occur here, or more commonly, they nibble at the edges, sniping at weaker points, in the hope (or belief) that if they can demonstrate one error of fact or figure the central and essential ‘contention’ of genocide will fall apart.

But why the denials? Robert Manne, who has devoted the past three years to a study of the Stolen Generations, published an essay in 2001 — In denial: The Stolen Generations and the right. A forensic counter to McGuinness and his team, he has meticulously and impeccably dissected their claims and assertions. In his final section, he asks ‘why’? Motives differ he says: ‘some of the anti-Bringing Them Home campaigners are now too old or proud to reflect on the cruelty of practices in which they were personally involved.’ Others are ‘former leftists who are so obsessed by the conduct of ideological combat against their former friends that they have come to believe that truth is simply the opposite of what they once believed’. ‘Some are general purpose right-wingers who hunt in packs and can be relied upon to agree with whatever their political friends believe.’

Manne is less concerned with their motives than with what he calls the heart of the campaign, namely, ‘the meaning of Aboriginal dispossession’. There is, he argues, ‘a

57. Mickler 1998, chapters 3 and 8; Adams and Burton 1997.
right-wing and populist resistance to discussions of historical injustice and the Aborigi-
nes’. Separation of mother and child ‘deeply captured the national imagination’: that
‘story had the power to change forever the way they saw their country’s history’ —
herefore the imperative to destroy that story. This is an acute observation. However, this
imperative doesn’t explain their systematic attacks on the ‘falsity’ and ‘fabrication’ of
the physical killing era.

We need to probe deeper than this. Are these men simply guilty officials, or just
anti-leftists, or indiscriminate pack-hunting rightists? Are some amongst them —
including a ‘humanist’ prime minister, two democratic premiers and a once-acclaimed
politician turned Governor-General — not simply passionate defenders of national
pride and achievement? Are they not just a collective St George slaying the author-
dragons — black and white — who insist that we do, indeed, have a ‘racist, bigoted
past’, because they know the truth — that we have no such past?

There can be no doubt that reparation and restitution to Aborigines are anathemas
to the majority of Australians. Admitting ‘past mistakes’ is one thing: paying compen-
sation for what was done is quite another. The Prime Minister and his servants have
made this clear. Howard was willing to spend $300 million on a gun buy-back scheme,
but any similar or much lower figure on Aboriginal reparation is considered ‘outra-
geous’. That there is a money motive in denialism is certain. But it is not just the money
or the quantum thereof: it has much more to do with the attitudes towards the intended
recipients of such money, as for example, John Stone’s ‘well-groomed pseudo-Aborigi-
nes’ who pursue lush gravy-trains.

Consciously perhaps, Howard’s refusal of a parliamentary apology has produced
a separate politics of ‘sorry’, one which deflects and relegates the original forcible
removal of children, the continuing removal through mandatory sentencing, and sev-
eral other denials of human rights. Sorry, at this late juncture, isn’t enough:
the longer the gap between the need for the token and its delivery (by someone other than
Howard), the greater the chances that removed Aborigines will seek much more than
apology.

I have another suggestion: that denialism in Australia is centrally about the place
of morality in Australian politics. It is either a promotion of an especial Anglocentric
nationalism, a particular Australian moral virtue, in which there is, by definition, no
place for genocidal thoughts or actions, or it is an attempt to excise morality from polit-
cal considerations — to create an amoral, economically-centred body politic. I’m not
quite sure which it is, and it may turn out to be both.

Much of the denialism is, I believe, a propping up of this mythical national moral
hygiene, of an idealised ‘down under’ way of life that is simply beyond comparison, or
analogy, with the barbarisms of the Balkans or the murderous mindsets of the Nazis. As
we see in daily sport ad nauseam, it is the Indian sub-continent and other ‘foreign ele-
ments’ — like East Germans and the Chinese — who cheat, throw matches, accept

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59. Roy Brooks’ book on the controversy over apologies and reparations, When sorry isn’t enough,
was published in 1999. It dealt with seven major case studies: the Jewish victims of Nazism,
Japanese ‘comfort women’, Japanese-Americans, Native Americans, the slavery issue, the Jim
Crow laws, and South Africa. Australia didn’t rate a mention.
bribes or take drugs. Australians don’t, or can’t, do these things because we’re Australians. It has been suggested that these journalists and former bureaucrats, who met in enclave and began publishing voluminously and simultaneously in Quadrant and the major newspapers in September 2000, did so to ‘clean up’ Australia’s history of race relations before the Sydney 2000 Olympic Games. The timing was, indeed, a curious coincidence.  

Are they protecting the inherent ‘moral gene’ that runs through white and naturalised Australian veins? Or is it rather a case of their attempting to ridicule anything that acknowledges an underlying morality in politics, a moral nihilism which ‘de-moralises’ us all and leaves no room for issues of shame, guilt, atonement of any kind? In this way, for example, one doesn’t have to think, or feel, about the refugees, the boat people and other ‘illegals’ imprisoned in camps in the deserts of South and Western Australia.

Australian denialists are not men with credentials in history, or in any other disciplines: they won’t be writing the textbooks for our school and university curricula. They will hold their private and celebratory seminars — essentially to reinforce each other rather than to ‘re-educate’ the public. They will produce Quadrant with an increase in ad hominem attacks, perhaps concentrating on those of Jewish ‘background’. (If such were the case, I would prefer to be regarded as one of Jewish foreground, as someone morally bound to investigate all manners and matters of genocide.)

But whether they be senior political figures, once powerful bureaucrats, journalists or talk-back radio ‘philosophers’, they miss two essential by-products of their denialism: they keep otherwise potentially ‘fading’ issues very much alive, and they provoke infinitely more interest amongst, and research by, those who have the real qualifications, skills and ethics to do such work. In a bizarre sense, denialists — who see themselves as prophylactics protecting our society from a moral re-appraisal of past behaviours — are the fecund: they actually increase the fertility of research into those very behaviours. They can, however, take comfort in their one undisputed achievement — their ability to hurt the victim peoples.

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60. See footnote 17.


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Discourses of genocide in Germany and Australia: a linked history

Tony Barta

For decades before the Nazis began the legal persecution of Jews, anti-Semites had been active in Germany. They created a climate in which genocide — or so it seems with hindsight — became possible. In 1996 an American scholar, Daniel J Goldhagen, went further. He argued that in Germany ‘eliminationist anti-Semitism’ had created a culture that produced ‘Hitler’s willing executioners’. The ‘common sense’ of German society during the Nazi period was grounded in years of discussion about getting rid of the Jews.¹

As critics pointed out, the most vocal and persistent campaign does not provide evidence that all, or even a majority, shared its aims or its assumptions. It is impossible to be sure what people might have understood by ‘elimination’. Assimilation would have been assumed by many, emigration by some, expulsion by only the most radical minority. No one, even in 1939, had reason to envisage something which had never been canvassed or imagined. Yet a Germany without Jews, indeed a Europe almost without Jews, was very quickly achieved.

A hundred years earlier, an Australia without Aborigines was both imagined and canvassed, and the public discussion persisted, directly in relation to policy, until well after Nazism was defeated. What should interest us here is not whether all Germans, or all Australians, somehow bear blame for genocide — a revived talking point in Germany and a very belated one in Australia. My concern is with the ways a ‘discourse of genocide’ inhabited ideas and assumptions — the commonsense in which ideology is most effective. Further, I want to explore how two variants of genocidal thinking belonged within a shared discourse, linked by the larger history of European expansion.

Goldhagen distorted the case in attempting to make the ‘eliminationist’ discourse peculiar to Germany. It belonged, as Hannah Arendt had shown, to the heightened race consciousness of European imperialism.² Once we are able to see the anti-Semites’

obsession with ‘the Jewish problem’ as a subset of the imperialist obsession, events everywhere in the imperialist era look different. The colonising impulse to possess the world as the birthright of European superiority could become a genocidal one wherever the assumption of superiority was threatened by resistance or competition. In Europe the most visible competition was from Jews, suddenly prominent in commerce, the professions and the arts. No matter how well integrated into a specific European society and culture — Germany was their shining example — Jews could be portrayed as ‘foreign’, or even as colonising the continent’s new nation states. They both exhibited and disguised their difference. They claimed the same national identity as everyone else, but retained one that transgressed national boundaries. They had no respect for social boundaries, flaunting comfort, status and influence within a generation. Outside Europe, things were simpler. In ‘foreign parts’, the colonisers’ superior identity was protected by both ideological and physical boundaries.

**Identity, race and the Jews**

The nineteenth century nation states were at once rationalised modern entities and the embodiment of a kind of atavistic tribalism, carried first in the culture and later in the ‘blood’ of people whose identity was now to be ‘French’ or ‘Russian’ or ‘German’. The rationalism of modernity which appeared to threaten this identity even as it was being established could conveniently be identified with a group who had most visibly profited from it. The Jews were emancipated by the same sequence of enlightenment and secular revolution which had emancipated the European nations. The trick was to load all the grievances of a floundering conservatism onto this people without a nation. Revolutionary rationalism, corrosive capitalism, every form of liberalism became Jewish inventions, carried in the culture, and then the ‘blood’ of Jews. Conservatives discovered that the radical ideologies of imperialism and anti-Semitism could be co-opted to manipulate the democratic nationalism they had feared. And the rationalism they had abhorred could be turned to provide new justifications for the dominance that had been their birthright.

Not for nothing did the Jews feature as the demons of boundary subversion. Into a traditional society thought of as orderly, economically secure, biologically homogeneous and culturally stable, came an agent (this is the anti-Semite’s view) of disorder, insecurity, cross-breeding and instability — in a word, modernity. The Jews were advantaged by the social, economic and political opportunities of liberalism so — naturally enough — they became its energetic supporters. What was emancipating to Jews was corrosive to traditionalists, threatening in every respect. The demonisation of ‘the Jews’ as responsible for both capitalism and socialism made perfect sense to anti-Semites: the entrenched order was subverted by both and Jews most prominently profited from both.³

Anti-Semitism (not just anti-Judaism) preceded modernity. Even in traditional Christian guise, ‘the Jew’ was created as a concept, a demon signifying everything antithetical to society, state, and church. It was Christianity, as Bauman says, that ‘assigned to the Jews an eschatological mission’ and ensured that ‘the conceptual Jew’ acquired a mythical power both separated from, and attached to, the actual Jews who inhabited

Europe’s towns and villages. In this imaginary menace (here there is no dispute with Goldhagen) lay the seeds of actual genocide.

Construed in such a way, the conceptual Jew performed a function of prime importance; he visualized [made visual] the horrifying consequences of boundary-transgression, of not remaining fully in the fold, of any conduct short of unconditional loyalty and unambiguous choice; he was the prototype and arch-pattern of all nonconformity, heterodoxy, anomaly and aberration. As an evidence of the mind-boggling, uncanny unreason of deviation, the conceptual Jew discredited in advance the alternative to that order of things which had been defined, narrated and practised by the Church. For this reason, he was a most reliable frontier-guard of that order. The conceptual Jew carried a message; alternative to this order here and now is not another order, but chaos and devastation.4

The Nazis were anti-Christian but not above exploiting this reliable Christian heritage, with extreme consequences for Christian peoples as well. While the genocide of the Jews was being completed to the best of the Nazis’ ability, they employed the propaganda litany of ‘Jewish Bolshevism’ to transfer the theme seamlessly to the inhuman treatment of conquered Russians, Ukrainians and other Slavic nations. Polish elites capable of leading resistance had been sought out for killing from the first day of the war; genocide through starvation was envisaged unflinchingly in the German colonisation of the new eastern ‘living space’.5 When the war in Russia was lost, Goebbels’ prime propaganda image became the ‘Asiatic’ menace bearing down on Germany from the East. Murderous Bolshevism, ‘subhuman’ Slav hordes, death, destruction and chaos: the Jews would yet have their victory if Germans did not hold out. With a solidarity fuelled by a reasonable fear of Russian rather than Jewish vengeance, Germans did hold out, and fought to the bitter end. Their reward was to be told in Hitler’s testament that they had failed their leader in his great struggle, but in the most important respect it must go on.

Above all I impose on the leadership and following of the nation the obligation to hold fast to the racial laws and to carry on unmerciful resistance to the world poisoner of all nations — international Jewry.6

What ‘unmerciful resistance’ meant, the world would soon find out, though neither the images (bulldozing of bodies at Belsen, warehouses of human hair at Auschwitz) nor the evidence of the Nuremberg trials would create the meta-image of ‘the Holocaust’ until two decades had passed.7

Several other genocides later, the Nazi genocide of the Jews remains unparalleled, and retains a unique power to shock. One reason, without doubt, is the sustained thoroughness and technical efficiency of the operation. Another is the recognition that the victims in the pictures were ‘people like you and me’, hard to tell from the person next

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5. Himmler, quoted in Fest 1972. On the relation of the ‘Final Solution’ to genocidal warfare against Poland and Russia, see Browning 1992. He dates developments to show that genocidal treatment of Poles and Russians preceded the all-out onslaught on the Jews.
6. Pinson 1954: 529. That vengeful Jews would arrive with the American forces was by comparison an insignificant fear; despite some propaganda about the Morgenthau Plan for de-industrialising postwar Germany.
door. This worried even some Nazi perpetrators, who sometimes had to be convinced that the people waiting to be killed were after all ‘terrorists’ or at least representatives of the enemy who was bombing their loved ones at home. But their difficulty making the transfer from ‘international Jewry’ to the little girl in front of them was only momentary. The propaganda of race was lethally effective. Genocidal killing, Himmler and Hitler insisted, had to be carried out as a historical necessity: ‘To have gone through this and yet — apart from a few exceptions, examples of human weakness — to have remained decent, this has made us hard.’

Modern racial anti-Semitism was the counter to modern assimilation, in which many Jews left their religion behind. ‘Race’ meant they were still — genetically — ‘Jewish’. Arendt, not too dramatically, characterised the shift that took place late in the nineteenth century.

As far as the Jews were concerned, the transformation of the ‘crime’ of Judaism into the fashionable ‘vice’ of Jewishness was dangerous in the extreme. Jews had been able to escape from Judaism into conversion; from Jewishness there was no escape. A crime moreover is met with punishment; a vice can only be exterminated.

Goldhagen virtually ignores Arendt, and Bauman, who built on her insights. For Bauman the distancing that left ordinary moral or human responses out of play is partly explained by the language of hygiene perfected by the Nazis. Their ‘method of making invisible the very humanity of the victims’ culminated in Hans Frank’s ‘favourite conjunction of “Jews and lice”... the typhus-warning posters on the walls of the ghettos, and finally the commissioning of the chemicals for the last act from the Deutsche Gesellschaft für Schädlingsbekämpfung — the German Fumigation Company’.

Aborigines and race on the frontier

The exterminating of pests is also familiar in the language of the Australian frontier. When Aborigines were being cleared from the land their humanity was already blurred in the minds of many settlers; when the remnants were forced into ‘blacks camps’ near towns or pastoral stations, the effects of drink and disease produced further dehuman-

8. Himmler’s tape-recorded Posen speech on 4 October 1943, referring directly to ‘the extermination of the Jewish people’ as ‘an unwritten and never to be written page of glory in our history’, is the most widely known declaration but there are many instances, referring to the killing of Poles and Russians as well as Jews. See Fest 1972: 176–84, Breitman 1991: 242–3 and (for Hitler) 220–1.


11. ‘The habit of regarding natives as vermin, to be cleared off the face of the earth, has given the average Queenslander a tone of brutality and cruelty in dealing with “blacks” which is very difficult for anyone who does not know it, as I do, to realize’ — British High Commissioner Gordon to Prime Minister Gladstone, 1883 (Evans et al. 1975: 78). The evidence of attitudes, atrocities and policies Evans published in this book remains the most powerful compilation of genocidal discourse and action in the settlement of any part of Australia. See also Evans 1999.
ising responses. In 1887 the Normanton Native Police 'put out of their misery' a number of 'diseased and most disgusting' blacks congregating round the telegraph station. The editor of the Normanton Herald had previously said such action would be 'more a mercy than a crime', and gave his reasons. 'Considering the terrible nuisance these semi-civilized savages are generally in the Northern Communities, considering their faithlessness and treachery ... considering their propensity for brandy, considering that the niggers are propagating with terrible rapidity the most dreaded form of the syphilitic virus and ruining hundreds of men's constitutions.'

The role played by the men is — no surprise — absent. No surprise, either, that the same hundreds of men would be absent as fathers. The girl, already 'ruined' according to official morality, and ruined in health by the white men, would find every attempt to better her circumstances ruined before she began. Her children, most probably by different fathers, had their chances, and their children's chances, tilted towards ruin as well. That was not the concern of those editorial writers who were fond of giving lessons in reality to 'pseudo-philanthropists', the missionaries and 'protectors' who tried to provide more humane paths to survival. If a minority of editorialisers supported their campaign, the 'realists' of the settler press were the propagandists of a new nation, and its purity was their rising concern. If that was threatened, as it plainly was, the most pitiless remedies were justified.

Anyone still ignorant of the discourse of genocide which accompanied the European acquisition of Aboriginal land can be referred to the historical record. The blood-curdling proclamations of frontier journals have been republished progressively over the past thirty years. The smoothing of the dying pillow was no less a public perform-

12 Evans et al. 1975: 2. Recently Evans has asked whether 'the principle and destructive scourge' of syphilis, 'knowingly and wantonly broadcast by European carriers' at Moreton Bay, belonged to a pattern in which Aboriginal deaths from disease were expected. 'A degree of human agency is always involved in the spread, control and treatment of diseases, and explicit acts of commission and omission, as well as accident and fate' need to be considered 'before violence and disease are pigeonholed neatly as mutually exclusive causes of annihilation — the one intentional, the other accidental.' Evans 1999: 28. The question of the 1789 smallpox epidemic is also examined anew in Reynolds 2001: ch 1.

Looking back in 1931 from his position as Chief Protector in the Northern Territory, Dr Cecil Cook painted a picture of Queensland 50 years earlier that was clear about intentions and effects. 'The policy of the state in those days was laissez-faire. Armed sorties of enraged whites were permitted, and occasionally even authorised, to shoot down whole tribes of defenceless natives, men, women and children. Many aboriginals were poisoned by the admixture of arsenic with their flour issues. Opium was a routine issue by well-meaning employers to their aboriginal employees. No action whatever was taken by the State until the wearing effect of the opium, the decrease of their youth and the influx of more efficient white labour eventually drove the natives off the stations to herd in squalid camps outside the towns, there to exist as best they could on the proceeds of theft, begging and prostitution. Then, and only then, did the State make a humanitarian virtue of social necessity by uprooting the bedraggled remnant from the country that had been the corner stone of their social organisation to herd all together in settlements where the shame and degradation to which white cruelty and official apathy had reduced them would no longer be publicly apparent' (Markus 1990: 89–90). For a plain-speaking 1880 editorial from The Queenslander, and later policy in that State, see Kidd 1997; for a broader survey of frontier violence, and the ideology that drove it, Reynolds 1987.
ance, an honorable elegy at the end of the imperialist century. But then comes a newly paradoxical discourse recognising that the race was not going to die. In the twentieth century, the problem was what to do with Aboriginal survival. From 1886 there had been legislation to deal with those that were neither one race nor another. Race, with all its problems of definition, segregation, maintenance and mixing was promoted to centre stage. The Aboriginal race might not disappear in the north of Australia. On the other hand, people who maintained they were Aborigines but did not altogether look like them should be helped to disappear throughout the continent.

For most of Australia's history, Aborigines have been an absent presence. They were invisible to the majority of the population, present mainly in their absence. That has had deep consequences in the understanding of our past. What Geoffrey Blainey, and then Prime Minister Howard, called 'black armband history' was resented because it questioned the 'white blindfold' version most Australians were comfortable with. But the making invisible of Aborigines was a much more purposeful social policy, related to the removal of children for assimilation to white society, and the safe quarantining of blacks in the remoter regions of the north. Not in itself genocidal, comparison with what was happening in Germany brings out the genocidal undertone.

Reflecting on the social suppression of moral responsibility, Bauman cites Ian Kershaw's conclusions about the success of the Nazis in 'depersonalizing' the Jews:

The more the Jew was forced out of social life, the more he seemed to fit the stereotypes of a propaganda which intensified, paradoxically, its campaign against 'Jewry' the fewer actual Jews were in Germany itself. Depersonalization increased the already existent widespread indifference of German popular opinion and formed a vital stage between the archaic violence and the rationalized 'assembly line' annihilation of the death camps.13

It is therefore not surprising that the passive and active opposition to the race policies of the regime was based on prior moral or religious principles and established political affiliation rather than on discussion. Private discussion was very inhibited and public discourse impossible. Networks of like-minded people continued to exist, and people knew who among their neighbours was outraged by the grey buses taking the mentally disabled to the 'euthanasia' facilities. Catholics, in particular, knew they had determined church support. Showing sympathy to Jewish fellow citizens required more courage. The propaganda and police presence was more overt, and the Churches, notoriously, failed to speak out. It became a matter of individual moral impulse or of personal connection. For such situations Germans have a saying: 'My shirt is closer to me than my jacket'. Relationships of family and love were the ones that mattered.

What was different in Australia? In fundamental ways, almost everything. The first wave of genocide occurred 50 years before the discourse of imperialist racism flowered in Europe, not 50 years after. Genocide was never the policy of the state. It could be argued it was the effectual policy of the state, because so little was done to restrain the settlers. Certainly, protectors were appointed, and severe warnings were issued. But only in a few cases were perpetrators of a massacre brought to justice. The dispersal campaigns of the mounted police came close to being official policy to kill the blacks.14

The greatest difference was the openness of public discussion. In Germany, under Hitler, genocide was the secret policy of a police state; in Australia, throughout the time of massacres and frontier violence, opponents of what was going on spoke and wrote their denunciations. Terrible descriptions were published for all to read. If the weight of discourse was always for the 'common sense' view that the Aborigines were in any case destined to disappear, the supposedly unrealistic 'philanthropists' were not intimidated, let alone forbidden to publish.\textsuperscript{15}

The open opposition to genocide during the nineteenth century has been a major reason for the resistance among Australian historians to the idea of genocide in Australia. Another, also widely shared, was given by Henry Reynolds after his early attempts to establish the scale of killing on the frontier. In answer to the blunt question 'Was it genocide?' he wrote:

In a literal sense, clearly no. The Aboriginals survived the invasion. The population has been increasing for a generation, though it has still not [in 1987] reached that of 1788. Many of those who died did so from disease; others were killed in an upsurge of conflict within Aboriginal communities. A rapidly falling birth rate may have been of greater demographic significance than a spiraling death rate. Yet even when those qualifications have been made the central question remains. Did significant numbers of settlers seek the total destruction of Aboriginal Australia? It is an important and complex question and must be carefully answered.\textsuperscript{16}

Whether some people survived the onslaught is of course not the point: the intention to do away with the Aborigines is what a court working from the Genocide Convention of 1948 would want to determine. That is the framework for his more recent consideration of whether Australia bears the shame of a crime that was not named when it may have been carried out. Was there, he asks, an official intention behind all the talk? Evidence remains hard to find but Reynolds leaves the question-mark in place. This applies even to the role of disease in the death tally: can we be sure the devastating outbreak of smallpox brought by the First Fleet was accidental? He recognises that the rapidly falling birthrate of these peoples in the midst of uprooting, death, despair and destruction of families, contributed to the fact that their very existence as a people was threatened.

Reynolds acknowledges that the definition of 'a people' may be the matter needing most care. How many unique cultural-linguistic groups were wiped out? Even if we adopt the Europeans' categories, 'Aboriginal Australia' may not be a more relevant concept than 'the Aboriginals of Victoria' who so suddenly disappeared from view. In 1835, according to Richard Broome, 'there were an estimated 10,000 Aboriginal people in


\textsuperscript{15} See esp. Reynolds 1987 and 1999.

what became Victoria, while in 1853 only 1907 remained — a decline of 80% in less than a generation.’ Broome is careful to note that direct killing was not the sole reason. ‘Violence caused about 10 percent of the losses, disease, malnutrition and infertility accounted for most of the decline.’ And while the efforts of missionaries and protectors saved the remnant for possible regeneration, the later determination of governments to shed responsibility for all but the small number of ‘full-bloods’ meant that assimilation was expected to bring about the disappearance of the ‘problem’. By the 1920s estimates ranged from 402 to 586 survivors, ‘a point dangerously close to the extinction of a people’.17

In Australia the final solution to the Aboriginal ‘problem’ advocated by frontier propagandists was never put into effect as policy. By the time of World War I (in which Hitler learned how modern governments could engineer mass death) the unofficial, dispersed kind of Australian genocidal killing had in most places been halted. The settler society, now firmly established in the great cities as well as the rich farmlands of the south, was so securely separated from the remaining Indigenous population, concentrated in the north, that their race consciousness was largely directed towards the new ‘Yellow Peril’ from Asia. Aborigines were almost entirely overlooked when Australia became a federation, except to confirm they would not be counted in the census.

The first half of the twentieth century saw no change in the basic orientation of Aboriginal policy: if Aborigines were to survive they should do so out of sight and out of mind. The individual States continued to make policy based on a model of ‘protection’ which in practice meant reserves ruled by missionaries under government authority. Aborigines, whether on a mission or a pastoral station, had no rights they could make effective. Since 1869, in Victoria, their children could legally be taken away. But the human (and inhuman) realities of frontier life had always made separation of races an ideological fantasy. ‘Half-castes’ and their children who habitually associated with Aborigines were first defined as Aboriginal and later, under the 1886 Act, put under pressure to break their association. The visible problem was in the people who had been denied support on the reserves, and were not assisted to integrate into the superior (white) community. How would the human frontier be maintained?

Science and race

Since the eighteenth century the dialectics of social development and science as a world view had been fatefully entwined. At the core, permeating the deadly discourse in all its variants, was the ‘problem’ of difference. Without differentiating population groups there could be no ‘Jewish question’ and no ‘Aboriginal problem’. The scientific curiosity that helped propel European expansionism was further stimulated by the discoveries of so much that was new and different. The new and different demanded classification — Cook and Banks in the Endeavour — and then explanation — Darwin after the voyage of the Beagle.

That Australia should figure so largely in the imagination of ‘discovery’, and then of classification, was a terrible visitation on all its ‘curious’ inhabitants. The plants (suddenly with new names such as ‘Banksia’) and animals (impossible to depict) were to

suffer their own traumas of exoticism, displacement and extinction. The humans, like
the strange plants and animals, were immediately seen as amongst those most different
from Europeans. Even before scientistic classification set in, they served the imagin-
ation of discovery as a most 'other' Other.

In an early but persistent theory, owing something to both Voltaire and Hume,
their distinctiveness was attributed to a separate act of creation. ‘Polygenesis’ meant
that the great white race doing the discovering and the colonising could reasonably be
kept superior to lesser breeds even if both political reason (the Rights of Man) and reli-
gion (all God’s children) suggested the unity of ‘mankind’. Linnaeus, in 1745, began the
study of race by proposing four subgroups. Blumenbach in 1781 used physiognomy
and anatomy to identify five. The most popular division based mainly on skin colour
was adopted by Gobineau: white, black and yellow. This was to be especially conven-
fient for racial classification in Australia, and was still being elaborated scientifically in
1937, with Hooten’s Caucasoid, Negroid and Mongoloid types. Evolution along these
lines did not require polygenesis; differences had very probably developed from one
stock. But polygenesis persisted as a popular strand and helps explain why ‘race think-
ing before racism’ was so deadly in the early settlement of Australia. As late as 1903
Samuel Laing’s Human Origins argued that the problem was ‘still an open one’ because
among the ‘great variety of human races’ there were ‘fundamental types so dissimilar
as to constitute what in animal zoology would often be called a separate species.’ This
was genetic nonsense that helped make sense in the discourse of genocide.18

Darwin, whose name would constantly be invoked in the scientism of differentia-
tion and ‘survival of the fittest’, knew that there was only one human species. There
were distinct races, recognisable by external characteristics, but whether they could be
ranked in any way was a problem he wrestled with in the context of his time. The bright
assumption of natural superiority at the dark heart of the civilising mission transmuted
into an ever more scientistic superiority at the height of the imperialist age. There was a
serious push (still often called ‘Social Darwinism’) to move away from Darwin and his
ambivalence about whether in the human species there were ‘higher’ or ‘lower’ races.19
The German professor Ernst Haeckel said his new science of ‘comparative animal psy-

18. Evans et al. 1975: 74. The other two parts of the book, by Kay Saunders and Kathryn Cronin,
are important for contemporary attitudes towards Melanesians and Chinese in Queensland.
For the wider context of racial thinking see McConnochie 1973: ch 1. See also McGregor 1997:
ch 1.
Tasmania, finds in The descent of man (1871) the perhaps more historical than biological obser-
vation: ‘At some future period not very distant as measured in centuries, the civilised races
will almost certainly exterminate and replace throughout the world the savage races’. See also
on the newly described human genome: Each human, it was found, shares 99.99 per cent of
their genetic code with others. ‘No serious scholar in this field thinks that race is a scientific
concept,’ said Dr Graig Ventner. ‘It’s just not.’ And the good news, happily from Germany,
was that the science could not be used to foster the ignorance on which racism was founded.
Professor Svante Paabo, of the Max Planck Institute of Evolutionary Anthropology in Leipzig,
noted that the gene pool in Africa contains more variation than elsewhere and that the genetic
variation found outside Africa contains only a subset of that found in Africa. ‘From that per-
spектив, all humans are therefore Africans, either residing in Africa or in recent exile,’ he said.

Discourses of Genocide in Germany and Australia 45
chology’ would explain the origins of all state and social formations. In evolution ‘the differences between the highest and lowest humans were greater than those between the lowest humans and the highest animals.’ This is a direct inversion of Darwin.\textsuperscript{20} All colonised peoples were inferior to all colonisers, but some were more inferior than others. Those with undeniable evidence of civilisation — Chinese, some Indians, a very few North Africans — were somewhat ‘higher’ on the cultural (and racial) ladder. Lighter-skinned warriors — Maori, some Native Americans — could be respected enough to negotiate treaties. The darker the colour, the closer to savages. And right at the bottom, only just above the animals, were Hottentots and Australian Aborigines.\textsuperscript{21}

The scientistic efforts to link biology, anthropology, sociology, psychology and history endowed German intellectual life with a fatal mix of instrumental rationalism, eugenics, race-thinking, and neo-Darwinian ruthlessness. It was both genuinely scientific and, as Germany’s most eminent scientist said, utterly unscientific. As Rector of the university in Berlin, Rudolf Virchow drew attention to the rise and respectability of irrationalism:

Our time, so sure of itself and of victory by reason of its scientific consciousness, is as apt as former ages to underestimate the strength of the mystic impulses with which the soul of the nation is infected by single adventurers. Even now it is standing baffled before the enigma of anti-Semitism, whose appearance at this time of the equality of right is inexplicable to everybody, yet which, in spite of its mysteriousness, or perhaps because of it, fascinates even our cultured youth. Up to the present moment the demand for a professorship of anti-Semitism has not made itself heard; but rumour has it that there are anti-Semitic professors.\textsuperscript{22}

Members of the academic elite of Imperial Germany, though staunchly nationalist, refused to support racial research even when they were lobbied by the Kaiser: ‘they abhorred biological racism as unscientific and a violation of personal liberty’.\textsuperscript{23} Later, when a ‘single adventurer’ spectacularly succeeded in infecting the soul of the German nation, there were professors of Race Science in a state that made race a fundamental principle. If not directly implicated in selecting Jews and Gypsies for killing, they were part of a system that accepted killing as ‘understandable’.

In Australia there was no killing of this kind, but what becomes understandable, simply by looking at the career of one the professors, is the influence of colonialism on genocide in Germany, and the flow of racist science from and to Australia. Robert Manne has suggested that in the ‘breeding out’ policy of some Australian officials ‘genocidal thought and administrative practice touched’; his careful formulation has a context that throws up uncomfortable connections.

\textsuperscript{20} Darwin The descent of man, ch III, Haeckel 1866, quoted in Weindling 1989: 55.
\textsuperscript{21} Haeckel in Weindling 1989: 56.
\textsuperscript{22} Weindling 1989: 59.
\textsuperscript{23} Weindling 1989: 240. Virchow had himself, as a leading member of the newly founded German Anthropological Society, in 1871 sponsored a questionnaire on skull shapes, hair and eye colouring, given separately to Christian and Jewish schoolchildren. Only the city of Hamburg refused to cooperate, on grounds of infringement of personal liberty. Virchow used the survey to demonstrate the falsity of racial categories but made little headway against the myths and prejudices (Mosse 1978: 90–3).
Discourses and genocide

The route, suitably enough, is via Africa. In 1908, three years after the genocidal campaign against the Herero, the German colonial authorities annulled all mixed-race marriages in German South West Africa. Such unions, mainly between Boers and Hottentot women, were forbidden in the future and those who persisted in them were deprived of their civil rights. In 1913, a Dr Eugen Fischer of the University of Freiburg published his findings about the mixed race offspring ('Bastards' in technical German) he had studied in the Rehoboth district of the colony. His findings on the Bastardisierungsproblem beim Menschen, the 'problem of miscegenation in humans' had a large historical sweep.

We still do not know a great deal about the mingling of the races. But we certainly do know this: Without exception, every European nation that has accepted the blood of inferior races — and only romantics can deny Negroes, Hottentots, and many others are inferior — has paid for its acceptance of inferior elements with spiritual and cultural degeneration.

There were also immediate policy implications: ‘We should provide them with the minimum amount of protection which they require, for survival as a race inferior to ourselves, and we should do this only as long as they are useful to us. After this, free competition should prevail and, in my opinion, this will lead to their decline and destruction.’ Ten years later, a more general textbook on ‘human heredity and racial hygiene’, written with two others, was read by Adolf Hitler while he was writing Mein Kampf. Ten years later again Hitler was in power. Ten years after that, Polish children in their thousands were being stolen to replenish the ‘racial stock’ of the future Germany. Jewish children in their millions were murdered. Professor Fischer meanwhile progressed from giving lectures on ‘racial crosses and intellectual achievement’ in 1933 (when he also became Rector of Berlin University) to advising on the illegal sterilisation of all German coloured children in 1937, and, finally, to serving in the ‘scientific front line for the defence of European culture against the influence of Jewry’ at a 1944 congress in Cracow, close to where his academic associate Dr Mengele was doing front line duty at Auschwitz.

All very far from Australia. However, in 1929 the American President of the International Federation of Eugenic Organisations, Dr CB Davenport, asked Professor Fischer to chair its committee on racial crosses, and in 1932 to succeed him as President. Professor Fischer declined, because of other commitments. A colleague from Munich accepted. Whether any Australians were included in the exchange of ideas between the German stars and their English-speaking admirers has not been researched. Common concerns, going back to Darwin’s enthusiastic observations about the ‘immense mongrel population’ of Brazil, certainly persisted.

24. For a full account of this terrible episode see Bley 1971. For further sources, and comparison of the genocide of the Herero in 1905 with events in Queensland in the previous sixty years, see Palmer 2000.
25. Quotations and career outlines from Müller-Hill 1988: 7–21. He supplies a chronology of policy developments and an unsurprising post-war interview with Fischer’s daughter: ‘My father was a kindly man. So sensitive.’ Henry Friedländer 1995 also deals with Fischer’s influence and career.
In Australia, to repeat, the trajectory was from annihilation. The catastrophe of the stolen children was grounded in a stern brand of humanitarian idealism as well as eugenic ideology, but without the depersonalising stereotypes and the indifference they fed the policy could not have been put into effect. The fewer Aborigines people in the cities saw, the more the stereotypes of drunken, broken blacks could back up what little was shown about the campaign to save the light-skinned ‘half-caste’ children from a similar fate. The residual genocidal core of the enterprise became visible in this attempt to re-establish a segregated difference. Blacks could very quickly contaminate the children classed as almost white who had to be kept separate from their families regardless of the human cost. The UN definition making removal of children from a group a form of genocide only covers part of the story. Australians should be reminded that ‘breeding out’ any part of a group to fit racial (and therefore racist) criteria is closely related to genocide. It is a policy calculated to disallow a certain category of offspring their belonging to the group, and therefore curbs the ability of the group to regenerate and adapt.\footnote{26}

The tragic effects of this policy are documented in the accounts of the stolen children themselves. The \textit{Bringing Them Home} report is a powerful summary, if far from a comprehensive record.\footnote{27} But the mentality which instituted the policy and carried it through is best revealed in the book published by its leading exponent. On his retirement in 1940 after 25 years as Chief Protector of Aborigines in Western Australia, AO Neville wrote \textit{Australia's Coloured Minority} as a passionate argument for sorting out Australia’s deplorable racial mixing. For all Neville's human sympathies, he cannot disguise a deeply inhuman antipathy to the group created by procreation across colour lines — ‘nearly 30,000 people [the anthropologist AP Elkin supportively wrote in his Introduction] of mixed White and Aboriginal descent, usually referred to as ‘half-castes’. Better terms would be mixed-bloods, part-Aborigines (part-Whites!) or Coloured Folk.’

Neville did not stop there. He was obsessed with ‘degrees’ of genetic inheritance, and provided photographs of ‘half-castes’, ‘quarter-castes’ and ‘octoroons’ all looking progressively (and cheerfully) less Aboriginal. Breeding out the black strain had become his mission, and he counted the adoption of his policy by an official conference at Canberra as his greatest success. Under the heading DESTINY OF THE RACE, the Canberra Conference of 1937 had resolved ‘that the destiny of natives of aboriginal origin, but not of the full blood, lies in their ultimate absorption by the people of the Commonwealth, and it therefore recommends that all efforts be directed to that end’.\footnote{28}

\begin{itemize}
\item[Brazil, Fiji and other examples showing the fertility of human ‘crosses’] proved humans of all races to be a single species (Darwin \textit{The descent of man} ch VII ‘On the races of Man’). For Brazil as a model for breeding out colour, see Haebich 2000: 272.
\item[See Tatz 1999, Barta 1987 and Gaita 1999, esp. 107–30. Concern about the term ‘genocide’ in an official report is usually expressed in relation to \textit{Bringing Them Home}. It was noticed less, despite newspaper headlines, when it appeared in the Aboriginal Deaths in Custody reports a decade earlier. (See, for instance, Commissioner Wooten’s report on the death of Malcolm Smith, and \textit{The Age} on 21 April 1989: ‘Past policy genocide: inquiry QC.’)]
\item[For the latest turn in the discourse, aimed at discrediting the report and any history recognising the realities of Australia’s past, see Manne 2001. For the history and effects of the assault on Indigenous families in all States, see Haebich 2001.]
\end{itemize}
This genocidal end unsurprisingly led Neville into terrible means. His partisanship in favour of Aborigines comes through on every page but the acts his officers committed in pursuit of an ideal makes him as calculating and clear-eyed as the recently defeated Nazis in both facing and creating ‘facts’.

The fact that the full-blood people are apparently dying out, while the coloured people are increasing and all the while approaching us in culture and colour, lessens our problem of assimilation … The rate of decrease and increase respectively is likely to be accelerated as time goes on.\(^3\)

The increase would have disastrous effects if not checked by a policy of segregation and breeding out. Neville held up the prospect of ‘an untouchable population’ of these ‘already prolific people’ spilling out from the ‘embryo Harlems in our capital cities’.\(^3\)

Here he played the winning race card — the awful alternative to his eugenic policy. There were of course practical difficulties:

One of our chief stumbling blocks is the viewpoint that children ought not to be taken from their parents … You will have a struggle to get the children away, even though the parents will be on hand to see them daily if they wish [compare the next sentence] but believe me they will thank you in the end, as I have been thanked by parents who resisted me almost to fighting point when I removed some lovely youngster from their doubtful care to place it in the Kindergarten to commence its upward journey through life. Once a child is removed it must never return to live with its parents within a settlement; if it does, all the good work already accomplished will be undone … You must for a generation or more pursue this course if you are to do any good.\(^3\)

It is an explicit final solution that Neville is propounding, one in which the killing has already done its work but which nevertheless requires those charged with the historic mission to be ‘hard’. The task has been thrust upon this generation and it must be carried through, regardless of human cost, for the greater good of all succeeding generations. There is no sense anywhere in Neville’s book of an awareness about the solutions being attempted by the Nazis as he was writing, and good Christians like

\(^{29}\) Neville 1947: 168, 176–77. For the context of the conference, with insightful observations about Aboriginal life, ideology and policy development, especially in Western Australia, see Hasluck 1988; chs 3 and 4. Under the reverberating title Shades of darkness, Hasluck makes a strong case for assimilation as the opening of opportunity and the privileges of belonging within the majority. He is clear about scientific and cultural influences on views of Aborigines as a ‘dying race’ (pp 8–9) but his descriptions of policy towards ‘half-castes’, including child removal, (esp. pp 16–20, 28–33, 42–52) underplay its clear racism. Reynolds 2001: ch 9 has a clear-eyed view of Hasluck’s historical role. On the history of defining Aborigines by degrees, and the context of scientific discourse, see Markus 1982 and 1988. For the wider context of anthropology in which such views were formed see McGregor 1997 and Wolfe 1999.

\(^{30}\) Neville 1947: 58. Manne quotes Neville asking the 1937 conference: ‘Are we going to have a population of one million blacks in the Commonwealth or are we going to merge them into our white community and eventually forget that there were any Aborigines in Australia?’ It is here that Manne comments, ‘At this moment in Australian history genocidal thought and administrative practice touched.’ Manne 2001: 40. In an earlier essay Manne quotes similar rhetoric from the protector in the Northern Territory, Dr Cecil Cook. Manne 1998: 29. On Cook’s attitudes and policies see Markus 1990.

\(^{31}\) Neville 1947: 261.

\(^{32}\) Neville 1947: 168, 176–77. For Neville’s policy in Western Australia see Haebich 2000, especially chapter 4.
Elkin who supported him did so as part of their larger concern for Aboriginal welfare. At the very moment when the term ‘genocide’ was being coined in response to events in Europe, the Australian discourse of genocide, heir to its own history, evoked no echoes.

A linked history

Eugenics and colonialism were the links between Germany and Australia and the links went a long way back. Broadly, within the modern history in which both countries achieved national unity, Germany proceeded from eugenic preoccupations to radical genocide, while Australia progressed from genocide to eugenics. Germany acted radically against racial mixing, Australia moved with it. The discourses met at the apogee of European imperialism: the 1886 Aborigines Acts came into the world three years before Adolf Hitler — 15 years after German unification and 15 years before the Commonwealth of Australia. It is time now, a century after federation, to recognise that a nation founded on genocide needed all of the twentieth century to get to grips with the consequences. In the first 50 years even the most well-meant policies — encouraging assimilation to a higher living standard, absorbing Aborigines within the European genetic majority — were frankly racist. A source of pollution was being cleansed by life, not by death, but being cleansed nonetheless.

So was the discourse of assimilation a discourse of genocide? In Germany, the Nazis were able to proceed from 50 years of eliminationist talk to genocide. In Australia assimilationist talk was developed over more than 50 years to cope with the results of colonisation and genocide. But in a key respect the discourse became both parallel and simultaneous. It was in the 50 years 1890-1940 that the awareness of racial difference in both countries looked for boundaries that should not be crossed and saw social and cultural peril in letting the guard down. For German racists the danger came in admitting an alien (who might not look alien) into the national fold, for Australian racists the danger was all too visible in the biological result of boundary transgression — the ‘half-caste’. So in each country the challenge was to restore and hold the boundary. In Germany assimilation was the racist’s enemy: it had to be stopped. In Australia, more paradoxically, assimilation offered the best chance of drawing a clean line between the Aboriginal survivors and the white conquerors: it was the racist’s friend. The evidence of sexual mayhem on the frontier could be absorbed into the white genetic majority, and the black minority could be kept segregated from any access (including biological access) to the majority’s privileges and power.

Here is the plainest link between German and Australian incitements to genocide. The threat of the Other was not in any particular action, or even in any particular vice. Their vice was in being as they were; their being was their vice. Therefore their being had to be eradicated, as one eradicates a pest. In Australia, in the frontier encounters of

33. Elkin (like Tindale and other key scholars in the anthropology of Aborigines) had his own struggles with racist biological science purporting to show inferiority mental capacity in Aborigines. See Markus 1982, and, for policy development before and after World War II, Hasluck 1988.

34. On sexual relations, race privileges and power as unresolved legacies of slavery in the United States, see most recently Jefferson’s Blood, produced and directed by Thomas Lennon, WGBH, 2000.
the nineteenth century and (rather less openly) in the first decades of the twentieth, eradication meant starving, shooting, poisoning, and simply observing the spread of disease. In Germany, it could not mean starving, shooting and poisoning (often with the pretext of preventing the spread of disease) before the arrival of total war in the mid-twentieth century. In both countries the discourse of genocide enabled the majority of the population in whose name the genocide was being carried out to ignore the implications or to acquiesce. And in both countries the limits to genocide were the moral vigilance of a minority, a frail barrier which nevertheless saved significant numbers; the capacity of the killers to see the job through; and — here again there was divergence — the biological entanglements of the groups across the genocidal boundary.

For the Nazis, the problem was one of defining who was a ‘Jew’ by genetic inheritance, and preventing that person from ‘polluting’ the ‘Aryan’ genetic pool. The Nuremberg Laws of 1935 were the main weapon of legal discrimination, preventing intermarriage or sexual contact. (The most virulent propaganda also came from Nuremberg: Julius Streicher’s Der Stürmer. Its cartoons of predatory Jews and innocent blonde maidens backed up the new law prohibiting the employment in Jewish households of ‘Aryan’ women under 45.) Problems with existing mixed marriages, and ‘mixed race’ offspring (Mischlinge), were still not resolved when the ‘Final Solution’ to the ‘Jewish Problem’ had been implemented.35

The catastrophe of racism in Germany sealed the turn from racism in Australia. Hasluck, who became responsible for Commonwealth policy towards Aborigines in 1951, recalled that even before the genocide of the Jews, ‘the extreme policies of Hitler made “race” a dirty word’. Already in the 1930s, biological difference was being questioned and replaced with the idea (bound to produce difficulties in practice) that only social circumstances held Aborigines back: ‘given the chance, they could do anything the white man could do’.36 Hasluck left the impression that nothing, in his view, could ever be that simple, and historically the turn was not that simple, but until recently he remained alone in linking the historic change in Australia to a larger history. Policy changed because of consciousness about categorisation, eugenic ambition and genocide.

Hasluck’s book remained to one side of the debates brought on by the bicentenary of 1988. In that year, when German history was still distracted by the ‘historians’ controversy’ about the uniqueness of Nazi atrocities, Detlev Peukert called for a new historiography of Germany’s path to genocide. It would need, he wrote, to integrate the specific ends and means of Auschwitz into the science-inspired ambitions of modernity. Technology and state power could carry through policies of unexampled rationality.

35. Once the ‘final solution’ was under way, both Hitler and Himmler were generally confident that the remaining taint of Jewish ‘blood’ would be bred out within a few generations. In the night of 1–2 December 1941, Hitler made one of his almost explicit references: ‘Probably many Jews are not aware of the destructive power they represent. Now, he who destroys life is himself risking death …’ He added, ‘It is remarkable that the half-caste Jew, to the second or third generation, has a tendency to start flirting again with pure Jews. But from the seventh generation onwards [more teutonically thorough than the Australian eugenicists], it seems the purity of the Aryan blood is restored. In the long run nature eliminates the noxious elements.’ Table Talk: 140–1.
Moreover, in steadily widening areas of social policy, health policy, educational policy, and demographic policy a ruling paradigm and guide to action became established, whereby people were divided into those possessing 'value' and those lacking 'value'. 'Value' was to be selected and promoted, and 'nonvalue' was to be segregated and eradicated. Large-scale social planning of a highly modern kind was harnessed toward the establishment of a racist utopia in which the social question would be 'finally solved'.

To focus yet again on the specific history of anti-Semitism (Peukert would die before Goldhagen did exactly that) was to lead historical enquiry back into a too narrow path. The same could be said of an Australian historiography that tries to focus questions of genocide on the stolen generations, without the context of destruction in the processes of settlement. The eugenic program of 'breeding out' those of no value in the utopian vision of Australia cannot be understood without the history that created the 'half-castes' on the fringes of the nation-building project.

Many scholars like to think that settlers, whether in the Americas or Australia, cleared brown and black people off the land in relatively non-racist ways and the language of hierarchy only became firmly attached to skin colour when most of the damage was done. If civilisation (as the word proclaims) always depended on seeing the city as more advanced than the tributary population in the surrounding countryside, the 'primitive' other was in any case a threat. When new notions of equality also became a threat, they called into being the counter-ideologies of class, gender and race to justify the separation of the privileged from the various, and previously natural, lower orders. 'The good of the race' meant cleansing polluting inferiors from the national stock even before other races were a problem and in both countries preoccupations with a home-grown social peril were precursors of the racial campaigns.

In the hierarchies of class and social status some merit was required to improve one's position. Men made sure that gender inferiority was regarded as biological, but members of the weaker sex could still move up the scale by intelligence, good fortune and exploiting 'natural attributes'. The only hierarchy in which all the lowest-status members of a dominant group could associate themselves with dominance was the absolutely relative hierarchy of race. Notoriously, the most degraded and despised — convicts in Australia, poor whites in America or South Africa (or, later, in post-colonial Britain) — could literally 'lord it over' the racially inferior population with whom they otherwise had most in common. Only race gave them a status above the bottom, and

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38. Australia (where relatively few black slaves were imported) was unusual in its degree of eugenic reference to its indigenous population. Angus McLaren 1990, Our own master race: eugenics in Canada, 1885-1945, Toronto, has no references to Native Americans. McLaren notes prejudices (and some admiration) towards a variety of immigrants, but it appears the original population didn't even flicker on the consciousness of those concerned with breeding better Canadians. A 1994 book on eugenics in the US (Stefan Kühl 1994, The Nazi connection: eugenics, American racism, and German national socialism, New York) managed three index references to Native Americans, showing that they were included by some eugenicists in the 1930s with the 'genetically inferior' populations — black, Indian, and Mexican — which were growing at a rate faster than the preferred Northern European stock. Henry Friedländer 1995, Ch.1, also surveys American eugenics. See also Haebich 2001: 268-79.
economic competition at the proletarian level gave them a pressing incentive to insist on the superiority and inferiority guaranteed by race.

Before Hitler looked for a 'final solution' to 'the Jewish problem', he offered his beleaguered constituency a final solution to the 'Marxist' problem as well. Hitler understood very well that the primary menace in the minds of those he appealed to was the working class, intent on Social Democracy at the very least and Bolshevik revolution at the worst. In the concentration camps set up for the 'cleansing' of Germany from the Marxist menace the prisoners would be joined by the 'asocials' and 'work-shy' and Gypsies who represented their own threat to a eugenically conceived nation. Then convicted criminals were mixed in as well, with predictable and successful effect. All concentration camp prisoners were referred to in popular parlance as 'criminals' and if Himmler had not discovered how useful the green-triangle German convicts were for ruling the other categories and nationalities during the war (he boasted about this success in speeches) perhaps they would not have been secure from the killing which eugenic policy decreed for the mentally disabled. The gas chambers were developed first for Germans of inferior quality; after protests halted 'euthanasia' in Germany, the expert team at T4 was given the larger task of eradicating the most dangerous racial enemy.39

The 'labouring and dangerous class' that had terrified right-thinking people in 1848, 1871 and 1918 was the same criminal and degenerate class that was exported to Australia as convicts. The dramatisation of eugenic purpose was always acknowledged here as 'the convict stain'. And the convicts in Australia, hardened to violence before they became the frontier guards of the new pastoral economy, served a similar role in dealing death to lesser breeds as the German criminals did in the concentration camps. So Australia's first crossing of eugenics and genocide occurred long before either term was coined.

Because Australia was a settler society from its foundation, there was a reason for killing as the land was taken. Because Germany — as Hitler's generation knew from its schooling — was late in coming to colonialism, it could well have some killing ahead of it. However, the words 'Germany' and 'genocide' have been so profoundly joined in the murder of the Jews that the colonial content and context have been lost. Germany's larger genocidal project accompanied the Holocaust and took its cues from colonialism. The 1905 genocide of the Herero in German West Africa turned out not to be the way forward, but the lesson drawn from Reheboth was. Interbreeding with inferior races would sap Germany's imperial mission.40 The vast killing fields of the Great War left Germany defeated, and further humiliated by internal revolution and the theft of its

40. How Jews could be seen as both inferior — with a 'Negroid' admixture — and superior in power never troubled most anti-Semites. Gobineau believed the Semitic peoples were 'least infected by contact with the black race' and added in a note, also neglected by his followers: 'It may be remarked that the happiest blend, from the point of view of beauty, is made by the marriage of black and white. We need only put the striking charm of many mulatto, Creole, and quadroon women by the side of such mixtures of yellow and white as the Russians and Hungarians.' Gobineau nevertheless believed the inferiority of blacks was proven many times over and judged (here he would have found plenty of assent down under) that neither indigeneous Australians nor New Zealanders ('who are usually of weak constitution') were the equal of Europeans in 'the amount of labour they can go through without flinching.' Gobineau 1967: 151-2.
colonies. In Hitler’s mind the three events were inextricably connected. Out of them he shaped his national project. It had to accept a sacrifice of lives no less ruthless than the struggle for world supremacy of 1914–18. Its field of endeavour would not be overseas but in the historic lands of German expansion, in the immediate east. And the project could never succeed, or even begin, unless every internal element of disunity was eliminated. If Germany’s genocidal mission had to be carried through a century after Britain’s (and three centuries after Spain’s) there was no way out of that. Besides, their triumphant histories were the best evidence that victors never have to answer for their atrocities.

Hitler always sought to distinguish himself from the colonialist world view he was born into. He would have nothing to do with the scramble for Africa, or the later campaign to reclaim Germany’s lost colonies. But he was quite clear about establishing Germany as the ‘civilising’ colonial power in Eastern Europe, with a standard White Man’s Mission. This meant regarding the Slavs as honorary blacks, and their vast lands as a terra nullius. Both land and people were to be subjugated — no treaty and no political rights for just barely human ‘brutes’.41

In nineteenth century Asia, Africa, Australia, and earlier in the Americas, the resistance of indigenous peoples provoked the invaders to ruthlessness. In a competition for resources, genocide was the most obvious option. Enslavement of the remnant would depend on their utility in the new economy. When Hitler’s imperialist sense of the world repatriated the ideology and practice of the colonies to Europe, that became his interim solution for the ‘Asiatic’ Slavs. There really were too many to kill off all at once. He would see how their subordination to the German colonists, the bearers of European civilisation, developed, and as in the case of the Jews, there would be a rational solution.

Variations of the Darwinian struggle for existence supplied a rationale for the disappearance of Aborigines on one side of the world and inspired Hitler’s ruthlessness towards Jews and Slavs on the other. When Israelis are ruthless towards Palestinians, or South Slavs towards their Muslim neighbours, the larger historical context should assert itself. The discourse of genocide from far-flung colonies returned catastrophically to Europe, and has now colonised even those who were recently its victims.

41. A constant theme in Hitler’s Table Talk in 1941 following the invasion of the Soviet Union. In February 1942 he made the connection with earlier colonisations plain: ‘No sooner do we land in a colony than we install children’s creches, hospitals for the natives. All that fills me with rage. White women degrading themselves in the service of blacks.’ Then: ‘The Russians don’t grow old. They scarcely get beyond fifty or sixty. What a ridiculous idea to vaccinate them. In this matter we must resolutely push aside our lawyers and hygienic experts. No vaccination for the Russians, and no soap to get the dirt off them. But let them have all the spirits and tobacco they want.' Table Talk: 319.
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Genocide in Australia

Andrew Markus

A number of scholars — notably Tony Barta, Colin Tatz, Dirk Moses¹ — have in recent years attempted to apply the concept of genocide to the conflict between European and Indigenous peoples in Australia. The definition of genocide is necessarily central to such analysis, with the definition contained in the 1948 United Nations Convention on the Prevention and Punishment of the Crime of Genocide being most often used. It defines genocide as any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

(a) killing members of the group;
(b) causing serious bodily or mental harm to members of the group;
(c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
(d) imposing measures intended to prevent births within the group;
(e) forcibly transferring children of the group to another group.

There is recognition that the convention — the result of political compromise between the western democracies and Stalinist Russia — has serious weaknesses, yet it nonetheless remains the key reference point. Colin Tatz defends its continued use in historical analysis on the ground that it is the one means of maintaining a ‘universally accepted yardstick … a definition, however flawed, [which] is the one defined in international law’. He is concerned that ‘if we venture into this realm of improved definitions, we will have no universally accepted yardstick’.²

There is, however, a confusion in this line of reasoning between different, although to some degree overlapping or interconnected, purposes to be served by definition: to serve legal ends, such as providing the basis for prosecution of war criminals and to establish claims for compensation; to serve the political ends of specific racial or ethnic groups, as in attempts to develop new perspectives on history and reshape dominant discourses; and the heuristic function, to ‘help us to better understand the world’.³ In my view the definition contained in the Genocide Convention is a blunt

instrument, not designed to permit subtle — even unsubtle — differentiation of experience, which should be one of the aims of heuristic classification. Uncritical use of this definition was more understandable at a time when attempts were first made in the 1980s to better understand the Australian experience, than today. It is now time to move beyond such undiscriminating classification to one with a greater power to distinguish between allied but nonetheless different forms of genocidal action.

Yehuda Bauer, a leading authority on the Holocaust, argues that the definition in the Genocide Convention contains a fundamental flaw, the subsuming of two distinct phenomena, ‘radical and murderous denationalization accompanied by mass murder, which destroys a group as an entity but leaves many or most of the individuals composing it alive’ and ‘murder of every single individual of the targeted group’. A further problem, noted by other commentators, is the failure to distinguish between policies which aim at cultural suppression and those which seek to achieve their ends through physical destruction. Following these lines of reasoning, it is possible to distinguish three forms of state action:

Ethnocide: the attempt to bring about the disappearance of an ethnic or racial group by suppression of its culture, language, and religion, but stopping short of physical destruction.

Genocide: the attempt to bring about the disappearance of an ethnic or racial group by deliberately inflicting on the group conditions of life calculated to bring about its partial physical destruction and including selective mass killing.

Holocaust: the attempt to bring about the disappearance of an ethnic or racial group by deliberately inflicting on the group conditions of life calculated to bring about its total physical destruction and including killing all members of the group.

These categories are suggested as working definitions to enable critical scrutiny of evidence, a process currently impeded by, on the one hand, too broad a definition which enables a range of discrete events extending to policies of assimilation to be labelled as genocide, while on the other hand too narrow definition rules out serious examination of the historical record because genocide is seen to be equated with an event at the maximal end of a possible range. In the following I consider the Australian experience in the context of the maximal, German policy towards Jews from 1933 to 1945, not to dismiss out-of-hand the applicability of the genocide concept (which is the point reached by some) but to provide the means for evaluation, to develop understanding of both commonality and difference. Some who have employed the broad category of genocide might find use in a fuller understanding of the Nazi regime. While embarking on comparison based on historical examples, I am not attempting to measure one people’s suffering against another’s, necessarily a spurious undertaking —

6. See Bauer, Rethinking the Holocaust: 10, 12.
likened by one commentator as a quest for the 'gold medal in the Victimisation Olympics'. As Bauer writes, 'no gradation of human suffering is possible'.

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The treatment of Jews in Nazi Germany, and then within the wider sphere of German control, passed through a number of distinct stages. First, beginning in 1933, Jews were debarred from employment in position of public significance: thus (with some temporary exceptions), they were denied employment in the public service, areas of medicine and the law, theatre, the press and arts. This was the beginning of a process of formal segregation of the Jews of Nazi Germany through the enactment of legislation, a reversal of the nineteenth century process of emancipation by which they had come to a position of full political and legal equality.

During the second stage, dated from 1935, there was a formal withdrawal of citizenship and segregation was extended. The rationale of the publicly proclaimed state ideology rested on the belief that race was the most important determinant of national life. In furtherance of the task of racial purification it was essential to purge the nation of inferior and alien racial elements, as well as to improve the Aryan genetic stock by eugenic measures. Thus, also in 1935, Jews were prevented from marrying Aryans and sexual contact between the peoples was prohibited under the criminal law. Financial and other inducements were provided to encourage procreation of 'superior' Aryan types, while those with disabilities were forcibly sterilised and babies born with deformities were killed.

The third stage was reached in 1938. Having excluded Jews from public life, the regime now embarked upon the removal of Jews from the economy. A series of 'Aryanisation' measures, requiring Jewish businessmen to sell their concerns to Aryan Germans, produced a rapid pauperisation of the Jewish community. Even before the outbreak of war in 1939 members of a community that had been distinguished by its achievements in the worlds of learning, culture and commerce now found themselves unable to earn a livelihood. 1938 also witnessed escalation of violent attacks on Jews in the streets, the vandalisation of shops and the burning of synagogues. By the end of the year Jews besieged foreign embassies in the hope of securing a visa — the one means of escape.

With the outbreak of war and the occupation of Poland and other countries with large Jewish populations the number of Jews under German control greatly increased. Now segregation took on a geographical dimension, the fourth stage of discrimination. Jews were forced to relocate in specially designated locations, called ghettos. Within the ghettos in the east, which became closed to the outside world, Nazi authorities adopted a deliberate policy of overcrowding and starvation, denial of medicine and other neces-

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sities of life, leading to rising death toll. In the Warsaw ghetto, with a Jewish population at its peak of over 400,000, the annual death toll from these ‘natural’ causes was over ten per cent of the total Jewish population in 1941 and 1942. Every morning burial squads would be seen in the streets, collecting the bodies of the several hundred who had died the previous day.

The fifth stage began shortly after the invasion of Russia in June 1941. From mid-August, German murder squads (called Einsatzgruppen) rounded up the Jewish populations of small and large towns and when sufficient number had been collected marched them to killing fields. Those refusing to move were shot on the spot. On arrival pits were dug by those about to die. The victims, in family groups, were required to remove their clothing, then systematically killed by shooting. At the peak of the killings, September 1942, some 192,000 were murdered; at one location, Babi Yar (on the outskirts of Kiev) 33,771 were killed over two days, 29–30 September. By the end of 1942 over 618,000 had been shot.

The sixth and final stage involved industrialised murder at six killing sites, the first of which became operational at Chelmno in December 1941. The preferred killing method was gassing — at Chelmno by carbon monoxide fed into the rear compartment of specially designed trucks into which 20 or 30, sometimes more, persons were locked; at three other killing centres by carbon monoxide produced by engines in fixed installations, with the gas fed into sealed rooms; and at two killing centres by the poison hydrogen cyanide (HCN), marketed under the commercial name Zyklon B. The total number killed at these camps numbered in the millions: the largest toll was at Auschwitz-Birkenau, where it is estimated that at least one million Jews were killed from March 1942 to November 1944.

Consideration of the Australian contact experience will be undertaken with reference to two main phases, the period of dispossession when the main objective was to remove Aboriginal people from their land to pave the way for European economic activity, and a second phase when policy sought to deal with the surviving Aboriginal populations.

Aboriginal people resisting the takeover of their lands were met with armed force. Conflict was particularly intense in Van Diemen’s Land (Tasmania) in the 1820s and subsequently in northern regions of New South Wales, in Queensland and central Australia. Raymond Evans and Bill Thorpe have recently assembled evidence from some regions of the continent where ‘mass murder’ of Aboriginal people occurred; killing, they write, was ‘a way of life, executed by a minority of perpetrators, tolerated by a settler majority, and winked at by [the] … state’. In some regions governments maintained a paramilitary force to deal with Aboriginal resistance, most clearly evident

in the Queensland Native Police. In earlier work Evans has documented the environment of terror which governed the lives of Aboriginal people in colonial Queensland.  

Yet armed attacks on Aborigines were typically carried out by ‘settler-invaders’ and were in the nature of vigilante actions — sporadic, localised, retaliatory. Governments did not conceptualise or sanction mass killing in the nineteenth century, although some groups of pastoralists did. While not aiming at physical extermination in the short term, policy assumed without question the right to destroy Aboriginal civilisation through expropriation of land, essential to its existence.

In a pioneering article Tony Barta sought to apply Raphael Lemkin’s 1944 conceptualisation of genocide to the process of dispossession in Australia. Lemkin wrote that genocide signified:

A coordinated plan of different actions aimed at the destruction of essential foundations of life on national groups, with the aim of annihilating the groups themselves. The objectives of such a plan would be disintegration of the political and social institutions, of culture, language, national feelings, religion and the economic existence of national groups, and the destruction of the personal security, liberty, health, dignity, and even the lives of individuals belonging to such groups.

The problem with the application of such conceptualisation is that, as noted, the Australian state did not aim, at the time of dispossession, to physically ‘annihilate the groups themselves’. Short-term and long-term policies towards Aborigines in the nineteenth century were developed and implemented by pragmatic governments with severely limited resources. The aim was to establish control over land and to deter and punish resistance with the least financial cost to the state, including indirect sanction of settler violence. Within such a polity there were options for the physical survival of some Aboriginal peoples. The limits to state action in Australia are clarified by consideration of the possible, made evident through examination of Nazi policies that aimed to destroy both the physical existence of Jews and their right to be considered, and to consider themselves, as human.

Under Nazi rule, ideological goals took priority over the pragmatic, the one-sided war against unarmed Jews over the military confrontation with Soviet Russia and the western allies. Emil Fackenheim has written that:

The Nazi genocide of the Jewish people did not masquerade under an ideology. The ideology was genuinely believed. This was an ‘idealistic’ genocide to which war aims were ... sacrificed. The ideal was to rid the world of Jew as one rids oneself of lice. It was also, however, to ‘punish’ the Jews for their ‘crime’, and the crime in question was existence itself. Hitherto such a charge had been directed only at devils. Jews had now become devils as well as vermin.
Some Jewish communities sought to survive by making themselves indispensable to the German war effort, only to be tragically disappointed. Despite the establishment of significant industrial works in many ghettos, contribution to the war succeeded in buying only limited time. In the face of Germany’s severe and growing labour shortage, most of the Polish ghettos were emptied during 1942 and early 1943 and their populations murdered. The remnant population of the last major ghetto (Lodz) was deported to Auschwitz in August 1944. Further, not only was a significant labour source exterminated but also scarce railway rolling stock was used to transport Jews to the death camps at times crucial for the conduct of the war on the eastern front.

There was nothing that Jews could do to avoid death — they could not change their ‘behaviour’ to accommodate the demands of the Nazi regime. The problem stemmed not from their resistance, nor from their unwillingness to change. Whatever their outward behaviour, the one consideration was that they were Jews, not to be permitted to exist in the living space of the German people, which came to be defined as all of Europe and then regions beyond. For Hitler and his henchmen Jews were considered to embody an evil, malevolent force, forever in struggle with the German. According to the principles of Nazi social Darwinist thought, the struggle between the German and Jewish life force could only have one outcome — the total victory of one over the other. Such belief justified the hunt for Jews throughout the Nazi empire, even to the distant shores of northern Africa.

In this race war the Germans went beyond the needs of physical extermination, enacting a charade in which selected numbers of Jews were allowed to live temporarily to serve the function of demonstrating their status as life unworthy of life. The degradation and suffering of the Jewish captives was seen as a daily affirmation of the superior life force of the German master race.

In a number of camps Jews were required to perform senseless work in conditions designed to maximise suffering. One prisoner recalled:

In our wooden shoes we were chased by blows from rods into a corner of the field and had to fill sometimes our caps, at other times our jackets, with stones, wet sand or mud, and, holding them with both hands and running under a hail of blows, bring them to the opposite corner of the field, empty the stuff, refill it and bring it back to the opposite corner, and so on. A gauntlet of screaming SS men and privileged prisoners, armed with rods and whips, let loose on us a hail of blows. It was hell.\(^\text{18}\)

Sara Grossman recalled her first experience of Auschwitz, being flung from a cattle truck and left standing on the selection ramp, approaching the SS officers determining the immediate fate of each individual by a gesture of the hand, to the left or the right:

I saw columns of women marching on the other side ... who were half naked, shaven heads, stretching out their arms. ‘Food, food. Give men your bread!’ Screaming, shouting, I was overwhelmed. I thought that I found myself in an asylum, in a madhouse, in a place with only crazy people.\(^\text{19}\)


\(^\text{19}\) Dwork and Pelt, Auschwitz: 346.
Unlike the situation in the ghettos, the death camp experience was of a magnitude beyond human understanding. The moral philosopher Raimond Gaita argues that what made the death camps distinctive was not their 'horrific efficiency', but the unprecedented assault 'on the preciousness of individual human beings'. The Nobel Laureate, survivor of Auschwitz, Elie Wiesel, has written:

> The enemy tried to create a society, a framework, a history without Jews. Substituting himself for God, the SS man sought to recreate the universe in his own image. His endeavour was ontological. It was of a sociological nature ... One was not allowed to look into the eyes of an SS man, for the SS man was God, and you cannot look into the face of God, just as you cannot look into the face of the Angel of Death. The objective of the enemy was, actually, to erect a new system, with new concepts of the absolutes: Time and Space, and even to create a new species ... Time was different. One could age in a matter of days, if not hours. Men and women looked alike, they were neither old nor young, neither perceptive nor obtuse, neither healthy nor sick. They were neither rich nor poor, they were something else. They had no name, no face, no identity, no future. They did not laugh, nor did they weep. They did not smile, nor did they curse. They lived and suffered in a universe beyond our own, a universe dominated and willed by death ... Inside that universe, hope and fear, triumph and defeat, had different meanings. A piece of bread was more important than the rarest work of art. In fact, a piece of bread was a work of art. A spoonful of soup elicited a deeper yearning than a bride does from the groom. No poet, no novelist, no artist could demonstrate more talent in his work than an inmate moved in describing what used to be a meal at home. The waiting for the daily portion of potatoes was a mystical experience.

The post-dispossession period marks a second phase in the history of contact, a time when Aboriginal people were living, to varying extent, in the European world. In this period some parallels may be drawn with the treatment of Jews in Nazi Germany.

Australian and German governments envisaged a time when the state would be free of the despised racial ‘other’. The basis of policy was the definition of Aboriginal and Jewish people in pseudo-racial terms, in terms of the ‘race’ of grandparents and in both cases categories of mixed descent (half-caste, quarter-caste, quadroon, Mischlinge of the first and second degrees) were established in law, with significant legal consequences. Both peoples witnessed the formal withdrawal of citizenship rights, including welfare benefits, although in Australia it was more often the case that future rights to benefits were denied at the time of establishment of rights than rights already exercised were withdrawn. Both peoples experienced restrictions on freedom of movement and the requirement to reside in specified locations — reserves in the one case, ghettos in the other. Aboriginal people were also prevented in some States from entering towns without permits, or required to move on by local policy enforced by police.

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22. Markus, Race relations, ch 5.
Aboriginal people were confined in closed institutions — including children’s homes, prisons, Queensland’s Palm Island reserve — but in the context of the under-resourced Aboriginal programs the extent of near-total control witnessed under German rule was not the typical experience of Aboriginal people.

The issue that has most recently engaged the attention of historians and the Australian public is the removal of Aboriginal children, the ‘stolen generations’, often cited with reference to the United Nations convention which, as noted, specifies the removal of children as a distinct category of genocide.\(^{23}\)

In my view the debate that has erupted over the removal of children has diverted attention from an issue of central importance. Policies of child removal should not be seen in isolation, as they often are — child removal was but one of the integral components of a clearly articulated government policy in the first two-thirds of the twentieth century.

In the first decades governments looked forward to the date when Australia would be racially pure, home only to the White race. Immigration of non-Europeans was barred and those already resident would be encouraged to return to their places of origin. Employment in the sugar and furniture industries and the occupation of hawking, to name the most prominent of vocations affected, was restricted on racial criteria with the intent of making life in Australia impossible. Targeted groups were also denied citizenship rights and welfare benefits under legislation enacted in the first decade of the century.

The assumption informing policy was that the number of non-European residents would dwindle and Aboriginal people would ‘die out’. Governments did not actively facilitate this process by mass killing, but little money was made available to meet Aboriginal needs, particularly in outback regions where ‘full-blood’ populations were predominant.\(^{24}\) A comparison can be made with the fourth stage of the Holocaust, the ghetto period, when deliberate policies to limit food and withhold medical supplies led to a rapid increase in mortality.

In Australia this issue has yet to be studied systematically; we need to know more about government treatment of the dispossessed, including policies in the nineteenth century. There is much evidence, however, that in the first four decades of the twentieth century (and in earlier periods) governments pursued a policy of ‘calculated neglect’ in remote regions, failing to provide for Aboriginal needs at a level that was considered adequate for white communities. The Nazi regime had a hierarchical scale, determining the physical needs of populations on a racial basis — Aryans at one level, Slavic peoples

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much further down, Jews at the bottom on starvation rations. There were some similarities in Australia.

In the north many mission stations were inadequately resourced to care for their populations, yet this situation was tolerated. In 1929 a national scandal erupted when it was revealed that Aboriginal people were dying of beri-beri and scurvy at the Hermannsburg mission; this led to donations of food in the south, but the public soon lost interest. Medical problems — such as yaws, tuberculosis, trachoma, leprosy, venereal disease — were often drawn to government attention, without evoking much concern, except in the case of diseases which threatened to spread to the white population. Those suffering such diseases were placed in controlled institutions, islands being a preferred destination, and then given minimal care.

Once it came to be accepted that the Aboriginal population would not die out, attention turned to solution through assimilation. This policy was first implemented in the removal of light-skinned children, many of whom were taken from their parents, educated in White-run institutions and then placed in the workforce. The impact of the policy on Aboriginal populations was devastating, not to be measured solely by the number of children removed (a preoccupation of some commentators) but also by the impact on those who remained behind — in a population distinguished by the strength and extent of its kinship networks. There was not only the effect of personal loss on parents, siblings, extended families and friends; there was also insecurity faced by those left behind, not knowing who would be next, and the brutal nature of the relationship with those in authority. Removal of children betokened a negation of Aboriginal life-ways, a ‘rape of the soul so profound’ in Kevin Gilbert’s eloquent phrase — a phenomenon that resonates with the experiences of Jews under Nazi rule. Gilbert wrote:

The real horror story of Aboriginal Australia today is locked in police files and child welfare reports. It is a story of private misery and degradation, caused by a complex chain of historical circumstances, that continues into the present ... Aboriginal Australia underwent a rape of the soul so profound that the blight continues in the minds of most blacks today. It is this psychological blight, more than anything else, that causes the conditions that we see on reserves and missions.26

Following World War II, policies of absorption were given wider focus — the assimilation of all Aboriginal people over the course of several generations. The aim was avowedly to bring an end to the existence of a distinctive Aboriginal way of life and identity. In 1937 the Western Australian Chief Protector, A.O. Neville, advocated the merging of ‘half-castes’ so that in time to come it will be forgotten ‘that there were any Aborigines in Australia’.27 One of the chief architects of post-war policy, Paul Hasluck, explained in 1952:

Assimilation ... means, to my mind, that we expect that, in the course of time, all persons of aboriginal blood or mixed-blood in Australia will live in the same man-

27. Quoted in Manne 2001: 40.
ner as white Australians do, that they will have full citizenship and that they will, of their own desire, participate in all the activities of the Australia community. Full assimilation will mean that the aboriginal shares the hopes, the fears, the ambitions and the loyalties of all other Australians and draws from the Australian community all his social needs, spiritual as well as material. Whether biological assimilation goes hand in hand with cultural assimilation is a matter which time will reveal but my own guess would be that, if cultural assimilation occurs, mating will follow naturally.28

Such policies of assimilation were in total opposition to Nazi thinking on racial issues. Under the Nazi regime Jewish children — irrespective of appearance — were to remain with their parents, to be killed. From mid-1941, following the invasion of the Soviet Union, children were murdered by shooting, along with other members of their families and communities. Following the establishment of the death camps in 1942 children were deported along with their parents and gassed to death on arrival. While at some camps adults fit for physical labour were spared temporarily to work as slave labourers, children were immediately killed with but rare exception, one being those spared to become subjects for medical experimentation.

A number of famous cases of child removal survived the attempts of the Nazi regime to hide traces of their crimes. In the Lodz ghetto the Jewish authorities, under the leadership of Chaim Rumkovsky, were instructed in 1942 to hand over all children under the age of ten. Amidst fierce debates, and given the option of handing over children or of leaving the task of rounding up to Nazi thugs, the authorities complied. Pictures survive of children waiting for deportation, separated from mothers and siblings by wire fencing.29 During deportations from the Warsaw ghetto in the same year, the order was given to empty the orphanages. In one case the renowned child educator, Janusz Korczak, dressed his charges as if for a country outing and led a march of those entrusted to his care through the ghetto to the cattle trucks assembled at the railway yards, the children ranged in rows of four, dressed in their Sunday best, clutching flasks of water and their favourite books or toys. On arrival at the Treblinka death camps the children were immediately killed.30

Not content with the large numbers exterminated, the Nazi authorities searched remote areas of their empire for children in hiding, some in monasteries and church-run orphanages. In many countries those daring to hide children faced a death penalty if caught and many met this fate.31 Of the six million Jews killed in the Holocaust it is estimated that over one million were children.

This comparison is not intended in any way to diminish the suffering of Aboriginal children and their kin. It is, however, important to differentiate experiences, not to lump all under the broad category of genocide. After the physical destruction of a life

31. See, for example, Eva Fogelman c1994, Conscience and courage: rescuers of Jews during the Holocaust, Anchor Books, New York.
there is nothing temporal. Assimilation of an individual may destroy sense of self, obliterating an individual’s identity. But it does not necessarily do so. The experiences of some were mediated by the inefficiencies of bureaucracy, the gulf between intent and reality. Some were placed in the care of loving people. Not all suffered such mental trauma as to block return to what they had once been or were in the process of becoming through growth and maturation. For many there remained the prospect of escape, physical and mental.

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Was there genocide committed in Australia? The answer rests largely on the definition used. I have argued that ‘ethnocide’ and ‘genocide’ are related but conceptually distinct phenomena. Others would not make such a distinction. Thus Robert Manne writes that ‘for many writers … it is not killing which is at the core of the concept of genocide but the desire and the decision to weed from the garden of humankind a people deemed by others not fit to live’ — and has developed his analysis based on such an understanding.32

In terms of the definitions here adopted, the period of dispossession meets some of the criteria of genocide, with qualifications based on regional variation, limits to the extent of direct killing, and the varying degree of direct government involvement in the process of physical destruction. In the early colonial period conceptualisation of conflict in terms of limited warfare may be more applicable than genocide. However this issue is resolved, actions did not extend to the scale of a holocaust.

The policies of calculated neglect that characterised treatment of Aboriginal people in remote areas and in force in the first four decades of the twentieth century (and earlier periods) are also candidates for conceptualisation as genocide. It is no accident that the dating of such policies coincides with the height of the White Australia policy, which aimed at racial purification and exclusivity. But such practices were of less force in the more heavily populated regions of the country and while there is evidence of the ‘inflicting on the group conditions of life calculated to bring about its partial physical destruction’, ‘selective mass killing’ occurred but was atypical.

The strongest case is to be made for ethnocide, the attack on Aboriginal ways of life, culture and identity, central to the enterprise of British (and other forms of) imperialism — a case which seems to be beyond question in the context of dispossession, most clearly evident in state-sanctioned missionary policy and the removal of children. In the early assimilation period it was the openly declared policy of governments to promote the disappearance of the Aboriginal people as a distinct racial and cultural entity. It was the expectation of policy makers that in generations to come the only vestige of Aboriginality remaining would be that some members of the Australian population would be darker in skin colour, with some vague remembrance that once their forebears had

belonged to a different cultural group. It was within the framework of such thinking that the policies of child removal were sanctioned and maintained.

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‘Between knowing and not knowing’: Public knowledge of the Stolen Generations

Anna Haebich

‘Let no one say the past is dead
The past is all about us and within’.2

Following the publication of the Bringing Them Home report in 1997, the Stolen Generations has emerged as one of the most emotional and hotly debated public issues in contemporary Australia. Personal stories of removal and loss have been recounted across the country like a tragic chorus and Australians have been exhorted to join in a national process of ‘remembering’ as a symbolic way of sharing in the pain, acknowledging past wrongs and signalling ‘hope for a different and renewed future’.3 However, few Australians seem to have any memories of these past events to recollect. ‘I’m sorry I just didn’t know’, sobbed a woman at the 1997 National Adoption Conference in Perth. Her cry was echoed around the country. Historian Inga Clendinnen, speaking of policies of Aboriginal child removal in her Boyer Lectures 1999 True Stories, claimed ‘As for the rest of us — I didn’t know anything about the policy’.4

This apparent collective amnesia has left the burden of public recall to the surviving members of the Stolen Generations. Many Australians have listened sympathetically to their accounts and have earnestly sought to learn more about their experiences. However, others have been quick to question the accuracy of their memories. Some right-wing journalists, intellectuals and political leaders have claimed that removals were carried out for the children’s ‘own good’ and have denied the widespread punitive nature of official policies and practices of removal.5 This has served to create ‘an atmosphere of disbelief in the idea that many Aboriginal children had been

5. The main intellectual critics are Ron Brunton, Paddy McGuinness and Keith Windschuttle. For critical analysis of their arguments see Tatz 1999; Gould 2000; Manne 2001; Evans and Thorpe 2001.
treated unjustly. However, few Australians have stopped to examine their own fallible memories of this past. It was a lone voice with a distinctly European accent that called out following the tearful apology at the Perth Adoption Conference, ‘But how could you not know? I only came to this country in the 1970s but I knew’.

The extent and systematic nature of the practice may not have been widely understood until recent decades, however, as this retort suggests, and as this paper will demonstrate, fragmentary evidence of Aboriginal child removal has been circulating in the public arena from early colonial times to the present. Over the years this evidence has met with a peculiar kind of public blindness and practised forgetfulness that requires explanation. In his 1969 Boyer Lectures, anthropologist W.E.H. Stanner spoke of a national ‘cult of forgetfulness or disremembering’ and ‘inattention on such a scale’ that could not be explained by ‘absent-mindedness’:

It is a structural matter, a view from a window which has been carefully placed to exclude a whole quadrant of the landscape. What may well have begun as a simple matter of forgetting of other possible views turned under habit and over time into something like a cult of forgetfulness practised on a national scale. We have been able for so long to disremember the aborigines that we are now hard put to keep them in mind even when we most want to do so.  

More recently, Raimond Gaita has argued that in the past Australians were ‘often culpably ignorant of the wrong done to Aborigines because, in racist ways, they were blind to their full humanity’. The Australian public’s past blindness and present amnesia concerning evidence of Aboriginal child removal are the focus of this paper. Explanations for this apparent state of ‘knowing and not knowing’ will be sought from studies of the Holocaust, genocide and collective historical memory. The paper does not enter into current debates over whether the forcible removal of Aboriginal children in Australia constituted genocide. Nor does it set out to draw simplistic conclusions about similarities and differences with events of the Holocaust — an endeavour that Marcia Langton recently described as ‘a mistake and we urgently need to clear this up’. Langton argues:

Crimes of such enormity are not comparable in some essential ways, surely. Can’t we say what these are? I am sure that at least one of them is that there are always original and special taboos. The taboo on permitting any decency towards Aboriginal people in Australia has a different psychological trajectory and historical origin from the taboo on permitting full citizenship and humanity to Jews.  

The veracity of this statement and the claim to irreducible differences in intentions, practices and outcomes are incontestable. However, this paper looks to the field of Holocaust studies for the insights generated by its long struggle with the profound question, ‘But how could you not know?’ These are of significance for us all.

Seeking explanations

Historians and other researchers endeavouring to come to grips with the Stolen Generations issue have looked to various international examples and frameworks. They have made comparisons with the treatment and experiences of Indigenous children removed from their families in other settler societies, of British children sent by their governments to work in overseas colonies and of children responding to the break up of family and community during times of war.11 The present vigorous debate over the finding of the Bringing Them Home Report ‘that systems of removal of Aboriginal children in Australia constituted a form of genocide under the Genocide Convention 1948’ has drawn on international studies of genocide.12 Much of this research has focused on the experiences of ‘victims’, the nature of official policy and practice and, to a lesser extent, on the role of individual ‘perpetrators’.13 The attitudes and actions of the ‘bystanders’ — the Australian public — have not yet been analysed. The linked fields of collective historical memory, genocide and political trauma can provide useful insights into this neglected area of research. Holocaust studies, in particular, yields rich insights into the issues addressed by this paper — the responses of blind acceptance, forgetting and denial demonstrated by ‘bystanders’.

In Germany in the immediate post war period, allied nations intent on exposing the horrors of Jewish extermination, faced a ‘blanket denial’ by ‘ordinary’ Germans of any knowledge of the Final Solution. Even high-ranking officials such as Hitler’s principal architect, Albert Speer, made this astonishing claim.14 This position solidified over the next two decades as the ‘older generation [of Germans] spiritually and defensively clos[ed] ranks and feign[ed] knowing little’.15 However, their claims of ignorance were increasingly challenged during the 1960s by accumulating evidence from memories of Holocaust survivors, emerging international historical research and urgent questioning by younger generations of Germans. Nevertheless, it was not until 1983 that the Nazi extermination of the Jews was formally addressed at a meeting of international historians in Germany. From this time German governments initiated a series of programs of memorialisation in an effort to come to terms with this past. A counter campaign of carefully crafted denial had also emerged in Europe and Northern America from the 1960s. This challenged the basic tenets of the Holocaust by questioning the reliability of survivor testimonies, the stated causes for and numbers of the dead, the existence of death camps and the use of gas chambers. Shermer and Grobman note that Holocaust deniers practised a form of ‘pseudohistory’ — selectively picking out what suited their theories and divorcing ‘their chosen details from the overall context’.16 By presenting their arguments as legitimate alternative historical interpretations they sought to make the Holocaust a ‘debatable issue’ and to ‘sow confusion and create dissent’.17 Their aims ranged from a minimalist intention to deflate the enormity of the Holocaust and render...

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13. The use of the terms ‘victims’, ‘perpetrators’ and ‘bystanders’ reflects the terminology of genocide studies.
15. Huttenbach 2000: 216
it a ‘typical tragedy’ of the war, to erasing it from the historical record and from human memory.\textsuperscript{18}

In seeking explanations for these varied responses, Holocaust analysts have addressed the following questions. What could bystanders have known at the time? What prompted their general unquestioning acceptance of and blindness to what was going on around them? How can the processes of national forgetting and of crafted denial of these events be explained? Markusen and Charny classify all these responses as denials.\textsuperscript{19} They range them on a continuum from ‘innocent denial’ during and after the events based on genuine ignorance of the facts to increasing and full knowledge with deliberate denial to the ‘last stage of genocide’ — orchestrated campaigns of denial and even celebration and endorsement of the original violence. They argue that ‘innocent denial’ was more common than has been generally assumed and that this:

reflects the readiness of large numbers of people to acquiesce to and or play facilitating roles in genocide when they take place in their society, without realising or acknowledging the full meaning of the genocidal process they are tacitly or actively supporting.

Gordon Horwitz states that ‘genocide cannot happen without a majority of passive bystanders’.\textsuperscript{20} These denials are not merely a ‘peripheral, discreditable event’, but are an ‘integral part of genocide’. Jean Baudrillard writes that ‘forgetting the extermination is part of the extermination itself’.\textsuperscript{21}

In his book, \textit{Hitler’s willing executioners}, Daniel Goldhagen argues that:

the vast majority of the German people ... were aware of what their government and their countrymen were doing to the Jews, assented to the measures, and, when the opportunity presented itself, lent their active support to them.\textsuperscript{22}

This extreme view has been ‘roundly rejected’ by other writers as having ‘little resemblance to the facts of life’.\textsuperscript{23} Public knowledge of official treatment of the Jews during the war was never complete but was obfuscated by official mechanisms of concealment and repression that glossed over the truth, prohibited discussion and criticism and concealed the more extreme actions of extermination.\textsuperscript{24} Nevertheless, while most bystanders only had glimpses of the overall process, there was sufficient evidence before them of brutal and discriminatory treatment, eviction and transportation of Jewish people and even the existence of concentration camps. In \textit{The Informed Heart} Bruno Bettelheim asserts that any German who claimed not to know about the camps also had to claim not to have read German newspapers as they were reported in propagandist terms from 1938. Horwitz points to the ‘emptiness’ of claims of ignorance of the camps and their deadly purpose.\textsuperscript{25} Mauthausen concentration camp, for example, was adjacent to major population centres and was not only a visible part of the landscape, but

\begin{itemize}
\item \textsuperscript{18}Huttenbach 2000: 221.
\item \textsuperscript{19}Markusen and Charny 1999: 159-60.
\item \textsuperscript{20}Horwitz 2000: 205, 216.
\item \textsuperscript{21}Baudrillard cited in Minow 1998: 118.
\item \textsuperscript{22}Goldhagen 1997 cited in Clendinnen 1998: 135.
\item \textsuperscript{23}Craig, G 1996 cited in Clendinnen 1998: 136.
\item \textsuperscript{24}Hildberg 1980: 19.
\item \textsuperscript{25}Horwitz 2000: 204.
\end{itemize}
was linked to local towns through its need for supplies and staff housing and entertain-
ment. Townspeople benefited economically and were ‘an active part of the camps’ op-
eration’. Drawing on Horwitz’s research, Jonathan Glover claims that local resi-
dents ‘could not escape knowing’. He provides instances of complaints about the
smell, the smoke, dumps of bones, of hair escaping from chimneys and of seeing people
being shot. Most were made, not out of concern for the victims, but because of the
unpleasantness for local residents. Glover also describes how residents expressed their
support for the cruel treatment of Jewish people through public ridiculing, attacks and
even unsolicited killings of prisoners moving through their midst.

German bystanders became trapped in a spiralling process of dehumanisation of
Jewish people, of distancing from them and of normalisation of this discriminatory
 treatment to the point where it became unremarkable and increasingly invisible to
them. Some individuals and communities did speak out and refused to participate and
many were arrested and executed for their actions. However, ‘most people kept quiet’
about the escalating violence. They also cooperated by, for example, terminating per-
sonal relationships with Jewish friends and neighbours and boycotting Jewish
businesses. Through their tacit support they affirmed and encouraged the ‘perpetra-
tors’. Staub describes how ‘bystanders’ became ‘witnesses to events and chose to ignore
them’ and how their passivity was transformed into complicity. Some remained pas-
sive out of the fear of ostracism and of official punishment, including imprisonment
and execution, for failure to conform. Their responses also reflected a long-standing tradi-
tion of anti-Semitism buttressed by scientific racism and modern political anti-
Semitism. This shaped German attitudes to a group of people devalued and
dehumanised by their society, historically and ever more vehemently in the present.

Goldhagen reflects on the power of this ‘unique and deeply rooted German anti-
Semitism’ that predisposed German people to accept such discriminatory treatment:

During the Nazi period, and even long before, most Germans could no more
emerge with cognitive models foreign to their society ... than they could speak flu-
et Romanian without ever having been exposed to it.

Other writers point to more dynamic interactions between cultural and racial
myths and psychological and political conditions that complicated events, responses
and outcomes that predisposed individuals and groups to acceptance, non-action and
ignoring the treatment of ‘victims’. Racist propaganda endorsed by leading authority
figures served to dehumanise the Jewish people and acted as a call to discriminatory
action that propelled them into situations that reinforced views of their lack of human-
ity and justified and normalised their treatment. Socialisation and educational systems
encouraged obedience and conformity and racist beliefs and behaviour. Scientific theo-

32. Hirsch 1998: 132. See also Staub (1989) and Christopher Browning’s (1992) detailed studies of
perpetrator responses and motivations.
ries of race hygiene and eugenics provided a final rationale for a sliding scale of solutions from institutionalisation to sterilisation to extermination.\textsuperscript{33}

German denial of knowledge of the Final Solution following the war is hardly surprising. To some extent the initial collective suppression and denial reflected the fear of exposing one's self, family and friends to incrimination and prosecution.\textsuperscript{34} Confronted by the horrors of what had seemed normal at the time and knowledge of the full extent of the Final Solution, individuals responded in predictable ways. They denied what had happened, sought to find ‘safe’ explanations and tried to push it out of their minds in a ‘kind of voluntary forgetting’.\textsuperscript{35} The German nation responded in similar ways. Steering a path between self-interest and reclamation and profound shock and shame, it sought to avoid responsibility and to make the nation look ‘good, honest and honourable’\textsuperscript{36} by embarking on a process of institutionalised forgetting. Studies of collective memory demonstrate that this process is never total in its effect. Traumatic national events may be ‘silenced’ but they persist in a multitude of forms and continue to re-emerge in the collective memory.\textsuperscript{37} Diverse, dissenting accounts based on ‘shifting histories and memories that exist between a sanctioned narrative of history and personal memory’ continue to circulate ‘simultaneously on varying scales and levels’.\textsuperscript{38} Present concerns also shape what is remembered of the past: “remembering” is not a steady state, but rather, as Roland Barthes puts it, a “frequent waking out of forgetfulness”. The past stands still, but the present moves and every generation must discover the history of its parents’ generation for itself.\textsuperscript{39}

Forgetting the Stolen Generations

This research sheds light on claims by the Australian public not to have known about the removal of Aboriginal children and provides insights into what they could have known at the time as well as their apparent blindness to what was happening around them. It also links this seemingly innocent state of mind to the current of denialism circulating in the public arena at present, described by Colin Tatz as ‘that major tributary of forgetting, which claim[s] that there was nothing to remember in the first place’.\textsuperscript{40}

Australia has a long history of racialist discriminatory treatment of Aboriginal people, buttressed by a complex set of attitudes based on scientific racism and economic self-interest that was integral to the colonial enterprise. Aboriginal cultural life was widely devalued and rejected as primitive and barbaric and irrelevant to the modern settler nation, a view that contrasted with begrudging German admiration for Jewish cultural attainment. Nevertheless, the general racialist ‘mind-set’ in both nations promoted acceptance, tolerance and active encouragement of actions that dehumanised and distanced the Other. Aboriginal people were left to survive in conditions of abject poverty that threatened their survival and they were subjected to official policies of pro-

\textsuperscript{33} Hirsch 1998: 118.
\textsuperscript{34} Huttenbach 2000: 216.
\textsuperscript{35} Andrea Barnes cited in Minow 1998: 120.
\textsuperscript{36} Pennebaker 1997: x.
\textsuperscript{37} Marques, Paez and Serra 1997: 255.
\textsuperscript{39} Clendinnen 1998: 203.
\textsuperscript{40} Tatz 1997: 130.
tection, segregation, assimilation and absorption embodied in systems of punitive legislative and administrative control that would never have been tolerated for other Australians.\footnote{Haebich 2000 provides detailed analysis of these processes and outcomes in all Australian states and territories.} In the process their unequal treatment not only became accepted as normal but also became normalised to the extent that it was rendered unremarkable, increasingly invisible and largely irrelevant to non-Aboriginal Australians. Events in Australia did not culminate in the horrors of the mass extermination camps of Nazi Germany during years of the Second World War. However, Aboriginal people in Australia's refugee camps and gulags faced for a far longer period the daily reality of starvation, disease, chronic ill health and often early death.

Public responses to the removal and institutionalisation of Aboriginal children reflect the extent to which discriminatory treatment of their communities had become unremarkable and, indeed, irrelevant to most white Australians. Australia has a long tradition of breaking up Aboriginal families through the removal of their children, stretching from earliest colonial times into the mid-twentieth century and, some would argue, into the new millennium. A combination of ruthless economic interest, assimilatory intent, racist fears and forced ‘rescue’ of the children drove these practices. Aboriginal families were denigrated and deemed to be ‘bad environments’ characterised by unhealthy living conditions and neglect of children’s welfare — factors that were actually the consequences of processes of colonisation. It was widely believed that Aboriginal parents taught their children nothing useful and provided only models of immoral and destructive behaviour for their adult life.\footnote{Haebich 2000 provides a national overview of rationales for the establishment of systems of Indigenous child removal.} Most white Australians would have endorsed the following statement by a colonist writing to the New South Wales Board of Education in 1852:

\begin{quote}
unless the connection between the old and young is completely severed — an act repugnant at first view to all — there is, I am convinced, no human power of civilising or even perpetuating the race.\footnote{Cited in Haebich 2000: 134.}
\end{quote}

Removal of children from these environments was embedded in a system of punitive legislation, networks of institutions and rigid state control. The entrenched assumption was that the care, education and training of Aboriginal children was synonymous with taking them from their families and subjecting them to ‘civilising’ regimes in institutions or white homes. This was widely accepted as the norm and, indeed, as unremarkable, in official practice and in the public mind.\footnote{Haebich 2000 contains a detailed analysis of the nature and operation of systems of removal and institutionalisation of Indigenous children in all Australian states and territories.} Most Australians persisted in a state of ‘knowing and not knowing’ or of ‘innocent denial’, in the face of circulating knowledge of removals and institutionalisation, of evidence in their own communities, personal encounters with removed children or their families and even protests against the system in the public arena. Indeed, while some sympathised with the grief of the mothers, most — if they thought of it at all — accepted that separation from their families was in the children’s best interests. It also served the interests of the wider
community by removing a perceived future menace to local law and order, racial purity and economic progress.

On colonial frontiers into the early twentieth century, children were abducted from their families to become workers for colonists. In a few cases, they were 'rescued' out of paternalistic concern for their survival in harsh and often brutal frontier conditions. This practice was publicly known and unofficially condoned by colonial governments. Valued for their skills by some colonists, the children were more often exploited for their labour and treated with extreme cruelty. Public endorsement of such arrangements can be inferred from the condemnation of those few colonists who spoke out against it. Reverend John Gribble publicly accused employers in the Carnarvon district of northern Western Australia in the mid 1880s of kidnapping Aboriginal children and treating them like slaves. He was subsequently driven out of town, physically assaulted, vilified in the Perth press, rejected by his own church and finally bundled out of the colony by police under the cover of darkness.\footnote{Haebich 2000: 211-2.}

Colonial governments also removed children from their families to institutions to be trained to become Christian and 'civilised'; in essence they were to become menial labourers and domestic servants for colonists or permanent residents of segregated mission settlements. Again, this practice was publicly known and was frequently discussed in the colonial press. This sometimes erupted into acrimonious debate. The Queensland government's plans, announced in 1897, to halt the unsupervised private employment of Aboriginal children in the north and to transfer the children to missions instead led to a public outcry that contributed to the forced resignation of the Chief Protector of Aborigines in 1905. Public debates at the turn of the century over the 'duty' of colonists to 'rescue' the growing number of 'near white' 'half-caste' children were less contentious but equally widely canvassed.

In most states and territories during the early decades of the twentieth century, these practices solidified into rigid systems of removal and institutionalisation of children from mixed-race families. Wide-ranging powers of removal were introduced that erased the normally sacred rights of parents and children to remain together. Further institutions were set up, most providing distinctly inferior living conditions, education and training for their young inmates. From the age of twelve or fourteen these children were sent out to work under state supervision. Policy and practice were enmeshed in a morass of principles of rescue, reform and eugenic intent so that it is difficult, even in hindsight, to infer 'intention' from what authorities said and did. Policies of 'protection' enshrined:

\begin{quote}
... contradictory but intersecting sets of philanthropic, ameliorative, punitive and even genocidal rationales ... which resulted in a convenient 'double speak' of stated humanitarian concern and agendas of segregation, assimilation, genocide and profound neglect. This mix seemed to enable everyone, from city humanitarian to brutal frontiersman, to feel comfortable with their stance and convinced that right was being done.\footnote{Haebich 2000: 143.}
\end{quote}
Early administrators publicly proclaimed that over 'two or three generations' the 'Aboriginal problem' would disappear, as the older generations died out and the young people were absorbed into the wider community. This took on more sinister tones in the 1920s and 30s when administrators in Western Australia and the Northern Territory adopted the policy of biological absorption, intended to erase Aboriginal physical characteristics as well as cultural practices, promising an 'ultimate solution' to the problem. This was adopted as national policy by a meeting of state and Commonwealth administrators in 1937. More enlightened policies advocating equal citizenship through social assimilation introduced in the 1950s promised an end to removals, however, they continued and indeed increased. Aggressive programs of assimilation through education, adoption and fostering of Aboriginal children by white families and the mainstreaming of child welfare failed to break the cycle. It seemed that Australians were unable to abandon the practice despite ample evidence that it did not work. In 1957 a member of the Western Australia parliament repeated the old adage:

The native problem would be solved in twenty years if young children were separated from their parents and taught the white man's way of life in mission institutions. 47

A wide range of personnel were involved in this system, including policy makers and legislators, planners and decision makers in government departments, police officers responsible for removing children and staff caring for children in institutions. While few understood the full extent and systematic nature of the processes in which they were involved, they could not have failed to perceive the discriminatory ways in which Aboriginal families and children were treated and their terrible pain at being separated. Officials frequently received emotional letters from parents begging to keep their children. An Aboriginal mother wrote the following heartfelt plea to the Protector of Aborigines in Brisbane in 1903:

I am writing to you about my little boy he has been taken away from me .... I would like to know if you would let him come back for he is only 3 year and ten months old and is too young to be taken from me if you would let me have him till his is 8 years old I am quite able to look after him respectable and send him to school when he is old enough. 48

Others witnessed the painful removals first hand. Margaret Tucker describes how the white manager and his wife responded to her removal from Moonahculla reserve school:

Mr Hill was in a situation he had never experienced before. He did not take into account that Aboriginal hearts could break with despair and helplessness, the same as any other hearts. Mrs Hill, the tears running down her cheek, made a valiant attempt to prolong our stay. ... She stood her ground, against her husband, the police and the driver of the car. 49

Following a trip by plane to remove children from Wave Hill Station in 1949, Northern Territory patrol officer, Ted Evans, wrote to his superiors complaining of the 'distressing scenes the like of which I wish never to experience again.' 50

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48. QSA A58750, 6/11/1902.
institutions also witnessed the often terrible conditions in which the children were forced to live. A female worker at Carrolup Native Settlement in the southwest of Western Australia described how:

[The children] are locked up like fowls after an early tea every night, winter and summer – no light, no fire, no recreation at all – just an animal existence ... I have never seen kiddies with such dull, unhappy eyes, hang-dog expressions and surly looks. It is a veritable prison to them.\footnote{Western Australian State Archives 752/743/1922.}

It is true that compelling forces operated to maintain social distance between Aboriginal and other Australians. In most states and territories legislation prohibited white entry to Aboriginal camps and reserves and inter-racial sexual contacts and strictly controlled Aboriginal entry to towns and where they could camp. There were also ingrained informal mechanisms for enforcing separation and for silencing critics so that they kept ‘their dinkum opinions to themselves’.\footnote{Rose 1991: 22.} While a far cry from the imprisonment and even execution that faced critics in Nazi Germany, the threats of social ostracism and even violent retaliation were powerful forces for conformity. Aboriginal administrators controlled information about their activities by monitoring press reports, enforcing rules controlling public statements by staff and screening of visitors to institutions. They reacted defensively and punitively to any outside criticism. The question that hovers in the air is not ‘Why weren’t we told?’ — the title of a recent publication by Henry Reynolds — but ‘Why didn’t we know?’ Processes of removal were reported and discussed in a range of public domains and were observable in the wider community for those who cared to look.

Aboriginal child removal was frequently mentioned in government documents, parliamentary debates, official reports, newspaper reports and church and mission bulletins. There is an understated normalcy in the language of these documents and debates that suggests a high level of acceptance of these practices. Child removal was linked in a seemingly casual manner to Aboriginal extinction in the following remark from the correspondence of the Victorian Board for the Protection of Aborigines in 1902:

As the blacks are dying out, and the Board removes the half-caste boys and girls by handing them over to the Industrials Schools Department, finality is greatly facilitated, and will, doubtless, be attained within a few years.\footnote{Cited in Chesterman and Galligan 1997: 26.}

During the early 1900s, Queensland’s Northern Protector of Aboriginals, Walter Edmund Roth, listed details concerning child removals in matter of fact language in his Annual Reports:

Half-caste, about ten years, amongst the McIvor blacks. ‘It is a pity to see her grow up in a camp. Could you not have her removed? I think it would be good for her if she could be taken away soon’.\footnote{Queensland Government Northern Protector of Aborigines Annual Report: 11-12.}

The Chief Protector of Aborigines in South Australia, WG South, provided the following, devastating in hindsight, reply to a question in Parliament during the debate on the Aborigines Bill 1911:

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\footnote{Cited in Haebich 2000: 469.}
In my opinion, all half-caste and quarter-caste children, especially girls, should be considered wards of the state, and should not be left in the blacks camps after they reach the age of six years.\textsuperscript{55}

The 1929 Bleakley Report to the Federal government on the conditions of Aboriginal people in the Northern Territory recommended the immediate removal of all ‘mixed-race’ children from Central Australia to institutions in Adelaide to be absorbed into the ‘white community to which they rightly belong’.\textsuperscript{56} In the 1930s the Commonwealth government published the following impersonal report on its treatment of ‘half-caste’ girls:

[They] are brought into the homes as soon as possible after reaching an age when they can be separated from their native mothers. They are reared and educated under constant medical supervision. After completion of schooling, the girls are taught domestic work, sewing and making of clothes for themselves and trousers for men. When proficient, these girls are released for employment in approved homes under strict conditions regarding general treatment, preservation of morality and general training as citizens.\textsuperscript{57}

Western Australia’s Chief Protector of Aborigines blandly made the following heartless statement to the 1937 federal meeting of state and Commonwealth administrators:

Our policy is to send [the girls] out into the white community, and if the girl comes back pregnant, our rule is to keep her for two years. The child is then taken away from the mother and sometimes never sees her again. ... At the expiration of the period of two years the mother goes back to service. So that it doesn’t really matter if she has half a dozen children.\textsuperscript{58}

Thirty years later the Matron of Cootamundra Aboriginal Girls Home unselfconsciously repeated well-worn stereotypes of Aboriginal families to a New South Wales government joint parliamentary committee:

... these children are not getting a natural home life, because dark people naturally only live unto the day; they do not look after tomorrow even, and very often they would be hungry and they would not get a natural life in that respect. I think they are very much better off in an institution than they would be in some of their home lives.\textsuperscript{59}

Newspaper reports also reflected this normalcy of language. During the 1960s images of Aboriginal children separated from their families became a common sight in the southern press. They included children from northern Australia sent south to boarding schools and for holidays under the Harold Blair Aboriginal Children’s Project.\textsuperscript{60} There were also reports appealing to white families to adopt or foster Aboriginal children and celebrating successful placements under headlines such as:

Susanna thrives on love

Four white children, one half caste — all happy

\textsuperscript{55} South Australian State Archives GRG 52/7.
\textsuperscript{56} Commonwealth Government 1929: 21.
\textsuperscript{57} Australian Archives (ACT) A1 1937/70.
\textsuperscript{58} Cited in Aboriginal Legal Service of Western Australia 1995: 173.
\textsuperscript{59} Cited in Link-Up and Wilson 1997: 76.
\textsuperscript{60} For background on the Harold Blair Project see Haebich 2000: 441-3.
She's one of the family.61

The children were presented to readers in white domains with white people, with no hint of their own families or homes, apart from inferences that these were emotionally and materially barren. The message that these smiling children were available for the taking and would indeed be happier and better off living in a white world was not questioned; rather, white families responded positively to calls to billet, foster or even adopt the children.

Churches and missions were also instrumental in presenting information about removed children to the public. Their commitment to the separation of ‘mixed-race’ children from their families in order to transform them into Christian, ‘civilised’ young men and women was openly expressed in mission literature such as the United Aborigines Messenger:

It may be hopeless to prevent the evil of a half-caste race, but there is no need to leave the little ones without a hand held out to help and save them. They should not be allowed to remain with the camp natives. Much as we may sympathise with the mother-love of the lubras, we say that the half-caste children should be segregated from the natives before the age of five.62

These appeals to save the children were closely linked to calls for donations of money, labour and prayers. Accounts of the ‘rescue’ and conversion of these ‘tiny bits of human salvage’63 gave a compelling persuasive power to mission appeals in newsletters and magazines, public lectures, addresses to mission conferences, lantern slide evenings, concerts, visits to congregations accompanied by Aboriginal children and exhibitions of their handiwork. The United Aborigines Mission also developed ideas such as the ‘support system’ where ‘Christian friends’ sent financial support and ‘prayed personally for a special child’.64

Aboriginal child removal was not a practice hidden from the wider community. It should have been observable to rural communities with significant Aboriginal populations in their midst. Employers of Aboriginal young people and those families who adopted and fostered Aboriginal children and their networks of family, friends and neighbours must have pondered how these children came to be in their care. Again, it seems that the practice was so ‘unremarkable’ that it failed to attract public attention or inquiry, unless it impacted in some way on the self-interest of local communities.

Segregation of white and black was the norm in rural communities during the first half of last century. Outside government institutions and reserves, Aboriginal people lived in camps on the outskirts of towns and were denied access to most local services, including schools and hospitals. Informal rules backed up by laws and curfews enforced by the police maintained social distance. However, these barriers were not impermeable. Employers looked to the camps for casual workers, shopkeepers sold goods to Aboriginal customers and there were covert sexual contacts with women from the camps. White townspeople may have remained largely ignorant of daily events in the camps, but they had a strong prurient interest in what happened there65 and they

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61. Weekend Mail (Perth), 1/2/1956.
63. Young 1989: 89.
64. Morgan 1985: 106.
responded quickly to any activities they saw as threatening law and order or their own health and safety.

In rural and remote areas some fathers of 'mixed-race' children were instrumental in sending their own children away.66 There were also employers and townspeople who responded to requests by Aboriginal parents seeking their intervention to save their children from removal. In 1903 the shire clerk of Cardwell in north Queensland wrote to the Chief Protector of Aborigines on behalf of a local Aboriginal woman whose twelve year-old son had been removed to Yarrabah on the grounds of neglect:

It is an act of impossibility to prove ill treatment in this or any similar case...[she] has raised this child as her ancestors reared children for untold centuries.67

The editor of the Renmark Pioneer complained to the South Australian Chief Protector of Aborigines in 1910 that the removal of the two young sons of a local Aboriginal woman was 'an outrage' and 'a grave miscarriage of the intentions of provisions made for the protection of the aborigines of this State'.68

However, it was more often the case that local residents were instrumental in having entire Aboriginal families and communities removed from their district, often resulting in the permanent separation of parents and children. In 1915, residents of Katanning in the southwest of Western Australia, objecting to the presence of Aboriginal children at the local state school and to Aboriginal camps on the outskirts of the town, forcibly moved the entire local Aboriginal population to a remote camping site on the Carrolup River. The government responded by setting up the Carrolup Native Settlement, an institution for the forcible segregation of Aboriginal people that was still operating in the 1960s. Like the concentration camps in Germany, the settlement became part of the local landscape, linked to the town through its reliance on the services of police, doctors, employers and businesses and the townspeople's prurient interest in events there. Town residents also had some awareness that Aboriginal children were kept in dormitories away from their parents. A local newspaper, the Great Southern Herald, reported in 1920:

The children numbering about 85 on the Settlement are accommodated in the compound, where buildings have been erected, including staff quarters, hospital, schoolroom, a temporary dining room of bush timber and a girls' dormitory. A boys' dormitory is now in the course of erection and when this is completed a dining room will be built.69

The local press also reported on the temporary closure of Carrolup in 1922 due, in part, to local pressure to resume the land for farming, and the relocation of residents to Moore River Native Settlement north of Perth so that many children were further distanced from their families. If the townspeople thought much about it at all, they accepted such as best for the children, forming part of their training for life as workers

67. QSA A58751.
68. Cited in Mattingley and Hampton 1988: 159.
69. Great Southern Herald, 12/6/1920.
rather than vagabonds. They also tolerated substandard treatment of children in the institutions. There were no complaints in response to Aboriginal eyewitness accounts in the local press in 1922 that at Moore River there was ‘no school for children, no nothing. Little girls from Carrolup never undress from time they leave here till I come away’ and that ‘little boys and girls’ spent their days ‘humpin’ sugar bags full of gravel for long distances from the pits to the camps to make footpaths, instead of bein’ at school’.71

The thousands of employers of young people in rural areas and cities across the continent should have had some curiosity or awareness about how their young charges came to be in their employ. After the initial conflict between private employers and the state in northern Australia, state arranged employment of Aboriginal youth became widely accepted by employers seeking cheap and dependable domestic and farm workers. Most pastoralists and administrators reached agreements that ‘mixed-race’ children could be removed to institutions as long as ‘full-blood’ children were left behind to become station workers. Between 1910 and the 1930s the New South Wales Aborigines Protection Board apprenticed out 570 girls to more than 1200 employers in city and country areas.72 In his 1936 Annual Report, the Chief Protector of Aborigines in Western Australia insisted that ‘more of these young people be taken in hand by the department ... they could be readily placed after a period of training’.73 The employment of Aboriginal ‘maids’ was openly promoted in women’s magazines such as the Australian Women’s Mirror which ran an article in 1940 with the headline, ‘Try An Abo Apprentice’, and included an employer’s testimonial that her maid had become ‘one of the family and [was] worth three of the white maids we have employed’.74 Records of the Aborigines Department of Western Australia provide no examples of employers questioning the system or inquiring after the families of young people in their employ, rather they seemed to look on the young people’s labour as an unquestioned right.75 Research analysing the case of an employer in Sydney who endeavoured to stand up for the rights of young Aboriginal women in her employ, reached the tragic conclusion that such intervention only served to generate punitive responses from administrators determined to maintain rigid control over their young charges.76

The official promotion in the press from the 1950s of fostering and adoption programs for Aboriginal children as the optimum way to achieve their assimilation into mainstream society also failed to raise questions in public debate. Press reports made no reference to the children’s own families or why they were not with them and presented the isolation and loneliness of institutional life as the children’s only alternative to acceptance into a white family. The reports attracted a flurry of applications motivated by a mix of ‘religious inspired or secular philanthropy’.77 Most were heart felt and well meaning but deeply assimilatory and paternalistic in intent:

70. Great Southern Herald, 22/7/1922.
71. Southern Districts Advocate, 4/9/1922.
75. Haebich, unpublished research.
76. Rose 1998.
77. Cuthbert 1998: 44.
We can promise this child the love of a happy home and the understanding that he will need as he grows up. It is our belief that an aboriginal brought up in a white home is a further step towards total acceptance of the aborigines of our community.  

None raised questions about the children’s own families. In the case of preliminary arrangements for adoptions, some applicants were informed that the baby had been abandoned and that they were saving it from certain death — claims they later found to be untrue. Some white parents acted outside legal channels to obtain Aboriginal children. The Director of the Department of Aboriginal Affairs in Victoria claimed in the Melbourne press in 1968 that there was widespread ‘trafficking’ of Aboriginal children in the state with over three hundred children ‘illegally adopted’ into white families. Many had been passed between several families so that they had lost contact with their parents. The Director observed that the ‘idea of taking away from Aboriginal women the responsibility of caring for their own children [was] unbelievably prevalent in Victoria’ and that some pregnant Aboriginal women had even been approached in the street by white women seeking to adopt their babies.

There were some dissenters in the press of the day who were openly critical of the system of removal and institutionalisation of Aboriginal children, thereby providing alternative perspectives on the practice to the Australian public. These criticisms were usually directed at particular cases of removal or conditions in institutions rather than the system as a whole. While they often caused a flurry in the press, with defensive responses from Aboriginal administrators and letters to the editors, these protests failed to arouse general public interest or to significantly influence official practice. Nevertheless, action by some Adelaide residents and Aboriginal parents in 1923 to protest against legislation to expedite the removal of Aboriginal children to state care did prompt the administration to shelve the legislation temporally, although child removals continued.

During the 1920s and 30s Aboriginal and non-Aboriginal leaders and organisations also made concerted attacks on the system that should have alerted the public to the extent and systematic nature of removals. In the mid 1920s the Aborigines Protection League in South Australia circulated the following statement in support of a self-governing Aboriginal state in northern Australia:

When it is realised what the removal of these young children means, we shall find further argument for the creation of the proposed aboriginal state. They are taken from their country, their home, their parents, from environments where they should have an opportunity of settling down and marrying and they are placed in strange surroundings with white children, shut off from the hospitality of white children generally and not permitted to marry and unable to share in the national traditions which are held to be most powerful factors in creating character. Even with the greatest kindness from those in whose charge they are placed, what sense of loneliness, of exile, even of slavery must they not constantly feel? And what

78. QSA 1A/451.
82. See Paisley 2000 and Haebich 2000 for a more detailed discussion of these movements.
In 1927 League representatives presented a petition for ‘A Model Aboriginal State’ with seven thousand signatures to the House of Representatives in Canberra but nothing came of their proposal. At the same time women’s organisations were criticising Aboriginal child removals in national and international forums, drawing on international standards of rights for women and children to support their cause. Mary Montgomery Bennett was one of their most vociferous campaigners. During the 1934 Moseley Royal Commission in Western Australia, she publicly attacked the Aborigines Department for its ‘official smashing up of native family and community life’ and denounced the Minister’s claim that ‘the removal of half-caste children is a necessity for so many reasons that it seems futile to mention them’. Linking removals to genocidal outcomes she quoted a woman social worker writing in the Australian Board of Missions Review in 1933:

> deportation by the Govt is one of the chief factors in causing the sure extinction of our native race ... Family life to the aborigines is everything ... Such interference is fatal.

Feminist campaigner, Bessie Rischbieth, who also appeared before the Royal Commission, called for an immediate investigation into the system of removal and institutionalisation of Aboriginal children. She also urged the government to adopt mainstream child welfare practices and to ‘improve the system of dealing with parents and their economic conditions ... in order that they might keep their children’. Despite these arguments and the concerns expressed by Commissioner Moseley in his final report about the cruelty inflicted on Aboriginal mothers and children through forcible removal, the Western Australia government passed legislation in 1936 that enshrined the policy of biological assimilation and granted powers to remove virtually any children of Aboriginal decent from their parents.

The drive for fundamental changes to the system came as a response by federal and state governments to both international pressures during the 1950s to abandon race-based discriminatory practices, and to mounting political action by Aboriginal people and their supporters demanding citizenship rights. New directions in policy and the protesters’ demands and actions were widely reported in the press. In Western Australia in 1957, a plan to permanently relocate all school-age children from their families at Warburton Mission to a distant institution was attacked in parliament for contravening the United Nations Universal Declaration of Human Rights 1947. The controversy was reported in the local and national press and led to two government inquiries. At its inaugural meeting in 1958 the Federal Council for the Advancement of Aborigines demanded an end to forcible removals and that Aboriginal children be treated ‘in accordance with existing Children’s Welfare legislation’. In 1973 the system of foster-
ing of Aboriginal children came under national scrutiny in the context of widespread public controversy following the return of a young girl to her parents by social workers in the Northern Territory without prior departmental approval. This culminated in 1974 in a strike by Territory government social workers protesting at the ‘generally unsatisfactory situation’ in the handling of Aboriginal fostering and adoption services and demands by the newly created National Aboriginal Consultative Committee for a federal inquiry into the system of fostering of Aboriginal children by white families. 

In the mid 1970s Aboriginal people began a concerted national political campaign for the return of control of Aboriginal children to Aboriginal families using the emerging national network of Aboriginal Child Care Agencies to lobby for the introduction of the Aboriginal Child Placement Principle. The opportunity to meet together in national and international forums prompted the growing realisation of the extent and systematic nature of Indigenous child removal in Australia and other settler nations such as Canada and the USA. Margaret Tucker’s aptly named autobiography, If everyone cared (1977), marked the beginning of an outpouring of painful personal experiences of removal in Aboriginal autobiographies, oral histories, songs by Aboriginal writers such as Archie Roach, art works and videos. Peter Read’s pioneering history, The stolen generations (1981), laid the foundation for a series of histories defining the nature and extent of the system of removals across Australia. In 1988 the trial of Russell Moore/James Savage in the USA exposed Australians to the sorry experiences of some removed children. The 1991 Royal Commission into Aboriginal Deaths in Custody exposed the tragic link between deaths in custody and Aboriginal child removal. It is astonishing that, surrounded with this wealth of evidence, Australians in 1997 could say to Aboriginal people ‘I’m sorry. I just didn’t know’.

**Conclusion**

Holocaust and other genocide theorists have argued that the ‘innocent denials’ of bystanders are not inconsequential peripheral events, but that along with other more deliberate forms of denial, they constitute an ‘integral part of genocide’. This may seem too harsh a judgement of the generally bland and indifferent Australian responses to removal of Aboriginal children discussed above, especially when the majority of Australians remain unconvinced that what happened here constituted genocide. Nevertheless, while acknowledging the significant differences and unique features of the Holocaust and the Aboriginal experience — whether or not one accepts the proposition of genocide — there are important insights and lessons to be gained from examining the Australian situation in the context of Holocaust and genocide studies.

We are drawn to reflect on the easy slippage between a mind set that promotes the distancing and dehumanising of targeted out-groups and the acceptance and normalising of their unequal treatment to the extent that it becomes unremarkable and virtually invisible, even as it assumes increasingly cruel and barbaric forms. Thus, large numbers

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91. Read 1990a, 1990b.
of people can acquiesce to or play facilitating roles in horrific processes without realizing or acknowledging the full meaning of what they are tacitly or actively supporting. This state of ‘knowing and not knowing’ is powerful and obstinate, persisting in the face of circulating knowledges, observable evidence, personal encounters and even protests in the public arena.

The linkage of the various forms of denial into a single continuum forcibly reminds us that the claim not to have known is never completely innocent. There are many cross-overs and linkages between innocent and deliberate denial that can culminate in orchestrated campaigns by nations intent on erasing unpalatable aspects of their past from official histories and avoiding responsibility for this past. This directs our attention to the many shades in current debate on the Stolen Generations. Many members of the public claim not to have known and to have no responsibility for what happened in the past. Right wing intellectuals and journalists have attacked the Stolen Generations case and have endeavoured to create disbelief and confusion in the minds of the Australian public. The Prime Minister, John Howard, has denied the enormity of what happened and urged the nation to forget this unpalatable aspect of our past while his government has mounted vigorous legal campaigns to quash Aboriginal calls for recognition and remedy. We are reminded that this is not just a quirky parochial process. Rather, it is an integral response when nations are brought face to face with traumatic events that reflect negatively on what is central to their collective identity and past and that belie their vision of themselves as moral communities. Denial and ‘voluntary forgetting’ are surely part of Hannah Arendt’s ‘banality of evil’.

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93. Robert Manne argues in his recent essay, In denial, that the Howard government has been ‘collusive’ with the ‘Quadrant-led campaign’ against the Stolen Generations, citing the government’s defence in the Cubillo-Gunner test case, which, he claims, ‘exceeded normal bounds’ (Craven 2001: v).

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Coming to terms with genocidal pasts in comparative perspective: Germany and Australia

A. Dirk Moses

The question of how countries deal with the material and symbolic legacies of totalitarian rule, genocide, and civil war in their immediate pasts is spawning a growing body of research on recent national and regional cases — post-apartheid South Africa, post-communist central and eastern Europe, and post-dictatorial South America — as well as on the ‘classic’ instances of postwar Japan and Germany. Closely related is the voluminous literature on collective memory, much of which studies the impact of trauma on cultural and political group identity. Nowhere is the connection between genocidal pasts and collective memory more evident than in the Federal Republic of Germany, which is widely recognized as the paradigmatic case of what there is called a successful Vergangenheitsbewältigung or Aufarbeitung der Vergangenheit — the ‘mastering’, ‘working through’, or ‘coming to terms with’ a national history dripping with the blood of civil war and genocide. In this instance, in an appropriate symmetry, it is the paradigmatic case of genocide — the systematic murder of millions of Jews, Gypsies, homosexuals, mentally disabled, and other groups. In Germany, ‘coming to terms with the Nazi past’ is a key element in the development of its democratic and liberal political culture after 1945.

The question is not of mere academic interest: it goes to the heart of the self-understanding of countries where genocide taints their histories. What of such a discourse in Australia? Since the publication over the past quarter century of substantial research on nineteenth century frontier violence, and more recently, of the Bringing Them Home report on the forcible removal of Aboriginal children from their families, talk of genocide is in the air. Yet, many Australians object that it is not a term relevant to the history

3. Olick and Levey 1997. The authors also stress the importance of this process for West Germany’s international credibility.
4. Gaita 1999, Manne 1999, van Krieken 1999, Moses 2000. A genocide debate has been gaining momentum since the 1980s when Bernard Smith (1980: 52) in his Boyer Lectures, said that Australians had been ‘caught out as it were red-handed playing the genocide game’; cf. Duncan 1985, Wilson 1985; Tony Barta’s 1987 intervention is the first systematic treatment of the issue in the scholarly literature. Cf Barta 1985. The most recent contribution is Reynolds 2001b.
of their country, and they hold a post-genocidal reckoning to be unnecessary, even mischievous and divisive. Moreover, the conservative and right-wing opponents of the genocide concept contend that it is a weapon deployed by a ‘new class’ of left-liberal intellectuals to establish (or reinforce) its supposed cultural hegemony. The debate has now reached a stalemate with rival factions of the intelligentsia now disputing the very facts of Australian history.

This article argues that the process of ‘coming to terms with the past’ in Australia can be productively stimulated by considering the German experience with which it has important similarities as well as differences. But before analysing each case in turn, it is necessary to refer to the relevant literature in anthropology and the sociology of knowledge to clarify the issues underlying the public-intellectual struggles that comprise Australia’s ‘culture wars’.

National origins, symbolic capital, and the perpetrator trauma

The issue at stake is the nation-building project, which requires mythic origins (cosmogenies). Such origins are necessary for nation-building because they permit the ‘narration of the nation’ by conjuring the illusion of a ‘continuous narrative of national progress’ that renders natural the construction of ‘a people’ by obscuring the contingent and artificial nature of that construction. As Etienne Balibar points out, ‘The myth of origins and national continuity ... is ... an effective ideological form, in which the imaginary singularity of national formations is constructed daily by moving back from the present into the past’. Moreover, cosmogenies are used to repair the social fabric. Thus, in relation to traditional societies, Mircea Eliade identified their function in providing models of exemplary conduct that could be reiterated to ‘create the world anew’ when group decline was perceived or social healing was required. Despite obvious differences between such societies and the modern world, Eliade’s observation contains a telling insight. Members of nation-states may not invest their rituals and myths with supernatural powers, but its origins are sacred nonetheless because ‘in one way or another one “lives” myth, in the sense that one is seized by the sacred, exalting power of the events recollected or re-enacted’. ‘Coming to terms with the past’ disables this integrative power by linking the nation’s origins to catastrophes, like genocide and civil war, in its recent past.

But who mobilises this discourse? Conservatives claim that the privileged, left-liberal academic elite in the universities purveys guilt and shame about the past to its own advantage. Is this true? Sociologists like Alvin Gouldner used the term ‘new class’ to refer both to the technocrats that administer modern capitalism and to the humanistically-oriented cosmopolitan intelligentsia that tries to establish its influence by setting the moral and symbolic agenda of the nation’s collective consciousness. Similarly, Pierre Bourdieu argues that the leftist intelligentsia comprises the dominated faction of a dominant class in which bourgeois elites hold sway. In terms of his elaborate theory

of capital (economic, social, cultural, symbolic) and social class, he maintains plausibly that both sectors of the dominant class engage in struggles with one another for symbolic capital to define, and thereby make, social reality. But the motivation and actual role of the subordinate intelligentsia in power struggles remains unclear. In fact, because symbolic capital is the means by which direct forms of domination by other capitals are obscured, and is therefore a derivative rather than an autonomous power in its own right, Bourdieu discounts the analysis of ideologies in themselves. Yet, while the respective positions of rival factions of the intelligentsia in the intellectual field are obviously relevant considerations, his theory needs to be complemented by an account of the powerful emotions and ideological commitments that drive intellectuals.

In order to understand the ideological heat in debates about national origins, it is necessary to turn to the concept of ‘perpetrator trauma’ developed by Cathy Caruth, Richard Bernstein, and Jan Assmann with reference to Freud’s Moses and monotheism. After the Israelites murdered Moses, they reverted initially to their old polytheistic religion, only later turning to Moses’s monotheism. The trauma was experienced by the descendants of the perpetrators when they realised the crime their ancestors had committed. Caruth uses this idea to suggest that perpetrator trauma is delayed or latent, because at the moment of the deed the subject does not realise what it is doing. Subsequently, the perpetrator-collective suffers ‘traumatic recall’ as the deed, which is only constituted as such in public memory, enters the consciousness of the population. And the perpetrator trauma continues to haunt the perpetrator-collective until it becomes narratable into a new legitimating story and constitutes part of its self-understanding.

In this article, I argue that the perpetrator trauma is at once the source of indignation experienced by some intellectuals at the suffering inflicted by the collective to which they belong, and the mechanism by which they liberate themselves from domination by the technocratic bourgeoisie and national-conservative intellectuals. I argue, further, that the critical public discussion this liberation unleashes about national origins is instrumental in the political humanisation of the polity, which hitherto has been in thrall to the legitimating myths of the national-conservative intellectuals. Yet the moral sensitivity that drives left-wing intellectuals can mean that it develops legitimating myths of its own. Consequently, it is necessary to distinguish the senses in which ‘coming to terms with the past’ is used. On the one hand, it is referred to as a process of honest and critical reckoning with a tainted national past. On the other, it is often used as a partial and moralistic discourse

12. Bourdieu’s argument even becomes circular and appeals positivistically to ‘reality’ as a limit to the classificatory ambitions of intellectual groups: ‘In the struggle to make a vision of the world universally known and recognized, the balance of power depends on the symbolic capital accumulated by those who aim at imposing the various visions in contention, and on the extent to which these visions are themselves grounded in reality’. Bourdieu 1987: 15. See also Bourdieu 1989.
13. Bourdieu 1998: 47, Bourdieu 1977: 188. Mark Davis’s 1999 perceptive study of Australian cultural elites, Ganglands, makes a similar argument to Bourdieu, contending that intellectual rivalry can be explained along generational lines.
by oppositional intelligentsia in its struggle for symbolic capital in the intellectual field. Usually, leftist intellectuals will link the two senses of the term by claiming to be agents of the overarching process, thereby equating political humanisation with their domination of symbolic politics and influence in policymaking. The West German case, however, shows that political-moral progress is a by-product of a public sphere, in which critical reason functions, which means that neither faction of the intelligentsia is able to dominate the other.

**The creation of a German ‘self critical community’**

The Federal Republic had two myths of origin: the moral legitimacy of the republican foundation in 1949, and the viability of German national identity itself. The former was more important for liberals, the latter for conservatives. Although many conservatives were not enamoured of the new Federal Republic’s parliamentary liberalism in 1949, the intensity of the cold war in the Federal Republic meant that liberals and conservatives shared an anti-Communist orientation that affected their ‘answer’ to the Nazi past. For both limited their reckoning with the past to legal and constitutional matters, prosecuting war criminals (tempered by generous amnesties in the 1950s), paying reparations to Israel, and banning extremist parties on the left and right. Although liberals were by no means aggressive nationalists, even they did not want to abandon a sense of positive continuities with the German past. After all, they represented the liberal parliamentary traditions that could be traced to the first half of the nineteenth century. Conservatives, for their part, did their utmost to disentangle Nazism from German traditions by blaming the left and mass democracy for the plebeian Hitler who was, they insisted, a socialist of sorts. They did not deny the Nazi crimes, but laid the blame for their commission at the feet of ‘modernity’ rather than their cherished nationalist tradition. The answer to the Nazi past was to maintain pride in positive German national traditions and its latest garb, the anti-Communist Federal Republic.

Leftist critics attacked both these myths of origin. First, they argued that, because the course of German history had culminated in Nazism and organised mass murder, national traditions were irredeemably tainted. Consequently, they urged radical economic and political change along democratic socialist lines. Second, when these hopes were dashed by foundation of the Federal Republic in 1949, they indicted it as a ‘restorationist’ regime whose continuities with the Nazi system were as significant as the differences, if not more so. It was no coincidence, they averred, that many erstwhile Nazis had found a comfortable home in West Germany.

Typologically, such critics were oppositional, cosmopolitan intellectuals who were moved by shame and indignation for what their countrymen and women had done.

15. Although narratives of such progress are unfashionable, indeed, inexplicable for many intellectuals, when seen in light of Germany’s moral collapse in the Nazi years, the Federal Republic’s political humanisation is readily apparent. Foucault is often cited as authority for the proposition that regimes of truth replace one another without moral progress, yet his own ‘What is enlightenment?’ shows that in fact he did believe in the hypergood (Charles Taylor) of human autonomy and that he saw important gains for this ideal in postwar Europe. Foucault 1984: 46f.


They were the agents of traumatic recall in the Federal Republic, sentinels of Holocaust memory and solidarity with the countless victims of Germans. Ever suspicious of perceived fascist continuities, they began the ‘culture of vigilance’ — critics called it ‘alarmism’ — against perceived backsliding into ‘bad old German ways’ in culture and politics.

Their project also entailed remaking German subjectivity. Heavily influenced by Alexander and Margarete Mitscherlich’s socially-applied psychoanalysis, as well as by theories of mass culture and fascism of the recently returned Frankfurt School, the oppositional intelligentsia developed an emphatic post-national, even anti-national, subjectivity. For the problem was not only capitalism, but also the specifically German cultural pathologies of the ‘authoritarian personality’ and underdeveloped, weak ego that sought compensation in strong leadership and the collective security (the Wir-Gefühl: ‘we feeling’) of group identity. The main thesis of the Mitscherlich’s famous book, The inability to mourn (1967), was that West Germans were caught in a debilitating melancholia, as they were unable to mourn for, and thereby work through, the narcissistic collective love objects of Hitler and the German nation. Melancholia, or depression, was the poisoned fruit of a blocked mourning process, which, if successfully negotiated, released the subject from its libidinal fixation on the love object and permitted a new investment to be made. In the postwar context, the Mitscherlich were appalled by the continuing nationalist orientation of West Germans they thought was preventing them from engaging in antifascist politics and democratic socialist reconstruction. ‘The inability to mourn’ became the prime explanatory device by which the German left proclaimed its post-national credentials and with which it sought to reconfigure the subjectivities of other West Germans.

The fascinating feature of the West German confrontation with the Nazi past is not only how this minority position became institutionalised in public memory and inscribed in personality structures by the 1990s, but also its twisted path and the attenuated manner in which it occurred. For unlike recent explanations that stress the victory of the dissident wing of the intelligentsia, a kind of compromise between the warring factions in fact has been reached. This process becomes explicable by examining two aspects of this institutionalisation. The first is generational change. The post-national subjectivity became the norm for the majority of the most celebrated postwar political generation, the sixty-eighters, born in the 1940s and therefore in lesser need of the integrating power of founding myths of Federal Republic than their ‘nazified’ parents. Because they regarded Nazism as archetypically German, their loyalty moved to universal values, which Jürgen Habermas, the most significant theorist of this orientation, celebrates as the fruit of a post-conventional (ie post-national) identity. In their profound alienation from the national culture and institutions of West Germany, they

19. Mitscherlich 1975 (English edition). I discuss the theory in Moses 1999; see Jay 1973 for the Frankfurt School and psychoanalysis. Moeller 1996 and Maier 1993 challenge the thesis that the 1950s were years of silence about the Nazi past.
exhibited the main symptoms of the perpetrator trauma. Their sympathies lay not with their compromised parents and their national tradition, but with the victims of National Socialism.

This transfer of loyalties, however, did not signal a balanced or healthy posture towards the past. For in the 1970s, these victims were not necessarily Jews. In fact, the militant anti-Zionism and anti-Americanism ('USA = SA SS') of the sixty-eighers (and by extension, the German left) meant that they saw communists and workers as the Nazi regime’s prime targets.23 And by facilely identifying themselves with these victims to avoid the moral pollution bequeathed to them by their parents, some sixty-eighers joined the terrorist ‘armed struggle’ against the ‘fascist’ West German state, committing dozens of murders along the way, while many others of their generational cohort sympathised with the cause.24 Their sour reaction to the collapse of East Germany in 1989–90 showed that many sixty-eighers still hoped that the German Democratic Republic could have moved in a democratic socialist direction rather than join the West. As some commentators wryly noted, it was now the turn of the sixty-eighers to mourn for the love object of a united socialist Germany.25 The destruction of the national-conservatives myths of origin by the perpetrator trauma does not mean that the bearers of the trauma necessarily have the ‘answer’ to the riddles of history.

Because of such excesses in the 1970s, many liberals who had been reformers in the previous decade entered into an alliance with conservative professors and intellectuals, decrying the ‘new elite’ that had entered the universities, schools and media and had supposedly taken control of the country.26 Until the 1980s, Holocaust memory remained undetermined as the leftist intelligentsia rethought the meaning of the past and posture towards Israel, while liberals and conservatives waged trench warfare against them on university committees. In the context of the cold war, however, the left’s main weapon remained the claim of the uniqueness of the Holocaust, because it entailed the bankruptcy of the national ideal and implied the country’s negative myth of origin. And debates about the Holocaust are always also debates about the viability of a German national identity as the well-known historical controversies of the 1980s and 1990s show: the Historians’ Debate of 1986, the Goldhagen Debate of 1996–97, the discussion on the travelling exhibition on the war crimes of the German Army and on the Berlin Holocaust Memorial in the late 1990s.27

Consequently, when Helmut Kohl’s conservative Christian Democrats returned to power federally in 1982, they proclaimed a ‘spiritual-moral change’ (geistige-moraleiche Wende) to make good the damage the ‘the intellectuals’ had inflicted on the national fabric. Instead of ‘emancipation’ they preached ‘identity’, and conservative historians

23. Diner 1993: 117ff, Marcuse 2001: 13. The German Democratic Republic claimed to have made a clean break with the nationalist past, and having smashed the capitalist substructure of fascism, it did not have any Nazi continuities with which to reckon. For this reason, it could, with a good antifascist conscience, help train Palestinian terrorists and condemn the Federal Republic as an irredentist state. See Herf 1997.


made the same moves by challenging the new language of the uniqueness of the Holocaust that the cosmopolitan intelligentsia was beginning to institutionalise in the public sphere through prominent left-liberal newspapers.28

Yet the neo-nationalist campaign ultimately failed, most notably in the ‘Historians’ Dispute’ and Bitburg affair of the mid-1980s, because liberal intellectuals sided with leftists like Jürgen Habermas. In their view, the neo-conservative instrumentalisation of the past for contemporary nationalist cultural politics was immoral and threatened to revive illiberal mentalities by its discursive affinities with far-right ideologues and movements. They attacked this defence of national myths of origin as ‘relativising the Holocaust’, ‘normalising the past’, and ‘apologetic’.29 As a result of this new left–liberal alliance, the Holocaust has since become anchored in the Federal Republic as a negative myth of origin, its new source of historical legitimacy. Two hundred and fifty sites of Holocaust mourning now exist there, and a football-field-sized memorial to murdered European Jewry will soon be constructed next to the Reichstag and Pariser Platz in Berlin. As Jan Assmann observed, ‘As a perpetrator trauma, Auschwitz is a latent experience. After the “material reality” of the facts became known immediately after the war, the “historical truth” needed decades to sink into general consciousness and find appropriate forms of remembrance’.30

Does this mean that the humanistic intelligentsia has prevailed? Have Germans now engaged in the Trauerarbeit — the work of mourning urged by the Mitscherliches — and detached themselves from their collective narcissism? Superficially, it appears as if they have. The leftwing of the political class remains committed to universal values and is suspicious of ‘national interests’, and its collective pride rests on the perception of having successfully expedited the generational mission to remake German subjectivity and institutionalise a kind of tempered antifascism.31

To be sure, the perpetrator trauma is essential to rupture the continuity of national traditions by pointing out the criminality or ambivalence of the country’s origins. But this is only part of the story. The discourse of ‘mastering the past’ is a necessary but insufficient condition for political humanisation. Because political and moral communities are necessarily concrete and possess a diachronic consciousness, the abstract universalism of the German left and the radical historical rupture it entreats could never command a minimum consensus in the public sphere. The other key factor, then, is the alliance between leftist and liberal intellectuals against the conservative-nationalist intelligentsia, because it permits the combination of the moral energy of the perpetrator trauma with the commitment to the country’s historical institutions that the liberals represent.

Relevant here is the fact that liberals tend to employ the language of shame to refer to German crimes, while the left uses the language of guilt.32 The former implies the continuity of the German cultural nation, while the latter, in an analogy with the psychoanalytic procedure of working through, is indentured to a protocol of redemp-

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tion that issues in a radical new identity. The liberal language of shame and regret secures this continuity. Michael Walzer calls such a liberal universalism ‘reiterated’ rather than abstract, because it is located within the national narrative that has been purged of its potential criminality by the mediation of critical reflection. Cosmopolitanism becomes anchored in the subjectivities and structures of the society, and its citizens become rooted cosmopolitans, or ‘cosmopolitan patriots’, as Anthony Appiah has recently advocated.

If one side cannot impose itself, how does the public sphere function? By referring current problems to the perceived pathologies of the nation’s history, it is the space in which inherited traditions and discourses, as well as political, economic, and social structures, are scrutinised in light of universal principles. Since the war, Germans have thrashed out the contested lessons of their past. A minimum consensus about the past, and therefore the present and future nature of German democracy, started to develop when both sides relativised their absolute positions. In the 1980s and 1990s, the left slowly gave up its dreams of a ‘third way’ between socialism and capitalism and began to desist from using the Holocaust to attack the foundation of the 1949 republic, so liberals and conservatives could accept the commemoration of the Holocaust as the legitimating origin of the polity, which is henceforth constituted as an anti-genocidal moral community and inheritor of positive German traditions. A ‘self-critical community’ (Homi Bhabha) emerges in which the open debate about the meaning of the past provides the orientation in the present and a guide for the future.

No one perspective on the past, then, whether nationalist or anti-nationalist, affords a privileged perspective, conclusive answer, or knockdown argument. Rather than the narrative closure implicit in absolute claims to ‘master’ or even conclusively ‘come to terms with the past’, the comportment to history I claim to see in the German case is a continuous process of considering the various meanings of a genocidal past and what should be done about it. This is democracy based, not on an uncritical national continuity, nor on abstract norms that entail a temporal rupture and refoundation of the polity, but on the operationalisation of what the ‘Sydney School’ of political and legal philosophy calls ‘critical public reason’ and the ‘jurisprudence of regret’. What is noteworthy about such regret is its recognition that this process is an open-ended, critically hermeneutical relationship to national traditions. As the American legal philosopher Gerald Postema notes, ‘This is prophetic memory, forcing the nation to take an honest, inclusive look at its past, forcing it to face its hypocrisy. The power of this criticism comes precisely from this fact that the principles it appeals to are historically grounded in the nation’.

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Australia's 'history wars'

Not for nothing have Australia's 'history wars' been called a 'foundational dispute'. Comparison with Germany reveals significant similarities and differences between the two cases.

Let us begin with the former.

The similarities

1. The Australian leftist intelligentsia also articulates the perpetrator trauma by consistently highlighting the dark aspects of the country's past. No less a figure than Manning Clark observed in the bicentennial year that 'Our history is in danger of degenerating into yet another variation of oversimplification — a division of humanity into “goodies” and “baddies”', although he clearly welcomed this 'radical literature' to counter the prevailing conformist and triumphalist nationalist teleology. Clark's intervention, as one observer noted recently, was a piece over which the Liberal Party are still smarting, because it called on Australians to 'gain wisdom' by recognising the evil that lay at the heart of their country's foundation, namely, the evil visited upon the Aborigines, the convicts, and the environment. Although Clark did not criminalise the entire Australian past per se, the balance of his case was very much at the critical end of the spectrum, ridiculing mercilessly as he did the cherished ideals of Australian conservatism. For the 'myth about the beneficial role of British civilization' needed to be ruptured, he pleaded, so Australians could 'choose what we like from the baggage train of our past, and take what we want into the future'. The country's origin, far from heroic, was poisoned. Clark's was a call, in effect, to start again, to refound the country.

2. As in Germany, the left gained a presence in the institutions of cultural transmission, especially the universities. More so than Germany, however, such advances in the intellectual field were conferred with official legitimacy. The then Labor Party Prime Minister, Paul Keating, and his speech-writer, the historian Don Watson, were highly sensitive to race issues, and in 1992 Keating delivered his so-called 'Redfern Speech' in which he publicly avowed 'our' (ie European-Australian) responsibility for the lethal practices and policies towards Aborigines in the past. The contemporaneous Mabo judgement reinforced the new public language with the much-quoted words that the dispossession of the Aborigines was 'the darkest aspect' of Australian history that had bequeathed a legacy of 'unutterable shame'. Mabo represented a fundamental challenge to the nationalist-conservative myth of white settlement.

3. The response of conservative intellectuals was also reminiscent of their German counterparts. In terms very much like Helmut Kohl when he came to power in 1982, John Howard and right-wing intellectuals sought to repair the damage they perceived to have been done by the cosmopolitan intellectuals and the Labor Party after the Coalition won the Federal election in 1996. And, as in Germany, a victory for the

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42. Attwood 1996.
conservatives was accompanied by mobilisation further to the right in the form of Pauline Hanson and her One Nation Party.

In order to understand the conservatives' reaction, it is necessary to appreciate their sense of impotence in the public sphere, a syndrome acutely analysed by Ghassan Hage, who calls their political language a 'discourse of decline' that reflects a real loss of symbolic power. As in the controversy over Asian immigration in the 1980s, the historian Geoffrey Blainey has provided the coalition parties with the analysis and metaphors it uses to challenge the left's definition of public language regarding Aboriginal issues in the 1990s. Unlike some, he does not deny the reality of frontier massacres and dispossession but seeks to disable the left from blaming the British in a criminal manner by setting the conflict in a world-historical context. In a similar way, the German historian Ernst Nolte hoped to take the sting out the leftist claim about the Holocaust's uniqueness. Where for Nolte the dialectic of revolution and counter-revolution unleashed in 1789 was the world-historical drama in which Germany merely played a role, for Blainey the real action was the 'unique confrontation in recorded history' of British modernity and its system of land use, and the Aborigines with their incompatible culture. It was not a matter, then, of evil, avaricious Britons vanquishing the innocent, peaceful, and ecologically responsible natives, but an unavoidable, even tragic chapter of world history.

Because Blainey is too clever and sensitive to deny the suffering inflicted by whites, it needs to be balanced by white suffering and redeemed by a greater good. This theodicy is Australian civilisation itself. In a century of totalitarian genocide and mass killing, Australia was one of the few countries to retain its democratic system of government; its brutally harsh environment was rendered viable and prosperous by the Europeans, its farms fed millions beyond its shores. It is 'one of the world's success stories'. Consequently, Australians can be 'proud' (rather than ashamed) of their national achievement. This is the argument with which modern conservatism reformulates the myth of origin to see off the critical scholarship of the last generation. 'I do not feel it is accurate or fair to portray Australia's history since 1788 as little more than a disgraceful record of imperialism, exploitation, and racism', Prime Minister John Howard wrote recently. 'Such a portrayal is a gross distortion, and deliberately neglects the overall story of great Australian achievement that is there in our history to be told'.

Rescuing this theodicy has meant that the conservative government colludes with conservative intellectuals, just as Kohl's government did in the 1980s. Most recently, it takes the form of the intriguingly named 'Bennelong Society', formed in 2000 by figures around the Quadrant magazine and senior government and former ministers to influence public opinion and policy debates. Part of their manifesto is to ensure that 'decent respect be shown to individuals, religious bodies and governments in Australia who

44. Hage 1998.
46. On mythologies of white victimhood, see Curthoys 1999.
47. Blainey 1993: 15.
have tried to share with Aborigines what they thought were the best things in their way of life.  

4 The genocide issue has become the functional equivalent of the uniqueness of the Holocaust in Germany: the blemish that soils the myth of origin by preventing it from doing the magic work of social integration and healing. Just when it appeared that conservatives thought they had regained control of the historical and national agenda in the mid-1990s, their complacency was shattered by a spectacular instance of traumatic recall, the Bringing Them Home report on the Stolen Generations in 1997, which also received considerable international attention, including screaming headlines in Germany of 'Australia's Holocaust'. 50 The return of the repressed came not in the form of records of frontier violence, but in the largely twentieth century phenomena of eugenicist and assimilationist programmes in which thousands of 'mixed-blood' Aboriginal children were forcibly removed from their families. What is more, the report argued that even the postwar assimilation policies were genocidal in terms of the United Nations Convention on the genocide.

Conservative commentators were quick to identify the meaning of this accusation. Ron Brunton of the far right Institute of Public Affairs averred that 'the genocide “finding” has been greeted with joyous acclaim by those people in the universities, churches, and other usually suspect institutions who know in the depth of their bowels that Australia is bad'.51 In other words, it threatened to cede symbolic power back to the rival intelligentsia and undermine, once again, the national myth of origins, especially since the removal policies were expedited in the name of Australian civilisation. 52 Brunton himself made the link between genocide and national viability explicit: ‘If Australia is to maintain its dignity as a nation, it cannot afford to have a second “genocide” finding made against it’.  53 Another Institute of Public Affairs contributor, Patrick Morgan, articulated the same fear: ‘The adversary view of Australia undermines belief in our nation and deprives us of a raison d’être — it causes internal collapse from pointless guilt and remorse’.54 The Bringing Them Home report, a newspaper columnist complained, was a piece of ‘cultural defamation’.55 Keith Windschuttle is upset by the ‘charge that the British colonisation of this country was a process comparable to the Nazi destruction of the Jews in Europe’. 56 Earlier, he had expressed his concern about the ‘movement on the left’ that threatens ‘the most far-reaching proposals for the reorganisation and even the eventual break-up of the Australian nation’. 57 McGuinness also objects strongly to ‘hysterical claims of genocide’, ‘the bemoaning of the past’, and to the intellectuals whom he derides as ‘inner-urban ferals’. 58 ‘The essence of [my] message is that there has been much exaggeration’, he continued, ‘the invention of charges like genocide and holo-

52. Van Krieken 1999.
57. Windschuttle 2000a: 8.
caust has been a matter to impose a kind of moral ascendency intended to stifle policy debate'.

The intractability of the 'culture wars' in Australia lies in the fact that McGuinness is both right and wrong: the genocide charge, at least for certain episodes of Australian history, is true, and it does cede leftist and liberal intellectuals symbolic capital. Such shifts, however, cannot account for the existential fears that such conservatives express. The Mitscherlich account of the relationship between individual and collective identity explains why nationalised subjects experience a loss in self-esteem when the national ego ideal is damaged. In the Australian case, the extremism of statements by Brunton, Morgan and Windschuttle suggests that this analysis should be extended by asking whether such figures experience castration anxiety, that is, a fantasised danger to their genitals symbolised by the national ideal that makes them feel powerful and good about themselves.

5 In yet another similarity with the German experience, when such evidence of genocide, or at least genocidal rhetoric, is uncovered, as in the eugenicist policy announcements of the 1930s, it is placed at the feet of the rival intellectual tradition. 'It is true that some of the policy makers and administrators were in past years motivated by notions of eugenics and Darwinian ranking of races', McGuinness conceded. But with a historical magic wand he determined that 'this was the orthodoxy of the left and the progressive social engineers, not of conservative governments'. The point is not, however, whether conservative or progressive governments instituted such policies, but that they were formulated in the service of a nationalist project of Australian civilisation. It is this continuity for which contemporary conservatism stands and that is now at issue. But McGuinness is impervious to such logic. Any ill that now threatens the nation-building project is automatically split off from his own intellectual commitments and emotional investments. Accordingly, the problems of Aborigines today are not the poisoned fruit of two centuries of racism, but of the separatist, anti-assimilationist polices of 'do-gooder' intellectuals and public servants like HC Coombs. And so we end up with surely the most bizarre inversion of the historical scales when McGuinness claims that the 'continual desire to argue that they [Aborigines] have been subjected to genocide and are deserving of infinite and eternal compensation' is the 'sophisticated racism' of the white elite.

6) We know that in Germany the consensus about the uniqueness of the Holocaust was only won with the consent of liberals during the 1980s. In a telling parallel, the intellectuals doing the running on the genocide issue in Australia since 1997 have been liberals and left-liberals, in particular the political scientists Robert Manne and Colin Tatz and the philosopher Raimond Gaita. As editor of Quadrant, Manne turned the

59. McGuinness 2000b. Phillip Knightley (2000: 107) made this implausible equation. Quite correctly, no-one else makes this claim: there was no Holocaust in Australia.


hitherto truculent anti-communist monthly into a lively forum of ideas until he resigned in 1997 after a campaign to oust him by a group of indignant conservatives who accused him of ‘selling out’ to ‘the left’. Indeed, Manne had given Gaita and others space to reflect on the moral implications of the Mabo decision. Until then, as in Germany in the 1970s, such liberals (or left-liberals, as Gaita regards himself) often sided with conservatives and remained suspicious of the left and its moral weapon, so-called ‘political correctness’. In 1993, for example, Manne was concerned that ‘the power of that intellectual movement, which aspires to enforce a dreary political conformity on all matters touching upon race and gender, is growing’. He even voted for the Coalition in 1996, and Gaita excoriated ‘large parts of the left’ for ‘foolishness, complacency and intolerance’.

Like the German liberals in the 1980s, though, they became less disturbed by leftist academics than the incoming conservative government’s counter-politics of memory, in the Australian case, the Coalition’s refusal to accept the ‘moral basis’ of Mabo and reconciliation (as Manne put it), and then with its curt dismissal of the Bringing Them Home report. Its indulgent tolerance of Hanson’s racist populism offended their sense that liberal societies are held together by moral restraint. The danger to Australian political culture no longer came from the left and political correctness, Manne concluded, but from the conservatives and their unofficial, covert alliance with the far right. Reviewing Hanson’s manifesto, The Truth, Manne held it up to members of the government as a mirror in which to behold their ugly reflection: ‘Many will find their own ideas — on the new class, political correctness, Mabo, multiculturalism, Asian migration, the High Court — absorbed, simplified, systematised, and radicalised’.

This change of direction, however, did not mean that Manne has joined ‘the left’, as his right-wing critics charge. Again, like their German counterparts, such liberals do not criminalise the national past; in fact, Manne emphasises how much of it was admirable. Nor do they engage in the politics of guilt. As early as 1993, Gaita distinguished carefully between the meaning and significance of guilt and shame, entreating the latter as the appropriate response to aspects of Australia’s past. Accordingly, their posture to the Bringing Them Home report was qualified, rejecting ‘morbid self-abasement’, encouraging further reflection and research (currently undertaken, among others, by Manne), while urging fellow Australians to bear witness to the suffering that had been inflicted on the victims of the removal policies. Finally, they reject the post-colonial

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62. Tatz has headed a genocide research centre in Sydney since the 1980s, but his major public intervention on this issue was Tatz 1999.
63. Manne 1997b.
65. Manne 1993a, b.
69. Gaita 1993a, b. Manne has consistently referred to these writings and this distinction, see Manne 1996c.
70. Gaita 2000: 17. In a careful, philosophical reflection on the relevant concepts, Gaita (1999) cast doubt on the efficacy of applying genocide to postwar Australia, and he took pains to distinguish between cultural genocide, genocide (according to the UN definition) and the Holocaust.
answers the Australian left proffers to the Australian past, more sanguine as they are about the possibility of reconciliation, and sceptical about the existence of an identifiable Indigenous collective subject.71 ‘The Left in Australia now offers enthusiastic support for the ideas of Aboriginal self-determination and land rights’, Manne declared, ‘but has tended to close its eyes to the depth of social breakdown within the traditional world’.72

The differences

Despite these structural similarities, there are four striking differences between the two cases:

1. Unlike Germany, Australia is a settler society, and its genocidal moments are the result of a colonisation process. Strange as it may seem, this fact makes the viability of Australian nationality more precarious than the German one, which long preceded the Holocaust. For in the Australian case, the very existence of the nation state and the nationalised subject is predicated on the dispossession, expulsion, and where necessary, extermination of the Indigenous peoples.73 This means that the customary conservative ploy of acknowledging the ‘dark sides’ of an otherwise salutary project is incoherent because the ‘dark sides’ were intrinsic to the process and cannot be split off.74 The survival and eventual prosperity of European settlement depended on the large-scale destruction of Aboriginal societies, because the racism of the settlers nearly always precluded local negotiations with Indigenous groups and because such groups usually put up stiff resistance when they were not decimated by imported disease. The settlers were at once intrepid farmers and ethnic cleansers, even genocidal killers. They had to be.75

The positive myth of origin is at once the negative one.

2. Because Aborigines survived the gamut of policies to assimilate, expel, and exterminate them, and because so many Aboriginal individuals and communities live in desperate circumstances, they remain an object of white Australian policy reflection. No comparable issue confronts Germany in relation to Jews, who were a highly integrated and successful minority before National Socialism, and whose population is rapidly growing today due to immigration from Russia.

The current Australian debate is framed rather starkly in terms of integration/assimilation versus self-determination/separate development/treaty. There is no space here to consider these arguments in detail. The task is to determine their significance for the question of ‘coming to terms with the past’ for the Australian myth of origin. The underlying issue is the prospect of the rival nationalism of pan-Aboriginalism, which is necessarily inconsistent with the universalistic pretensions of white Australian citizenship. All conservative arguments are mustered to render illegitimate such a project, such as claiming Aborigines are incapable of running sophisticated organisations, that they entertain the vain hope of recreating pre-industrial, tribal society, and that their own welfare would be best served by adopting European cultural mores.76

72. Manne 2001c.
75. Moses 2000a.
The link between the leftist intelligentsia and Aboriginal nationalism in this debate is certainly clear in the minds of right-wing commentators. The problem, they complain, is the unholy alliance between Aboriginal leaders and leftist intellectuals, supposedly in thrall to a Rousseauean hatred of western civilisation and ridden with ‘middle class guilt’, who rejoice in the supposed unspoiled harmony of ‘primitive cultures’ while hypocritically enjoying the accoutrements of urban comfort. Black Armband scholarship ‘has produced a small class of Aboriginal leaders who have been remarkably successful in demanding their own institutions. Their next objective is a treaty that will give them separate political status’. 77 They have abandoned scholarship for politics’, Windschuttle complains, ‘in a misguided attempt to support Aboriginal demands by defaming the British colonisation of this country’. 78 The anxiety about the sullied national origins is evident in the conservatives’ intemperate rhetorical caricatures of their opponents’ argument: ‘The only alternative [to assimilation] is the creation of ghettos and zoos, which is what so many of the well-meaning ideologues of multiculturalism and the preservation of “aboriginality” seem to want’. Reconciliation ‘pretends that the problem is psychological and moral: rejig the public mind, ask leading political figures to adopt a contrite demeanour and apologise for the sins of history, and all will be well’. 79

In fact, no one argues that changes in symbolic politics will solve the pressing problems faced by Aboriginal communities. But it is a necessary condition for a solution. Left-liberals like Gaita think that historical responsibility and shame entail listening to Aboriginal voices and openness to alternative political arrangements. Conservatives retort that such voices (ie the Aboriginal and Torres Strait Islander Commission) are unrepresentative, self-servingly elitist and do not reflect the actual integration of Aborigines in the towns and cities. 80 Gaita responds by saying that it is not up to white Australians to lecture Aborigines about what they should do. 81 Since there is no one Aboriginal voice to which to listen, the question appears to be whether non-Indigenous Australians should support Aboriginal leaders in their efforts to develop pan-Aboriginal consciousness. And as nation-building is driven by elites, a process as much alive in Australia today as in the past, the next question is: which nation-building project should have priority, the European-colonial or the pan-Aboriginal one? The alternative slogans ‘assimilation’ and ‘Aboriginal sovereignty’ are shorthand for these rival nation-building projects.

A quick glance at the literature on the emancipation of German Jews shows this to be a false dichotomy, because it does not capture the complexity of German Jews’ integration in Germany in the nineteenth century. For the hybridised identity they created issued from a process of acculturation in which Jews developed a distinct sub-culture that retained an emphatic sense of Jewishness as well as of Germanness. 82 Similarly, in

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77. Duffy 2001a.
78. Windschuttle 2001b.
Australia, we are dealing not with the anachronistic retention of pre-modern ‘Aboriginality’, as many conservatives suggest (McGuinness’s ‘zoos and ghettos’), but with the acculturation of Indigenous peoples in which they develop a hybrid culture of their own.

Moreover, the hobgoblin of a ‘break-up of Australia’ does not appear to be on the agenda of Indigenous leaders like Geoff Clark. In calling for a treaty, he declares that he is not ‘talking of two nations’. He sees such a document, and the process by which it is generated, as making good the ‘unfinished business’ of the country’s foundation, namely the absence of symmetrical negotiations in 1788 in which ‘they [the British] should have sought the informed consent of the indigenous peoples to inhabit this country’.\(^3\) This is not a case, then, of a separate Aboriginal state, but of renegotiating the terms of the original settlement. This process sounds very much like the open-ended hermeneutical comportment to national traditions after the rupture of the national myth of origin by the perpetrator trauma.

Unlike Germany, however, progressive philosophies of history that redeem suffering — theodicies — have not been discredited. As Blainey articulated clearly in 1993, conservatives must hold fast to a theodicy to redeem the undeniable suffering caused by the march of the progress on which they set so much store. With endearing candour, they recognise that Aboriginal societies had to give way before the superior British alternative. Were Aborigines to survive at all, so the argument runs, they had to adopt the white man’s ways, thereby conceding the illiberal and potentially exterminatory potential at the heart of western civilisation.\(^4\) In a notably unguarded statement, the former anthropology lecturer Roger Sandall goes so far as to admit that ‘Western Culture’ (his words) advances by ‘creatively destroying’ obsolete traditions, and he advocates the same work of destruction for Aboriginal culture today.\(^5\)

Australian liberals and leftists will have none of this, because, like contemporary Germans, their comportment to history has been transformed by the Holocaust. After all, Australian intellectuals do not debate issues of race and nationalism in a historical vacuum. The Holocaust exerts its presence here in the form of large survivor communities, Jewish organisations, intellectuals of Jewish descent, and its seepage into popular cultural memory since the 1970s through films, books, and war crimes trials. Discourse about the Holocaust provides a range of terms like ‘the banality of evil’ and genocide ‘denial’ that frame the Australian history wars.\(^6\) For our purpose, the significant issue is that it has become the secular symbol of evil in the western world, a status that has had a signal bearing on the genocide debate. For, from one perspective, the uniqueness of the Holocaust can mean that events that do not resemble it are not genocidal at all.\(^7\) Such an understanding drove the Federal government’s denial of the Stolen Generations and Inga Clendinnen’s attack on the application of the genocide concept to

\(^3\) Clark 2001b.
\(^4\) Samuels 2000.
\(^7\) This interpretation of the Holocaust is the target of Peter Novick’s The Holocaust in American Life, 1999.
Australian history. Others, though, find another message in the Holocaust, recently articulated in elegant terms by Martin Jay:

> Historicising the Holocaust need not mean reducing it to the level of the ‘normal’ massacres of the innocents that punctuate all of recorded history, but rather remembering those quickly forgotten and implicitly forgiven events with the same intransigent refusal to normalize that is the only justifiable response to the Holocaust itself.  

Behind this careful balancing of the particular and universal in the Holocaust stands the historical philosophy of the German critic Walter Benjamin. To arguments that western culture advances by creative destruction, Benjamin pointed out that such historicism and theodicies view the past through the eyes of the victors and retrospectively justify their actions and morality. He urged anamnestic solidarity with the victims today as a way of interrupting the supposed ineluctable and necessary process of civilisation: ‘There is no document of civilisation which is not at the same time a document of barbarism’. Benjamin articulates the perpetrator trauma, and he exemplifies the suspicion many intellectuals now have of theodicies. In this mode, the Holocaust is neither sacralised nor banalised — the twin dangers highlighted recently by Tzvetan Todorov — and assumes the status of a moral source with which to combat all forms of racism.

This was the interpretation adopted by Manne in the Demidenko debate in 1996, which was essentially about whether the Holocaust would be inscribed into Australian public culture as such a source. ‘Are we not too part of that common civilisation which experienced the shock of Auschwitz and which internalised its meaning?’ he asked. In his review of Manne’s book on the debate, the conservative commentator Frank Devine effectively denied that we were, or indeed that we should be. Fellow columnist Michael Duffy agrees, concerned as he is at the ‘growing influence of people, Jewish and non-Jewish, with a particular interest in the Nazi Holocaust’. Desperate to avoid charges of anti-Semitism, he acknowledges that because many Jews have fresh memories of ‘victimisation and suffering’ they ‘may be able to view the situation of Aborigines with greater clarity and compassion’ than other Australians. Yet the dangers of this Holocaust paradigm is the point of his article, tellingly entitled ‘Keep the H word out of our history’. Manne’s Holocaust-inflected Jewish ‘preconceptions’, Duffy insinuates, are ‘damaging the truth’. It is no coincidence that the intellectual camps at war over the Demidenko book are by and large the same as those in the genocide debate.

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88. Howard was prepared to ‘express his sorrow and distress at the appalling tragedy which overcame the Jewish people’, but no more than ‘regret’ at what previous Australian governments had done to Aborigines: Grattan, Kerr, and Metherell 2000; Clendinnen 2001. This is also the editorial position of the Courier Mail (Brisbane): Courier Mail 2001. Cf. Gaita 1999: 110.
91. Todorov 1996.
93. Devine 1996.
95. Duffy 2001b. Manne 2001b talks of his youth as the child of refugee central European Jewish parents in his Deakin Lecture.
There is no consensus on Holocaust consciousness in Australia, and it is readily apparent in the differing attitudes towards pan-Aboriginal political consciousness.

**Conclusion**

The German case shows that political humanisation issues from an open-ended discussion in a public sphere where the taboos of national myths of origin have been shattered by a consensus among leftist and liberal intellectuals about the need to thematise the barbarism inherent in those origins. At the same time, no factions of the intelligentsia, particularly the left- and right-wing factions with their absolute answers to 'the past', are able to impose themselves. Such a public sphere is the basis of a 'self-critical community' and it permits the problems highlighted by the perpetrator trauma to be addressed against an open horizon about the meanings of the past.

So does Australia have anything to learn from the German experience? The answer to this question depends on whether the similarities between the two cases are more significant than the differences. There are good reasons to suppose that they are. Australia shares the basic problem of national myths of origin and the consequent perpetrator trauma and process of political humanisation it inaugurates. Australia certainly needs to become a 'self-critical community'. The differences are significant only for the specific problems that such a process must address. In Germany, the perpetrator trauma continues until the grounds for indignation about the past are addressed: compensating the victims of Nazism, ending racist violence against non-Europeans, liberalising the naturalisation laws. In Australia, it will also haunt future generations until Indigenous Australians can flourish here as well as any non-Indigenous Australian. We do not know what such a future society will look like: the point of political humanisation is to include relevant social stakeholders in the public conversation. A good start will have been made when Aborigines are not discussed as objects of white policy.

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Stolen Generations testimony: trauma, historiography, and the question of ‘truth’

Rosanne Kennedy

In recent Australian Aboriginal history, testimonies have played a significant role in bringing into the public domain knowledge about the practices and effects of the removal of Aboriginal children from their families and communities. Broadly defined, the category of testimony includes a wide range of texts, such as autobiographical narratives, oral histories, semi-official testimonies such as those published in Bringing Them Home, legal testimonies, Link-Up testimonies, psychotherapeutic testimonies, filmed testimonies and videotape testimonies. While testimony has proven an invaluable means of transmitting experiences and memories of people whose stories often go unrecorded, the category of testimony is a contentious one — especially for historians, who are often concerned with establishing what actually happened in the past.

Not surprisingly, controversy concerning the status and value of testimonies erupted during a Stolen Generations panel discussion featuring Bain Attwood, Peter Read and Robert Manne. In essays published since the conference, Manne contends that Aboriginal witness has become the object of a ‘collective hysteria’. For instance, conservative critics such as Ron Brunton and Paddy McGuinness have characterised Stolen Generations testimonies as exemplifying ‘false memory syndrome’, thereby implying that witnesses have fabricated memories of removal in a sympathetic cultural and political climate. In this essay, however, I focus on Attwood’s essay, ‘A matter for history’, which was published in the weekend Australian Financial Review.

Unlike conservative critics such as Brunton and McGuinness, Attwood does not vilify Stolen Generations testimony as false memory syndrome. He does, however, treat testimony as a particularly troublesome kind of evidence for historians who are keen to provide a factually authoritative account of practices of separation. On the one hand, in viewing testimony as evidence to be interpreted by the historian, he undermines the witness’s position as a valuable interpreter of events. On the other hand, his essay can be read allegorically as a story about the declining status of academic history as the guardian of the ‘truth’ of the past. It raises a number of significant issues, not only for

1. The Life Stories Conference at Monash University (July 14–17, 2000).
history as an academic discipline, but for our understanding of the discourse of history in Australian public life. These issues include how we conceive of history, who owns the past, and who can speak as an authority on the significance of past events.

Questions of testimony, memory and historiography have been discussed in great detail in an international context, particularly in relation to the Holocaust. Following a critique of Attwood's argument, I suggest alternative critical methods for reading, analysing and evaluating Stolen Generations testimonies. In particular, I discuss two approaches that may enable us to read testimonies not simply as evidence, which places the historian in the role of expert, nor as literature, which makes them marginal for history's purposes of establishing what happened in the past, but as contributions to historiography in their own right. The first approach, represented here by Dominick LaCapra, uses a psychoanalytic framework to address issues of trauma, memory and affect in the context of the Holocaust. Drawing on LaCapra's work raises questions of how the concept of trauma is currently being used in relation to the Stolen Generations, and of whether a psychoanalytic approach is appropriate or productive. The second approach — a discursive approach — focuses on issues of interpretation, agency and authority in the process of making witness. I draw on discursive approaches that have been developed by James Young, who analyses Holocaust testimony, and by the feminist theorists Linda Alcoff and Laura Gray, who analyse the discourse of sexual abuse survivors. In the final section, I show how these approaches can be used to analyse Stolen Generations testimony.

Stolen Generations historiography: symbolic or forensic?

Attwood argues that our understanding of past practices of separating Aboriginal children from their kin is in danger of being obscured by the dominance of a simplistic and monolithic narrative. The Stolen Generations narrative is the product of 'narrative coalescence' — the accumulation and convergence of stories of separation — that has occurred over the past two decades. He attributes a foundational role in this discursive process to Peter Read's 1980 essay, 'The Stolen Generations', which provided an interpretative framework through which to make both historical and moral sense of policies, practices and experiences of separation. In the wake of Read's essay, and with the formation of Link-Up in the early 1980s, many people who had been removed began to tell their stories. In addition, the 1996 National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families sought out, listened to, recorded and published many testimonies, bringing them into public circulation. According to Attwood, these minor narratives gradually coalesced into a master narrative of the Stolen Generations, which attributes all removals to the government's allegedly genocidal policy of assimilation. This master narrative collapses differences between separation and removal, and has produced 'simplistic histories of colonialism in Australia'. Attwood apparently shares Peter Novick's scepticism towards 'collective memory' — a memory that is shaped by the concerns of the present, rather than the actualities of the past. Rather than settle for a 'myth' of the past, Attwood advocates the need for more

5. Read 1999 'The Stolen Generations' reprinted in A rape of the soul so profound: 46–70.
historical research, and for testimonies to be corroborated by research. While I share Attwood's desire for a historical discourse that does justice to the complexities of the past, I am concerned with the rhetorical, methodological and political implications of his argument.

Attwood contends that narrative accrual has resulted, in part, from changes in the production and significance of narratives of separation. During the 1970s narratives of separation were produced in collaboration between a historian and an informant. By contrast, during the 1980s and 1990s they tended to take the form of autobiography. As autobiography, they were 'more the product of memory and discursive practices other than history' and 'were becoming increasingly symbolic.'

During the same period, narratives of separation expanded their historical reach and significance. Although they began 'as local or family histories', by the 1990s, 'the [Stolen Generations] narrative was taking on the cast of a national history'.

Drawing on Hayden White's well-known categories of chronicle and narrative, I propose that the shift Attwood traces can be described as a shift from chronicle to interpretive narrative. When testimonies were produced in collaboration with historians, they constituted an oral history chronicle, and as such, a source of evidence. Once the historian is no longer involved as a collaborator, the narrative becomes 'more symbolic', and is consequently more properly regarded as interpretive narrative (with implications of fiction) rather than evidence. It is worth pausing to ask: what does 'symbolic' mean, and what rhetorical work is this label doing?

To say that these narratives became more symbolic is to say that the narrators interpreted their experiences according to a set of over-arching symbols, tropes and literary figures. In Attwood's view, the use of symbols gives a false meaning to the past because it obscures or neglects details and events that do not fit the narrative pattern, and thereby denies historical complexity. Thus, rather than telling what really happened in the past, with all the inconsistencies and particularities of an individual's separation, the narrator instead produces a predictable moral tale of innocence and culpability. Yet it must be noted that in singling out testimonies as 'symbolic', Attwood is denying the metaphorical nature of historical discourse itself. As Hayden White and others have convincingly argued, literary figures and tropes are at work in all discourse, including history.

James Young has argued in relation to Holocaust testimonies that all narratives, including those that are presented as simple reports of fact, produce a style, if only the style of 'the rhetoric of fact'. In his view, 'the aim of such a style is not to write unmediated facts, but to convince the reader that such facts ... have been established'. Likewise, Alcoff and Gray contend that 'when individual narratives are related as if they were not narratives but simple reports' this obscures 'the way in which all experience is itself discursively mediated'.

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If all experience is discursively mediated, why is the symbolic or literary nature of testimony a cause of concern for the historian? I propose that the central issue for Attwood is not the symbolic nature of testimonies, but who is producing historical meaning. He claims that autobiographies are not simply recording the effects of practices of separation, but are now ‘telling the broader, collective history about the past’. Witnesses are no longer offering their testimony as evidence to be interpreted by the historical expert. Rather, they are themselves active producers of historical meaning, which Attwood apparently finds unsettling.

**Judicial historiography?**

Although Attwood criticises the courts for ignoring the evidence that historians could provide in Stolen Generations cases, he uses a legal metaphor to describe historical methodology. He argues that telling ‘the collective history about the past’ is a ‘forensic task’ that testimonies ‘are not traditionally thought capable of doing’ mainly because ‘memory can be notoriously malleable and so unreliable’. As Derrida and De Man have pointed out in relation to the language of philosophy, concepts are not pure; they always involve metaphors and histories of metaphors. According to the Oxford English Dictionary ‘forensic’ means ‘used in courts of law’. Historically, ‘forensic’ is associated with ‘forum’, which in Roman antiquity was a ‘place of public discussion’. Forensic thus has connotations of theatre, and entails the rhetorical arts of argument and persuasion. Given that historical writing is always ‘literary’, that it can never be a pure language of ‘fact’ and ‘truth’, why does Attwood use a legal metaphor to describe historical method? As historian Carlo Ginzburg has argued, the analogy of history with law draws attention to the concepts of ‘proof’ and ‘truth’, which lends credence to the view that history is primarily a matter of finding ‘fact’ rather than of telling stories. Attwood’s use of a legal metaphor must be regarded as a rhetorical move, the aim of which is to distance history from literature, with its implications of fiction.

The analogy between history and law implies that historians should assess testimonies for their ‘truth content’, using methods of proof similar to those used in law, such as checking testimony against other evidence for accuracy. Thus, Attwood criticises the Stolen Generations narrative, as it developed in the 1990s, because it drew on ‘oral testimonies not supported by the findings of historical research.’ In Cubillo v. Commonwealth, Justice O’Loughlin uses a medical analogy to describe the process of proof in law, further revealing the metaphorical nature of all discourse: ‘The task of the Court is to examine the evidence — both oral and documentary — in a clinical manner, devoid of emotion ...’ The metaphor of the clinic suggests that the court should not be emotionally swayed by testimony; by analogy, neither should the historian. The analogy between history and law casts the historian in the role of the judge, and the narrator in the role of a witness who is doubted until proven reliable. It treats ‘literary’ aspects of

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19. Cubillo v Commonwealth, paragraph 79, per O’Loughlin J.
testimony (such as tone, style, structure, affect, symbols) as features which hinder an analysis of its factual content.

In practice, the analogy between history and law is troubling in part because Stolen Generations testimony has not fared well in the courtroom. In Cubillo v. Commonwealth, Justice O'Loughlin accepted some parts of Lorna Cubillo's evidence, but rejected other parts. Stating that he did not believe that either Cubillo or Gunner had been 'deliberately untruthful' he expressed concern 'about their ability to recall, accurately, events that occurred so many years ago when they were small children'.

It is not surprising that a judge would question a witness's ability to recall events that occurred fifty years earlier. More troubling, however, was his assessment that 'they have unconsciously engaged in exercises of reconstruction, based, not on what they knew at the time, but on what they have convinced themselves must have happened or what others may have told them'.

By using the term 'subconscious reconstruction', he implied that the reconstruction that occurred in Cubillo and Gunners' testimonies was motivated by political, ideological or emotional commitments that were in some way suspect. Had he acknowledged that all testimony, grounded as it is in memory, entails a process of reconstruction, then perhaps he might have assessed their testimony differently.

In the light of Justice O'Loughlin's advocacy of a 'clinical' approach to testimony, it is surprising that he allowed negative emotion to colour his assessment of Cubillo's testimony. At one point, he says that she became 'progressively defensive, evasive and argumentative' in her testimony. He later speculates that Cubillo was unloved at the Retta Dixon Home not through any deficiency in the missionaries, but probably because of her difficult personality.

The judge's subjective judgement that 'she created an unfavourable impression' suggests that he found her testimony unreliable not simply because it was 'reconstructed' but because she was a difficult and challenging witness.

Given that Attwood has argued that the Stolen Generations narrative is endangering historical truths, it is worth considering his view of historical truth in the light of the analogy with law. His essay reveals two conflicting views of how historical truth is produced. One view, associated with the linguistic turn in historiography, imagines historical truth as a product of interpretation. As Hayden White has convincingly argued, facts do not give rise to their own meaning; rather, meaning is a product of the combination of a choice of plot-structure, an explanatory framework, and an ideology.

Attwood treats Read's 'Stolen Generations' essay and the Stolen Generations narrative more generally, as exemplifying the dangers of myth and fiction that result from an excessive and uncontrolled use of narrative and reliance on memory. By contrast, he advocates a return to an empiricist practice of history in which 'a precise description of the unfolding of events is meant to carry its own interpretation, its own truth'.

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20. Cubillo v Commonwealth, paragraph 125, per O'Loughlin J.
21. Cubillo v Commonwealth, paragraph 125, per O'Loughlin J.
22. Cubillo v Commonwealth, paragraph 728, per O'Loughlin J.
23. Cubillo v Commonwealth, paragraph 729, per O'Loughlin J.
24. Cubillo v Commonwealth, paragraph 729, per O'Loughlin J.
latter view is exemplified in the work of Robert Manne, who produces interpretative narratives with a moral meaning, but defends these narratives as an accurate representation of events, as substantiated by meticulous research and detailed description. As Saul Friedlander points out, for empiricist historians such as Manne, there are no clear categories of ‘attestable fact’ and ‘pure interpretation’; rather there is a continuum. Attwood’s use of a judicial metaphor is a rhetorical means of promoting the view that historical ‘truth’ is a process of fact-finding, rather than of narrative interpretation.

The notion of truth as grounded in historical sources is foundationalist in that it conceives of evidence, metaphorically, as the foundation or bedrock of truth. Attwood subscribes, however uneasily, to this foundationalist conception of truth. He criticises the Stolen Generations narrative, arguing that in its presentation ‘some of the important “grounding” in historical “sources” that are held to verify what happened in the past, and which provide the basis for the discipline of history’s claims to truth, has been lost’. By placing both ‘grounding’ and ‘sources’ in quotes, he signifies that he is aware of the post-modernist debates that surround these terms. Yet, at the same time, he does not qualify the notion of ‘truth’. This contradiction produces ambivalence: while he advocates a foundationalist view of truth, he simultaneously indicates that he does not enthusiastically embrace it.

Stanley Fish, a theorist of interpretation, suggests that foundationalism is motivated by the desire to ground truth in something other than interpretation, which is believed to be guided by the contingent and fallible beliefs of the day. Attwood’s suspicion of testimony as unreliable because it is based in memory, and as requiring checks against other ‘historical sources’, protects these ‘other sources’ from scepticism by treating them as if they do not need to be interpreted. If the meaning of all evidence is constructed, however, then there is nothing intrinsically different about testimony. The constructed nature of evidence means that the historian or literary critic should not read any text, including testimony, as a ‘window’ onto the past, but as a document that must be interpreted. In Writing and rewriting the Holocaust, James Young argues that ‘[o]nce historians recognise their own activity as meaning-makers, they might be more comfortable with the meanings created in the survivors’ testimonies …’ For once historians accept that all evidence is constructed — that it only becomes meaningful, and indeed, only functions as evidence, through particular discursive frameworks — then they must acknowledge that they, like witnesses, are meaning makers, not detectives or judges who ‘find fact’.

The recognition that the meaning of all evidence is discursively produced leads to an unsettling realisation: that only the culturally conferred status and authority of the
historian distinguishes his or her interpretations of evidence from the interpretations found in testimonies. What is ultimately at stake for Attwood is the status of the historian. LaCapra argues that ‘a neo-positivist understanding of history as a dry and sober matter of fact and analysis and … a suspicion of memory as inherently uncritical and close to myth … positions history in a purely enlightened realm that may divert attention from the continual need … to examine one’s implication in the problems one studies’. He adds that ‘the problem of subject-position and voice is particularly acute’ where one is dealing with ‘extremely traumatic phenomena in which one’s investment is great’. Imagining history as a ‘forensic task’ positions the historian as a judge — as one who is emotionally distanced from and sits in judgement on the past. A judicial approach to historiography, and the retreat to an authority allegedly grounded in factual accuracy, protects the historian from the need to consider his or her own subject-position in relation to the events under consideration. In claiming that the act of determining historical meaning is a ‘matter for history’, and that historical truth should be determined through forensic methods, Attwood’s essay has the effect of restricting debates about the meaning of the Stolen Generations to historical experts. He fails to imagine a significant role for Aboriginal people, intellectuals, and the public in determining the meaning and significance of the Stolen Generations and the broader history of Aboriginal dispossession.

Among researchers who write about testimony, there is consensus that memory poses problems, and recognition that testimony should not simply be accepted as a source of historical fact. In the face of these caveats, many scholars have developed productive approaches to testimony, which accept it as an invaluable contribution to historiography. In considering these approaches, I am mindful of a question suggested by LaCapra’s work on the Holocaust: that is, in what ways do traumatic events, and the testimonies that bear witness to them, challenge us to rethink the requirements of historiography? But first, I must ask, can the removal and separation of Aboriginal children, and the destruction of Aboriginal culture, be described as ‘traumatic events’? For whom?

**The traumatic event: injury and interpretation**

Over the past twenty years, and with increasing frequency in the last several years, the removal and separation of part-Aboriginal children, and the destruction of Aboriginal culture, have been described as traumatic events. In some cases, the concept of trauma has been used in passing, to convey the extreme suffering and the extraordinary nature of events that characterised separation and removal. This kind of usage occurs in Read’s early ‘Stolen Generations’ essay. In other cases, the use of trauma appears to be more deliberate. Notably, the authors of the *Bringing Them Home* report frequently use the related concepts of trauma and post-traumatic stress disorder to characterise both the event of separation, and its effects on individuals who had been removed, and their mothers, kin and communities. In addition to including specific case studies, the
authors draw on the work of various psychological experts to support their interpretation that:

Separation and institutionalisation can amount to traumas. Almost invariably they were traumatically carried out with force, lies, regimentation and an absence of comfort and affection. All too often they also involved brutality and abuse. Trauma compounded trauma.36

What should we make of the use of the discourse of trauma? Who benefits from it? What are the limitations?

In his recent book, Post-traumatic culture: injury and interpretation in the nineties, American literary critic Kirby Farrell provides a cultural analysis of the uses of the concept of trauma in the 1890s and 1990s. He argues that ‘[p]eople not only suffer trauma; they use it, and the idea of it, for all sorts of ends, good and ill’.37 For instance, ‘[t]rauma can be invoked to substantiate claims on the empathy of others, as a plea for special treatment, or as a demand for compensation’.38 In the context of the Stolen Generations, the discourse of trauma has been used to describe real distress, both emotional and physical, to convey the damage that has been done by misguided policies, to mount a moral campaign for an apology, to invite empathy, and to legitimate claims for reparation. The use of the concept of trauma in Bringing Them Home, a report which also applied the concept of genocide to removal policies, can be seen as a rhetorical move to legitimate the — in my view problematic — analogy between the Stolen Generations and the Holocaust. One of the potential drawbacks of the discourse of trauma, however, is that it may individualise and pathologise the experience of removal, and people that have experienced it. People who were removed or separated may be referred to as suffering from post-traumatic stress disorder, or as having some kind of symptom or displaying the effects of trauma, and may thereby be reduced to victims or examples of ‘effects’ of trauma. Not surprisingly, one Link-Up witness declares that ‘I am much more than ‘a long-term effect’. 39

One feature of post-traumatic culture is the confrontation with events that have long been repressed. Although Farrell draws his case studies from the United States and Britain, his claim that ‘[t]he present cultural mood reflects the contagious effects of clinical and political trauma, with predictable spasms of anxiety and rage, depression and mourning’40 also applies, I believe, to the responses to the Stolen Generations, and Aboriginal dispossession more generally. In Australia the ‘discovery’ of policies of removal, assimilation and absorption have produced responses of shock and dismay, and have threatened national pride. In this context, it is worth noting that not only has the idea of trauma been used to characterise the Stolen Generations, it has also been used by historians to characterise cultural and political responses to these events. Manne titles his analysis of the conservative attack on the Stolen Generations In denial. Denial is a psychoanalytic term, which implies an unconscious repression of memories

36. National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families (Australia) 1997: 196.
of events that are too painful or challenging to confront. Anna Haebich, in a section of Broken circles titled ‘Remembering and forgetting’, draws on psychoanalytic theories to discuss how Australians could claim not to have known about policies of removal. As LaCapra has argued, the application of psychoanalytic concepts (such as transference, denial, repression, acting-out, and working-through) should be ‘a matter of informed argument and research’; he calls for ‘a more critical, vigilant, and reflective elaboration of these concepts’. To date, however, these essentially psychoanalytic concepts have been used loosely in Australia, without a careful theoretical reflection on their appropriateness. A more detailed critical analysis than I can offer here is necessary to adequately explore the uses to which trauma and other psychoanalytic concepts have been put with regard to the Stolen Generations.

**Testimony as interpretation: a discursive approach**

Some of the approaches that are potentially most fruitful for analysing Stolen Generations testimony have been developed by scholars working on Holocaust testimony. In Writing and rewriting the Holocaust, Young maintains that the value of testimonies ‘lies not in their supposed neutrality as source material but in their record of “telling history”’. Thus, testimonies should not be evaluated according to the demands of proof or truth. Rather, they should be read and analysed for their insights into how people involved in past events interpreted those events and their implications. For instance, we should consider ‘the manner in which survivor-witnesses have understood and expressed their experiences, the kind of understanding they now bring to such disaster, and the ways in which they now understand the world in light of the Holocaust.’ It is specifically the subjective nature of memory, the fact that the testimony is situated and embodied, that makes it valuable to the historian or critic. Rather than treat testimony as evidence, which inevitably raises questions of proof and truth, Young encourages us to treat it as an interpretation of experience, and as an intervention into the field of historical discourse. Young notes that historians are dependent on ‘this kind of reconstructed source material’ but they often distrust survivor testimonies because they tend to be ‘laden with pathos … and so dependent on individual memory alone.’

LaCapra has addressed the question of being affected by events and their pathos at length. While not equating memory with history, he views memory as posing special challenges for history because ‘it points to problems that are still alive or invested with emotion and value.’ Like Atwood, he argues that, ‘[i]deally, history critically tests memory’, but he insists that the historian must be prepared for ‘a more extensive

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42. LaCapra 1998: 43.
43. Tikka Wilson and I have sketched out some of the limitations with the psychoanalytic framework in a paper entitled, ‘Reading testimonies of the Stolen Generations: the search for a critical methodology’. Jill Bennett and I (forthcoming) have raised the broad question of whether the psychoanalytic framework deployed by North American trauma studies scholars is useful for analysing the Stolen Generations in the introduction to our edited collection, World memory: personal trajectories in global time, Macmillan, London.
44. Young 1988: 165.
47. LaCapra 1998: 8.
attempt to work through a past that has not passed away." Testimony is a 'crucial source for history' because it positions the historian or analyst as a 'secondary witness' who 'undergoes a transferential relation, and must work out an acceptable subject-position with respect to the witness and his or her testimony.' By transference, he refers to 'the tendency to become emotionally implicated in the witness and his or her testimony with the inclination to act out an affective response to them.' In other words, what makes testimony particularly important for the historian or critic is its affective nature — the way that it reveals a past that has not yet been mastered. Historians such as Read, Haebich, Clendinnen and Manne have, in their writings, responded affectively to Stolen Generations testimonies, and have implicitly or explicitly questioned their own implication, and the implication of all Australians, in these events — although they do this without recourse to psychoanalytic notions of transference and working-through.

One question, then, is whether the use of psychoanalytic concepts such as transference, working-through and mourning would enrich the analysis of our implication in the events we study, and more broadly, the public response to these events.

The politics of Stolen Generations testimony: rethinking agency and authority

The Holocaust has become a touchstone for scholars working on questions of trauma, witnessing and affect in the United States. The analogy between Holocaust and Stolen Generations testimonies is limited, however, because the contexts in which these testimonies are produced and consumed, read and viewed, debated and discussed, are very different. As Peter Novick has argued, Holocaust memory may be so obsessive in the United States precisely because the United States was not positioned as a perpetrator nation. In addition, the Holocaust and its survivors are removed from present day politics of American national identity. Consequently, in the United States, remembering the Holocaust does not raise the same political and moral difficulties that confronting Aboriginal dispossession, including policies of child removal, raises in Australia. How Australia responds to the Stolen Generations, and whether it re-evaluates the historical record with regard to Aboriginal dispossession, has significant implications for the reconciliation process.

Given the overtly political context in which the Stolen Generations is being debated, a critical methodology for reading testimonies must consider not only issues of trauma and affect, but also questions of power and subjectivity. In this context, I have found the Foucauldian approach elaborated by Linda Alcoff and Laura Gray, who have written about issues of agency and authority in relation to survivors’ narratives of sexual abuse, to be useful for analysing Stolen Generations testimonies. Drawing on Foucault’s analysis of the discourse of sexuality and the structure of the confessional encounter, they argue that a tension characterises the discourse of sexual abuse by sur-

49. LaCapra 1998: 11–12.
50. Christine Watson (2000) has argued for the need, as a critic working on Stolen Generations narratives, to take up the position of the secondary witness, and to trust the veracity of the narrator.
vivors. On the one hand, this speech can be transgressive of dominant social and power structures, by revealing and insisting upon the reality of unthinkable categories such as 'husband rapist' and 'father rapist'. On the other hand, however, survivors' narratives are often 'recuperated'. They are used in a way that reinforces dominant social relations and power structures, which in turn disempowers girls and women.

Alcoff and Gray argue that one of the primary contributing factors in the process of recuperation is the role of the expert mediator.\(^{53}\) When survivors tell their stories, particularly on television talk shows and in newspaper articles, they are asked to recite the explicit details of the sexual assault, which are used to attract viewers and increase ratings. The woman may be asked provocative questions about how she was dressed and where she was when the attack occurred, and whether she knew her attacker. An expert mediator, usually a psychiatrist or therapist, is called upon to interpret the woman's story. The expert may present her experience, and its continuing effects, as an example of a 'syndrome', 'symptom', or 'effect'. The expert may discuss ways that women can behave to lessen the incidence of attack or abuse, and what the survivor can do to heal herself, and recover her pleasure in sex. In sum, the expert often shifts the focus from the perpetrator to the victim, who is represented as 'the problem'.\(^{54}\) Typically, the woman has been disempowered in the encounter, by being reduced to an object to be analysed, rather than being treated as a subject of her own discourse. By treating the individual as a victim, the expert neglects the patriarchal structures and cultural factors that contribute to ongoing sexual violence against women and girls.

In Australia, this kind of disempowering strategy has recently been used, to sensational effect, against Lowitja O'Donoghue. Conservative journalist Andrew Bolt used comments she made about the circumstances of her removal from her mother to cast doubt on the notion of a 'stolen generation'.\(^{55}\) Her comments were pounced on by John Howard, who took them as support for his own policy of refusing to offer a national apology. In the process, her interpretation of her own experience, and of the broader significance of the Stolen Generations, was silenced. In representing O'Donoghue as at best, having unintentionally misled the public, or at worst, an outright 'liar', Bolt constructed her as an unreliable witness. Bolt's (mis)representation of O'Donoghue shifted attention from an analysis of the racist social conditions that allowed her father, an Irish station worker, to remove his five children from their Aboriginal mother without her full consent to O'Donoghue's reliability.

Although without malicious intent, Attwood took up the role of the 'expert' in relation to Sally Morgan's subjectivity in his critique of her book My place. He asked why she constructed herself as 'Aboriginal' in her autobiography, and what psychological need this construction filled for her.\(^{56}\) As Tim Rowse has rightly pointed out, in taking a biographical approach to Morgan's text, Attwood set himself up as an 'expert' who knew more about her than she knew about herself, and who was especially equipped to judge the historical and psychological correctness of her identity.\(^{57}\) In posi-

\(^{53}\) Alcoff and Gray 1993: 282.
\(^{54}\) Alcoff and Gray 1993: 276-78.
\(^{55}\) Bolt 2001, Herald-Sun, 23 February.
\(^{56}\) Attwood 1992: 303.
tioning himself as an expert, Attwood reduced Morgan to an object of analysis, thereby stripping her discourse of agency and authority.

How can this kind of situation, in which the witness's words are used against her, be prevented? Alcoff and Gray outline the conditions for 'subversive speaking' — speaking which will not disempower the person giving witness. Conditions for subversive speaking include eliminating or reconfiguring the role of the expert mediator, and abolishing the split between experience and interpretation.⁵⁸ Like James Young, they argue for the need to create speaking situations in which 'survivors are authorised to be both witnesses and experts, both reporters of experience and theorists of experience.'⁵⁹ For personal testimony to be 'politically efficacious' a witness must recognise her role as an interpreter of her own experiences, and not simply a reporter of facts. Citing bell hooks, they argue that if 'women do not merely “name” their experiences but also “place that experience within a theoretical context ... storytelling becomes a process of historicization. It does not remove women from history but enables us to see ourselves as part of history”.'⁶⁰ In such a scenario, survivors might use testimony and memory 'as tools of intervention' rather than as 'instruments for recuperation.'⁶¹ Such a transformation, in their view, 'will alter existing subjectivities as well as structures of domination and relations of power.'⁶² I would like to tie together the threads of my argument by showing how the methodological approaches I have canvassed might be used to read Stolen Generations testimony.

Reading Stolen Generations testimony

The distinction that I mentioned earlier, between oral history narratives and symbolic narratives — which I labelled as a distinction between chronicle and narrative, or evidence and interpretation — can be used to characterise two groups of Stolen Generations testimonies produced in the context of the National Inquiry. The testimonies in the Bringing Them Home report mostly take the form of chronicle, and function as evidence that is interpreted by the authors of the report. By contrast, the testimonies in the Link-Up (NSW) submission to the National Inquiry take the form of interpretive narrative. The narrators not only tell their story, but also frequently interpret the meaning of their experiences, and reflect on the broader significance of separation and of Australian Aboriginal history.

Although these two groups of testimonies were produced during the same period (1996-1997), their styles are very different. The style of the testimonies in Bringing Them Home could be described as a 'rhetoric of fact', while the style of the Link-Up testimonies is far more confrontational, and to use Attwood's terminology, 'symbolic'. The differences in the Link-Up and Bringing Them Home testimonies suggest that the chronological distinction Attwood posits between pre-1980s and post-1980s testimonies does not hold up. Whereas he sees a chronological break in the styles of testimonies, with

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pre-1980s testimonies being more of the style of ‘oral history’, and those produced in
the later 1980s and 1990s being more fully interpretive, in fact, in the context of the
National Inquiry both styles exist simultaneously. This suggests that testimony should
not be treated as a monolithic category.

What would most probably account for the differences in the narrative forms and
styles of these testimonies are the differing conditions of production. Conditions of pro-
duction include the purpose for which the testimonies were produced, the immediate
audience for the testimonies, whether the witnesses knew the audience, whether there
was a situation of trust, whether the setting was formal or informal, and other such
issues. In response to some of the criticisms of the report, Sir Ronald Wilson has
pointed out that the National Inquiry was not a legal inquiry; therefore, it was not obli-
gated to prove the truth of the testimonies. Rather than treat the testimonies as
evidence, he focuses on the affective dimension of the Inquiry — the healing work it did
in listening empathetically to people who had been harmed by policies of removal: ‘The
objective clearly is not retribution, but understanding and healing’. Much of the
report was, he notes, ‘expressed in the words actually spoken to us by those who suf-
fered personally from the processes of separation … The report must be read with an
open heart and mind, and with a willingness to listen, and to listen intently.’ The
Report argues that ‘reparation can only begin when there is an understanding that
comes through listening, followed by an acknowledgment of the shameful deeds of the
past and a genuine expression of regret.

At the same time, however, the Report did provide interpretive frameworks, such
as the concepts of trauma and genocide, to make sense of the testimonies. Although the
Report was not a judicial inquiry, it did make a moral and legal case for reparation. It
presented witness testimony as documentary ‘evidence’ — as an authentic and factual
report of events — thereby downplaying issues of memory and construction. As Young
points out, ‘[f]or a survivor’s witness to be credible, it must seem natural and uncon-
structed’. He observes that the separation of testimony and interpretation suggests
that only the interpreter is making meaning in the text, and that the testimony ‘is a pure
and normative rendering of events’, in which case it appears as if the ‘maker of mean-
ing is the event itself’. In the Report, testimony and interpretation were separated,
and testimony functioned, rhetorically, to support the case for reparation. To say that
the Bringing Them Home report used the ‘rhetorical trope of the eyewitness’ is not to
deny either the authenticity or the evidential value of the testimony, or even to say that
they should have taken some other approach. Clearly, the use of witness testimony as
evidence was effective in producing empathy in readers, and in persuading a good pro-
portion of the public of the need for reparation. Ironically, however, in the process of
making its case, it represented Stolen Generation witnesses as victims, and as embodi-
ments of traumatic symptoms and syndromes. It also denied them the agency to

63. See Plummer 1995 for a discussion of how these issues impact on narrative.
interpret their own experiences. It must be noted that some of the witnesses who came forward may not have had the cultural resources available to them that would enable them to interpret their own experiences.

In contrast to the National Inquiry, Link-Up is an Aboriginal organisation that is devoted to helping people who have been separated to trace their families, and work through the effects of separation, including identity issues. Link-Up’s aim, in part, is to empower survivors of separation and removal, to provide a supportive environment and a network as people come to terms with their past and future, to enable people to speak authoritatively about their own experiences, and to aid the healing process. Link-Up testimonies are produced in a group forum in which the other participants have either shared experiences of separation, or are involved in the healing process. A key premise of Link-Up’s analysis is that the separation of Aboriginal family members, although systemic, took multiple forms and had multiple effects. This approach provides witnesses with the resources to interpret their experience. For instance, learning to analyse the social, political and historical forces at work in producing separation may enable people who have been separated to stop blaming themselves and their families for their circumstances.

The testimony I have selected for analysis is from Link-Up’s submission to the National Inquiry. The testimony, entitled ‘Sometimes quickly, sometimes slowly’, is by a woman who was adopted by and grew up in a non-Aboriginal family in the 1950s and 1960s.70 The narrator, adopted as a baby, did not learn that she was Aboriginal until she was in her twenties. This testimony is not a simple report of fact. Indeed, it tells us little about the events of the author’s childhood. Rather, the author uses concepts such as ‘passing’, ‘denial’ and ‘racism’ to make sense of her experience. For instance, she comments that ‘The only uncle I have found, could not tell me — would not tell me — where all the other uncles and aunties are. ... He’s spent his life passing as an Indian. His wife passes as something else’. She speculates that his act of passing is a strategy to avoid ‘having their kids taken away’, which nonetheless perpetuates the effects of removal: ‘This means his kids, and now their kids ... don’t know who they are or where they came from either. Removal just keeps being passed on, today, now’. Later in the testimony she talks about how her birth mother is too ashamed and in denial to tell her non-adopted children about her and another sister who were adopted out. ‘Part of the reason they can’t be told about me is because it’s tied in with her history and that’s hidden from them too — because it’s Aboriginal history’. Thus, she is separated from her siblings and they from her, and ‘[t]he removal continues ...’.

In this testimony, the witness-narrator does not take up the position of victim and thus she denies the reader or critic the possibility of identifying vicariously with her trauma. Rather, she addresses us as White Australians, and therefore, as implicated bystanders or potential collaborators. Not, perhaps, collaborators to the actual processes of removal, but collaborators in the conspiracy of silence and denial that has made removal, and the repetitions of removal to this day, possible. The narrator comments, for instance, on the ways in which White Australians have denied Aboriginal history:

70. ‘Sometimes quickly, sometimes slowly’ in Link-Up and Wilson 1997: 125.
Aboriginal history is not something you can hide away from everything else…
I … believe that's what the whole of White Australia has done over many generations without even knowing it … Yeah, they've gone into removal from where they really are and who they really are, where they really fit in — no wonder they can deny or condone the removal of other people. I'm not talking about all White people here … but I do think that many White Australians have been set up to do so.

This testimony does not ask for our empathy. It asks for us to become critically conscious of our own subject-positions in the ongoing practices of denial, including the denial of Aboriginal history. It asks White Australians, and others who identify with that subject-position, to work out where we fit into this history of separation, and into Aboriginal history more broadly. That question is very different from the question of where Aboriginal history fits into White Australian history, which is the way White Australians are used to thinking about Aboriginal history. In offering her interpretation of the role of both Aboriginal and White Australians in practices of denying Aboriginal history and Aboriginal identity, she challenges White Australians to examine their own role in past and present practices that support racism.

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Genocide: the distance between law and life

Larissa Behrendt

When we left Port Augusta, when they took us away, we could only talk Aboriginal. We only knew one language and when we went down there, well we had to communicate somehow. Anyway, when I come back I couldn’t even speak my own language. And that really buggered my identity up. It took me 40 odd years before I became a man in my own people’s eyes, through Aboriginal law. Whereas I should’ve went through that when I was about 12 years of age.¹

The thing that people were denied in being removed from family was that they were denied being read as Aboriginal people, they were denied being educated in an Aboriginal way.²

The above quotes are cited from the Human Rights and Equal Opportunity Commission’s 1997 report, Bringing Them Home: National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families and form part of the evidence collected by the inquiry. This same report concluded that the government policies of removing children were in breach of international laws prohibiting genocide and amounted to crimes against humanity.

However, use of the term ‘genocide’ to describe the colonial experience has been met with skepticism from some quarters, particularly by those engaged in the attack on the ‘black armband’ view of history.³ Yet the political posturing and semantic debates do nothing to dispel the feeling Indigenous people have that this is the word that adequately describes our experience as colonised peoples. This description of dispossession and the forced removal of children from the point of view of the victim/survivor of historical and colonial processes is hard to fit into academic and legal discourse. As Marcia Langton has written:

Some of us have lived through it, are living through it. It is not an exercise in historiography alone, and therefore presents problems beyond that of traditional historiography.⁴

3. For an account of this attack, see Colin Tatz 1999.
The emotional nearness of colonisation, particularly to the practices of dispossession and the removal of children, has meant that the articulation of experience has been contentious and politicised, characterised as emotive and therefore seen as subjective. At the same time, the voices of those who study Indigenous people, those who have not felt the personal impact of colonial processes, have been elevated as though their observations contain some kind of objectivity. This assumed objectivity and neutrality is also purported to exist in the legal analysis by jurists of Indigenous issues, experience and rights. 

Two recent claims against the Australian state by Indigenous plaintiffs have argued that there have been acts of genocide committed against Aboriginal and Torres Strait Islander peoples by the Australian government. This issue has been argued in a case that sought to have members of the Federal government charged with the crime of genocide for the passage of Native Title Amendment Act 1998, perceived to be a further act of dispossession (Nulyarimma v Thompson (1999)) and in the first 'stolen generations' case to make its way to the High Court of Australia (Kruger v The Commonwealth (1997)). In both these cases, the plaintiffs sought to invoke rights to freedom from genocide under international law. The reasoning in these cases allows some assessment of the gap between the experiences of Indigenous Australians under colonisation, and the recognition and protection of the rights of Indigenous people as they are articulated under international law are extended by the legal system of that colonial state. These cases also highlight the weaknesses in the dominant Australian system in relation to the protection of rights recognised and enforceable under international laws.

**Genocide under International Law**

Article 2 of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide (the Genocide Convention) defines genocide as follows:

Article 2. In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

(a) killing members of the group;

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(b) causing serious bodily or mental harm to members of the group;
(c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
(d) imposing measures intended to prevent births within the group;
(e) forcibly transferring children of the group to another group.

Article 3 deems genocide, conspiracy to commit genocide, direct and public incitement to commit genocide, attempts to commit genocide and complicity in genocide to be punishable offences under the Genocide Convention.

However, international conventions are often the codification of international customs and norms, and it has been generally accepted that the act of genocide breached international norms that existed at the time the Genocide Convention was passed. Although Australia ratified the Genocide Convention on 8 July 1949, legislation has not been passed to incorporate it into Australia's domestic legislation.

In the draft of the Genocide Convention by the ad hoc committee that originally drafted the document, there was a prohibition on cultural genocide but this was deleted from the list of prohibited acts. Thomas D Musgrave points out that 'although the Convention guarantees the right of continued existence to members of minorities, it does not guarantee the continued existence of a group as a discrete identity.' However, Article 2(e) includes the forcible transfer of children in the definition of 'genocide'. This conceptualisation is also consistent with the emphasis on individual rights under international law, rather than on group rights, a framework that sees the individual, not the group, as the holder and beneficiary of rights.

Another principle of note is that 'genocide' is not the actual destruction of the members of a minority group but the intention of their destruction. This means that there must be an intention to destroy and it also means that the destruction of one person can be considered genocide if it is part of a series of actions designed to destroy the group to which the person belonged. This requirement of intention is important as it is this element that has proved to be the greatest hurdle to claims of genocide made in Australia by Indigenous people in the courts. It should be noted that the authors of the Bringing Them Home report did not state that the actions of government agents lacked such intention.

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8. Andrew Mitchell (2000: 45–6) argues that the proposed Anti-Genocide Bill 1999 which would facilitate the extradition of war criminals who faced charges of genocide would bring Australia into line with its obligations under the Genocide Convention. The legislation would not be retrospective.
The Bringing Them Home report

I felt like a stranger in Ernabella, a stranger in my father’s people. We had no identity with the land, no identity with certain people... I’ve been learning culture and learning everything that goes with it because I felt, growing up, that I wasn’t really a blackfella. You hear whitefella tell you you’re a blackfella. But blackfella tell you you’re a whitefella.’

12

The Bringing Them Home report concludes that:

One principal effect of the forcible removal policy was the destruction of cultural links. This was of course their declared aim. ... Culture land and identity were to be stripped from the children in the hope that the traditional law and culture would die by losing their claim on them and sustenance of them.'

13

It makes the case for the categorising of the removal of Indigenous children under the policy as genocide.14 Guided by the intention of the drafters of the Genocide Convention, the Bringing Them Home report observed that genocide includes ‘a coordinated plan of different actions aimed at the destruction of the essential foundations of the life of national groups with the aim of annihilating the groups themselves’.15 As such, genocide ‘can be committed by means other than actual physical extermination’ and this includes the forcible transfer of children.16

After noting that the forcible transfer of children can be genocide, the report adds that genocide does not mean the total destruction of a group. Rather, ‘the essence of the crime of genocide is the intention to destroy the group as such, not the extent to which that intention has been achieved.’ This interpretation is faithful to the Genocide Convention that, under Article 3, deems both the attempt and the conspiracy to commit the crime of genocide punishable offences under international law.

The report concludes that a principal aim of the child removal policies, even while those administering the policy thought they were acting in the child’s best interests, was to eliminate the child’s connection to their Indigenous heritage. Such mixed intentions and motives do not ‘negate or transform the intention to destroy.’17 Again, the report looks to the discussions concerning the definitions of ‘genocide’ that took place at the time the Genocide Convention was drafted in order to assert that ‘an act or policy is still genocide when it is motivated by a number of objectives.’18

The Bringing Them Home report goes further and concludes, persuaded by evidence placed before it, that the ‘practice of preferring non-Indigenous foster and adoptive families for Indigenous children’ was also arguably ‘genocidal’ since the genocidal effect of these practices that took place in the 1970s and 1980s (after the period of formal child removal policies was over) was reasonably foreseeable.19

The report also considers the implications of a customary or normative international law existing before the drafting of the Genocide Convention and looked to the Preamble of the Convention to illustrate the fact that the crime of genocide was recognised as a pre-existing norm. As such, the removal of Indigenous children constituted a crime under international law before the Convention was drafted and ratified.\textsuperscript{20}

Bringing Them Home considers genocide to have been committed by the removal policy and considers that this was so both before the Genocide Convention was signed and after the government policy had formally ended.

The Australian jurisprudence of genocide

I don't know when I ever stopped being frightened of Aboriginal people. I don't know when I even realised I was Aboriginal. It's been a long hard fight for me.\textsuperscript{21}

Two recent cases reveal the way in which Australian courts attempt to deal with the assertion that colonial practices and policies were and are genocidal: Kruger v Commonwealth\textsuperscript{22} and Nulyarimma v Thompson.\textsuperscript{23}

Genocide and the stolen generation case: Kruger v Commonwealth (1997)

Kruger v Commonwealth was the first opportunity for the High Court to consider the legal implications resulting from the policy of forcibly removing Indigenous children from their families. The plaintiffs, five people who had been taken from their families under the Aboriginals Ordinance 1918 (NT) and one parent whose child had been taken from her under the same provision, sought a declaration that the Aboriginals Ordinance 1918 (NT) (and its subsequent amendments in 1939 and 1953) was invalid. Section 6 of the Ordinance read as follows:

6. (1) The Chief Protector shall be entitled at any time to undertake the care, custody, or control of any Aboriginal or half-caste, if, in his opinion it is necessary or desirable in the interest of the aboriginal or half-caste for him to do so, and for that purpose may enter any premises where the Aboriginal or half-caste is or is supposed to be, and may take him into his custody.

Section 7 deemed the Chief Protector of Aborigines to be the legal guardian of Indigenous children until the age of 18, regardless of the existence of parents or other living relatives.

The plaintiffs attacked the validity of the Ordinance on many grounds including that it contravened the protection of the freedom of religion in section 116 of the Constitution, infringed an implied freedom of movement and authorised involuntary detention of a ‘penal’ or ‘punitive’ character which was a decision of a judicial nature (and could therefore only be made by a court). They also argued that the Ordinance contravened the International Convention on the Prevention and Punishment of the Crime of Genocide. Specifically, the plaintiffs claimed that the Ordinance breached Article 2(d), imposing measures intended to prevent births within the group, and (e), forcibly transferring children of the group to another group.

\textsuperscript{19} Human Rights and Equal Opportunity Commission 1997: 274.
\textsuperscript{22} Kruger v. The Commonwealth (1997) 190 CLR 1.
\textsuperscript{23} Nulyarimma & Ors. v. Thompson (1999) 165 ALR 621.
The plaintiffs were unsuccessful on each count but the judicial reasoning as to why the Genocide Convention did not apply in this case deserves closer scrutiny. Arguments that the Ordinance breached the provisions of the Genocide Convention were rejected primarily on the basis that the Genocide Convention came into force in 1951 and the Ordinance was enacted in 1918, more than 30 thirty years before then. In taking this line of reasoning, the plaintiffs’ argument that the Genocide Convention merely gave expression to a pre-existing international norm was unpersuasive.

Justice Dawson noted that at no time did the Convention become incorporated into domestic Australian law. He relied on the legal requirement that the provisions of international treaties be incorporated into Australian law through legislation, just as the Racial Discrimination Act 1975 (Cth) incorporates some of our obligations under the Convention on the Elimination of all forms of Racial Discrimination. Justice Dawson stated in his decision: ‘Where such provisions have not been incorporated they cannot operate as a direct source of individual rights and obligations’.24

By this reasoning, not only are the principles of the Genocide Convention unable to be relied upon by the plaintiffs, but the norms of international law are also out of their reach. It is only when the Australian law incorporates those norms in legislative form that there is an avenue of redress for people in that jurisdiction. Justice Dawson concluded that this meant that the provisions of the Ordinance were not invalid, even if they did offend the principles of the Genocide Convention. In doing so, he rejected the claim of the plaintiffs that there ‘are some rights at common law which are so fundamental that it is beyond the sovereign power of parliament to destroy.’25 Instead, he relied on the doctrine of parliamentary sovereignty, namely, that the Parliament has the highest authority to make laws as long as they are constitutional. This was consistent with his view that international law is not part of Australian law unless the Australian Parliament passes legislation to incorporate it.

According to the Genocide Convention, a necessary element in genocide is an ‘intent to destroy’ an ethnic, racial or religious group. Justice Toohey hinged his rejection of the plaintiffs’ argument on the applicability of the Genocide Convention in part on the fact that the definition required ‘intent to destroy’.26 He found that the benevolent wording of the Ordinance — ‘in the best interests of the child’ — did not show such intention. Thus, the paternalistic wording of the Ordinance, according to the courts, defeated the argument of ‘genocide’ since it did not evidence the intent required to prove it under international law. Justice Dawson stated that:

There is nothing in the 1918 Ordinance, even if the acts authorised by it otherwise fell within the definition of genocide, which authorises acts committed with intent to destroy the whole or in part any Aboriginal group. On the contrary, as has already been observed, the powers conferred by the 1918 Ordinance were required to be exercised in the best interests of the Aboriginals concerned or of the

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24. Kruger v The Commonwealth (1997) 190 CLR 1: 71. Justice Dawson does note that where legislation is unclear, relevant international treaties can be used to aid interpretation. This is a mechanism allowed under the Acts Interpretation Act (Cth).
Aboriginal population generally. The acts authorised do not, therefore, fall within the definition of genocide contained in the Genocide Convention.27

It was a sad irony that the benevolent language of the legislation defeated the plaintiffs’ claims when that same Ordinance was used in a way that furthered the ideologies of assimilation, racial inferiority and ‘breeding out’; but this context and legacy remained outside the sphere of judicial consideration since the court only looked at the wording of the statute.

Justice Gaudron, who has been more sympathetic to the view that there are basic rights that are so fundamental that they cannot be destroyed,28 also concluded that, on the face of it, the Ordinance did not authorise acts of ‘genocide’ as defined and prohibited under the Genocide Convention. She did, however, add that ‘if acts were committed with the intention of destroying the plaintiffs’ racial group, they may be the subject of an action for damages, whether or not the Ordinance was valid’. This was the strongest statement that there may be a remedy for the crime of genocide within Australian law. However, it was the minority view.

Because the plaintiffs’ claims had been limited to a challenge on the wording of the Ordinance, the High Court considered the legislation as a matter of fact, devoid of its ideological, social and historical context. This detachment from social context occurred in the face of the findings of the Human Rights and Equal Opportunity Commission’s Bringing Them Home report on the enormous emotional, physical and psychological harm caused by the removal policy contained in the Aboriginals Ordinance.


This litigation was the joining of two cases, Nulyarimma v Thompson and Buzzacott v Hill. In the first suit, the plaintiffs brought an action seeking to have the Prime Minister John Howard, Deputy Prime Minister Tim Fischer, Senator Brian Harradine and Senator Pauline Hanson arrested on allegations that they had committed the criminal offence of genocide through their support and role in the implementation of the Native Title Amendment Act 1998 (Cth). The second case was a motion to strike out proceedings by the plaintiff against the Minister for the Environment (Senator Robert Hill) and the Minister for Foreign Affairs (Alexander Downer) for failure to apply to UNESCO for World Heritage Protection of their land. The plaintiff argued that this failure to act amounted to genocide and was a breach of a fiduciary obligation. Both of these cases saw the plaintiffs argue that the lack of protection of land rights threatened the physical and cultural survival of the Indigenous people and amounted to the crime of genocide.

The argument in Nulyarimma v Thompson, as Justice Merkel set it out, ran as follows:

The prohibition against genocide is a customary norm of international law;

Australian municipal law incorporates customary norms of international law without the need for legislation;

The universal crime of genocide, as a customary norm of international law, has been incorporated into the common law of Australia. The issue in dispute in this case, as identified by Justice Merkel, was ‘whether the crime of genocide, which attracts universal jurisdiction under international law, can become part of Australian law without a legislative act creating genocide as an offence’. To rephrase, the issue that the Court saw the parties in disagreement over was whether it was necessary to pass legislation in order to incorporate international norms into Australian law or whether such norms are already an inherent part of our domestic laws.

Justices Wilcox and Whitlam held that a breach of the Genocide Convention does not mean a breach of Australian law. The crime is prohibited by international law and Australia has an obligation under the Convention to extradite or prosecute anyone within its jurisdiction. It would be constitutional for the Commonwealth Government to implement legislation to facilitate the trial of persons who have breached the Convention, though at the time of hearing it had not yet been done so.

This is despite the fact that, in considering the evidence, Justice Wilcox made the following observation:

Anybody who considers Australian history since 1788 will readily perceive why some people think it appropriate to use the term ‘genocide’ to describe the conduct of non-indigenes towards the indigenous population. Many indigenous people have been wiped out, chiefly by exotic diseases and the loss of their traditional lands, but also the direct killing or removal of individuals, especially children. However, the issue for him, as it had been for the court in Kruger v Commonwealth, was one of intention:

However, deplorable as our history is, in considering the appropriateness of the term ‘genocide’, it is not possible too long to leave aside the matter of intent. He explains:

Of course, there was an element of intent about all the killings. A squatter who shot at Aboriginals in reprisal for them spearing his cattle must be taken to have intended to kill the individuals at whom he shot; it cannot necessarily be presumed he intended to destroy the group as such, even in part. He concluded that the element of intent in genocide seemed to have been overlooked by the plaintiffs in the formulation of their claims before the court and states:

However, if one is to use a legal term like ‘genocide’ to describe that process, it is important to remember this entails a requirement to prove an intent to destroy a people. Further, Justices Wilcox and Merkel held that since the legislation was part of usual parliamentary business, it would be against the public interest if prosecution of this type sought by the plaintiffs could occur as it would circumvent the doctrine of

parliamentary privilege. Support for the passing of a valid legislative act could not constitute criminal conduct. They further considered that the opinions expressed by the defendants in this matter were of a political nature and protected by the implied freedom on communication under the Commonwealth Constitution. It is hard to overlook the conclusion that there is an implied right to protect the political communication of the defendants but no implied right to the protection from genocide held by the plaintiffs.

Justice Merkel concluded:

Undoubtedly, a great deal of conduct engaged in by governments is genuinely believed by those affected by it to be deeply offensive, and in many instances harmful. However, deep offence or even substantial harm to particular groups, including indigenous people, in the community resulting from government action is not genocide.

The court also stated that the Native Title Amendment Act 1998 (Cth) did not evidence the requisite intention needed to make out, prima facie, a case of genocide. In addition, the decision by the Federal Government not to proceed in seeking Heritage Protection listing for a site was a policy decision and not justiciable. The Justices also noted that obligations under the World Heritage Convention are owed to States, not to individuals so a private citizen cannot bring a suit if there is a breach of such a duty.

The High Court has refused special leave to have the case heard.

**The gap between language and law**

Claims to breach of the protection from genocide by the practice of child removal and from further dispossession have been unsuccessful in Australian courts. They have failed because of the legal definition of genocide, legal technicalities and the rules of evidence.

In both Kruger v Commonwealth and Nulyarimma & Ors. v Thompson the plaintiffs faced several hurdles. One was the definition of genocide and its demand of the element of intention. The benevolent wording of the ordinance that empowered agents of the state to remove children and the wording of the Native Title Amendment Act 1999 in facilitating further extinguishment of native title interests did not show an intention to commit genocide. The court looked merely within the four corners of the laws, not delving into the social context in which those laws were made nor the effects of those provisions.

Genocide in this context is part of the colonisation process that takes place in many guises over many generations, with many attempts, with many policies, with many administrators. Henry Reynolds has been cautious about the label ‘genocide’. In Frontier: reports from the edge of white settlement he notes that decrease in numbers on the frontier are attributable to disease more than violence but that this does not answer what he sees as the central question: ‘Did significant numbers of settlers seek the total

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37. Special leave was denied on 4 August 2000.
destruction of Aboriginal Australia?' Reynolds tracks three colonial reactions: those who were horrified at the treatment of Aboriginal people, those who thought the ‘dying out’ of Aboriginal people was inevitable, and those who ‘were pleased with the result and sought to hasten the predetermined result’. 

In Nulyarimma v Thompson, Justice Merkel acknowledged that there was violence and that there were harmful assimilation practices, but could not fit those historical events into the legal definition. The court also had trouble dealing in isolation with just one of the elements that worked together to make Indigenous people vulnerable to physical violence and genocide. It is difficult for the court in its judicial process to take stock of the historical accounts of intentional murders on the frontier sanctioned by the government, not because of policy, command or order but because officials, through either indifference or impotence, did nothing to prevent them. In such ad hoc and multifaceted colonial violence, it is difficult to identify the agent of genocide. Is it the members of the colonising society? Is it someone in official authority? Is it the Crown? And with several colonies, how can a coordinated policy be determined? An intention might be inferred from the frontier invaders but it is hard to link it to the bureaucrat in the colonial office, especially when there are no ‘smoking guns’ in the colonial documentation.

Intention and blame are hard to attribute as a historical matter and, for that reason, are no less difficult in the legal context. Courts avoid these dilemmas by sticking to narrow questions and confining their questions to the wording of legislation.

A. Dirk Moses argues that genocide needs to be considered with a more dynamic analysis, one that looks holistically at the process of colonisation. He has argued that the debate around ‘genocide’ has become polarised as “[o]ne side claims that European colonisation of Australia was genocidal; the other denies it”. This polarisation has meant that the nuances in the debate have not been able to be properly explored. He concludes that ‘the British colonisation of Australia was objectively and inherently ethnocidal and fatal for Aborigines, and potentially genocidal’.

Although Moses is talking about historiography, his observations work equally for the jurisprudence of genocide. It is no coincidence that the two sides on this historiographic debate are split on the issue of whether there was an intention to commit the genocidal act, the very part of the definition that raised difficulties for the plaintiffs in Kruger and Nulyarimma. His holistic and dynamic approach to understanding the phenomena of genocide would go some way towards countering the detached and isolated way in which courts to date have analysed the circumstances of genocide.

The other legal issue that has thwarted Indigenous claims of genocide is the issue of the extent to which the Genocide Convention is incorporated into Australian law. One school of jurisprudential thought says that, as a norm of international law, it is a

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42. Moses 2000: 89.
part of our domestic laws. The other school holds that legislation is required before international law is incorporated.

Thus, the law concludes with a seemingly frustrated shrug that what is morally wrong is not always legally wrong. There are, as these cases bear out, lawyers’ tricks to stop justice — definitions, intent, proof, evidence. Narrow formulations of questions facilitate the avoidance of the context and effects of legislation. There are also procedural issues of whether international norms are part of Australian laws, whether the Genocide Convention is part of Australian law. As the plaintiffs discovered, rights under international law may have no enforcement mechanism within Australia.

This ability of the colonial legal system to seemingly approach the claims of genocide with a façade of neutrality, has also meant that expressions from an Indigenous point of view are sidelined. For Indigenous plaintiffs, it doesn’t matter whether the crime of genocide was committed as it was defined by international law and it doesn’t matter whether there was intention or not. What seems to be more important from the Indigenous perspectives are the effects of the actions of the government — these actions have amounted to damage to Indigenous people, families and communities and they choose to use the word ‘genocide’ to describe it. This moves the discussion outside of the words of the statute to the side-effects and legacies of those sanctioned actions.

Massacres of Aboriginal people form part of the rich oral histories of Indigenous people all over Australia, with sites where such atrocities took place now taking their place amongst the other stories and lore and histories that mark land. Such acts of massacre were chronicled in letters home and diaries, places where candour revealed the acceptance of the bloodshed, and in the parliamentary documents when such incidents were reported and investigated. Similarly, Indigenous families are riddled with the impacts of the child removal policy. Separation from family, disconnection from culture, and institutionalisation run through Indigenous lives, as the Bringing Them Home report attests. Yet, those on the right dismiss an expression of those effects as mere emotional rhetoric. With these legal impotencies, it becomes clear why Indigenous people who feel that the rules of the coloniser, made by the coloniser, help the coloniser treat the perception of law’s neutrality with skepticism.

The gap between justice and rules

The law is often portrayed and believed to be operating in a neutral, considered and objective manner. Legal deliberations on emotive subjects are considered rational and reasonable, governed by the rules of evidence and rule of law, above the emotive and passionate. However, Australian laws contain a colonial bias that the following account of colonial-sanctioned genocide bears out.

The Durack family, led by Patrick ‘Patsy’ Durack, formed an expedition to go into the Kimberley region in 1881 to 1882. Mary Durack, Patsy’s granddaughter, chronicled the family’s history in Kings in grass castles. It reads like a classic, heroic tale of taming
the wild land and the wild beasts (including the Aborigines). In her book, Mary Durack described contact with the Aborigines in the following terms:

In a deserted camp [Michael Stumpy Durack] picked up some part-finished and broken spearheads, fashioned from the flint and agate of the rocks around, like relics of the stone age found in the drifts and caves of Europe. The camp had been left hurriedly, probably on his coming, and embers still glowed on a small cairn of stones. Hoping to find a bird or goanna, ready cooked in skin or feathers, to appease his hunger, he moved the hot stones to uncover in horror the part-cooked body of a child.46

This excerpt is particularly telling. The colonial metanarrative asserts that Indigenous people just disappeared in the face of oncoming European ‘setlers’ — the myth that supported the legal fiction of terra nullius. Also note the implied reference to the savage practice of cannibalism which was not practised in the Kimberley, a mechanism to dehumanise Indigenous people in that area.

On a closer look, it becomes apparent that Kings in Grass Castles masks the frontier violence for conquest. Mary Durack provides several examples of this force and violence, but in justified terms:

Punitive parties, meeting out stern retribution for the death of Jack Travers ... who had had his head chopped off while bent over his baking dish, had done nothing to intimidate them. Lately they had taken to mutilating horses, skulking on the outskirts of the mobs and sometimes causing a stampede.47

Durack tells the typical colonial tale in which punitive expeditions were justified because they taught the natives a lesson and ensured that valuable stock was safe. We can read under these lines the usual colonial spin on these encounters. There is no investigation of the actual reasons of the conflict (we assume that Jack Travers was an innocent victim where historians reveal that most such attacks were provoked, most often by abuse of Aboriginal women.)48 Also, we can read in her text that many people were punished for the death of one white man, and those so punished may or may not be the actual ‘murderer(s)’.

Similarly, in the response to the death of a popular man, Big Johnnie (speared as he rode along a river bank by an unknown person), we see the usual colonial perspective:

Big Johnnie had been a hero to stockmen of Cooper’s Creek and the overland trail and the shock of his death hardened their hearts to steel against the blacks.49 One can only imagine what the vengeful passions of men whose hearts had hardened to steel against the Indigenous people led to. Durack advises further on:

One lesson they learned from this chase, however, was the ‘treachery’ on the part of the blacks must be met with ‘strategy’ by the whites.50

49. Durack 1959: 293.
Criticisms made of ‘excesses’ on the frontier that flowed from those who lived away from such a brutal and violent existence are dismissed by the Duracks:

Disappointment was expressed throughout the north when, owing to the protests of so many ‘uninformed sentimentalists’ in safely settled areas, Forrest’s motion was thrown out. What, demanded the bush people, was a handful of pioneers, menaced by savage tribes hundreds, perhaps thousands strong, supposed to do? Were they to admit defeat, clear out and give the country back to the Aborigines, or quietly turn the other cheek, confident that ‘sweet reason’ would at length prevail while their relatives and friends were murdered and their stock destroyed?51

Another member of the Durack family, Jim Durack, wrote the following verses, included in Kings in Grass Castles:

You who tread safe the city’s beaten tracks,
May well believe in kindness to the blacks.
Would you still hold your dusky friend so dear
If he was dodging round you with a spear?
...
How else than cold the lonely stockman’s heart
Who sees his horse lie slain by savage dart?
Picture the frenzy on the squatter’s brain
When spearing bullocks dot the spreading plain,
Or, how the solitary traveller feels
When round his camp the sneaking nigger steals ...
No suppliants they face who would disguise
Their bloody purpose from their victim’s eyes ...
Thoughtless he turns towards his waiting hack,
Too late — too late! The spear is in his back ...
Ah who shall judge the bushman’s hasty crime
Justified by both circumstance and clime?
Righteous the hate with which the soul is filled
When man must slaughter or himself be killed ... 52

Mary Durack attempts to put these genocidal sentiments in context:

Although his verses would no doubt have lent more weight to the other side of the argument, young Jim’s indignation at the city critic was not unjustified for whatever principles men professed while 1,000 miles away, once in Kimberley they all more or less subscribed to the philosophy of ‘us or them’.53

Later on, in the period of 1891 to 1893, Durack notes the ‘law’ taking over the policing on the frontier:

Moreover, a daily living allowance of 2s 5d ‘per knob’ for all natives arrested as suspects and witnesses made it profitable to bring in as many as they could manage. Chained together neck to neck, wrist to wrist, the long lines of prisoners, men, women, and children, wound their miserable way over the bush tracks to receive sentence in Wyndham, Derby or Hall’s Creek.54

The vengeful, calculated and senseless killing of Aboriginal people is no longer carried out by punitive expeditions, but becomes legitimised as ‘policing’, carrying the sanction of the legal system.

And the history of violence in the area is not a thing of the past, occurring during Mary Durack’s lifetime. In fact, one does not have to look too far back in time to find violence on the frontier in the Kimberleys. The Forrest River Mission and Ernest River Massacres took place in the Kimberleys in 1926. Four white men (two mounted constables and two policeman) and two Aboriginal trackers moved through the camps of the area, killing indiscriminately as they went:

They would ride out in the morning, move into a camp, capture as many of the inhabitants as possible, chain them together, and bring them back to the base camp. They would separate the men from the women. The men, still chained together, were led away from the camp to a lonely place on the edge of Forrest River where they were tied to a tree and shot.

The women, who had been chained to a nearby tree, were forced to witness the death and cremation of their menfolk. They were then marched for another 10 kilometres along the riverbank.... they were all executed .... and the bodies were burnt. 55

The gang moved along the Forrest River, which joins the Durack River, for a week capturing, killing and burning bodies to conceal the evidence:

Where the men had been done to death was a small tree to which the prisoners had evidently been fastened. Round this tree was a ledge of rock about a foot high. Dark stains were still visible, though great efforts had been made to clean up the declivity. 56

Men and women were slaughtered, their bodies burnt to dispose of them. The perpetrators were police and the crime took place on a reserve. Reverend Gribble presented a report on the murders to the Western Australian Parliament but it did lead to an investigation and action. 57 Two of the men involved in the massacre were arrested for murder. They received sympathy and support from the local white community and were acquitted.

At the moments in which the law took over where the ‘policing’ of the punitive expeditions left off and the point at which the law was impotent to prevent or punish frontier violence perpetrated by white men against Indigenous people, it became complicit in the colonial agenda of conquest, dispossession, violence and genocide. It is

54. Durack 1959: 368.
hard to find neutrality within this role played by laws and the agents of the legal system.

**Some conclusions: legacies and legal impotency**

Historiography is readily acknowledged to be contested ground. It is less readily accepted that the legal system is also an arena of conflicting ideologies. Masked behind the façade of neutrality and reason, the legal system is often assumed to the objective arbiter of truth. The manner in which Australian courts have dealt with claims of genocide evidences the parallel links between the different perspectives of history and the different perspective of law. Within both disciplines, there are conflicting narratives, conflicting views and many grey areas.

Underneath the Law's presumed neutrality are the grey spaces in which the genocidal practices of colonisation fall, as do debates about the way to categorise the crimes of the past. When the High Court overturned the doctrine of terra nullius in *Mabo v Commonwealth*[^58] it did not address the issue of where this left the relationship with Indigenous people, leaving the assumption of a peaceful settlement. What this newly created legal fiction does is reinforce the skepticism of the use of the term ‘genocide’ to describe the experience of Indigenous people under colonisation.

While legal technicalities have seen claims of Indigenous peoples that genocide has been committed by the state defeated, these legal pronouncements do nothing to erase the conviction that Indigenous communities feel about ‘genocide’ being the word and the concept that describes the colonial legacy inherited and still pervasive. These convictions form part of the legitimate contest over the writing of Australia’s colonisation. The law has more trouble recognising and accommodating that perspective.

Paul Keating, in the speech he delivered in Redfern Park in 1992, stated:

> We took the traditional lands and smashed the traditional way of life. We brought the disasters. The alcohol. We committed the murders. We took the children from their mothers. We practiced discrimination and exclusion. It was our ignorance and our prejudice. And our failure to imagine these things being done.^[59]  

This approach needs to permeate not just Australia’s psyche but Australia’s jurisprudential psyche as well. The chasm between the use of the term ‘genocide’ as a descriptor of experience by Indigenous people and the refusal of the legal system to consider those acts as amounting to genocide says more about the conceptual leaps that still need to be made in the institutions of Australian society and those in positions of power than any delusion about the past by Indigenous people. We live with the legacies of those practices everyday, as the *Bringing Them Home* report evidenced and concluded.

**Acknowledgements**

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Aboriginal life and death in Australian settler nationhood

Deborah Bird Rose

Hannah Arendt identifies the onset of genocide under the Nazi regime with the declaration that ‘the German people not only were unwilling to have any Jews in Germany, but wished to make the entire Jewish people disappear from the face of the earth.’\(^1\) Arendt famously, and unpopularly, contended that the crime was a crime against humanity, perpetrated upon the body of the Jewish people.\(^2\) Eichmann’s evidence concerning his lack of moral awareness led Arendt to speak, again famously and unpopularly, of the banality of his evil. She defended her use of the term banal on the grounds that Eichmann never really seemed to grasp the human enormity of his actions. He was, for the most part, a modest civil servant, dutiful, unimaginative, committed to the process of expediting the work to which he was assigned.\(^3\) Banality was located in the quality of Eichmann’s understanding which in utterly ordinary ways deflected any sense of moral agency or accountability.

In this paper I take up these three themes: disappearance, subjugated bodies, and banality. Colin Tatz makes the argument that genocide should be addressed within the context of the UN Convention on the Prevention and Punishment of the Crime of Genocide (1948). His reasoning is that this is the only settled and binding definition that we have.\(^4\) I believe his point is well taken, and I address some aspects of the Convention in this paper. However, I also believe that Arendt’s three themes offer engagements with issues that may lie outside the specifics of the UN Convention, but that nevertheless plunge us into the moral depths that lie at the core of the contemporary genocide concept.

My purpose is to read back and forth across time in order to map a terrain of moral inquiry that connects violence and the naturalisation, or reduction into the commonplace, of violence. Reductionism is a social process that I take to be the production of banality. The analysis builds on work in an earlier paper on myths of national origin in which I argued that one of the founding events of Australian nationhood is a moment of death and transition: death of Aborigines, transition to white settlers.\(^5\) As a

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founding event, its symbolic value is sustained through repetition, and national rituals may thus call Aboriginal people into a morbid dance in which both death and continuity are required. In Thomas’s excellent words, settlers engage Indigenous people in a ‘national grotesque combination of affirmation and rejection’. From this perspective, Aboriginal people are to the nation a social body which must continue to bleed because that blood in its various forms signifies settler conquest.

I will examine the paradoxical desire for death and continuity through a cross-section of time and place starting in the far north in 1883 and concluding in Melbourne in 1998. Concepts associated with both genocide and torture are necessary to my analysis. In his excellent discussion paper on ‘Genocide in Australia’, Tatz makes a good case that settler Australia engaged in practices that fall within the UN Convention on the Prevention and Punishment of the Crime of Genocide (1948). That is, settler Australia engaged in actions which were ‘committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group’, namely Aboriginal people. Australia was a key player within the U.N. in 1948 and worked for the implementation of this Convention.

I will follow questions that make this definition ambiguous. I am not arguing for or against the idea that genocide is part of Australian history, but rather I will argue that the actual workings of death and desire were more complex than the definition suggests, and further that the complexity links torture with genocide.

**Trophies of death**

In his article ‘Home décor and dance’, Thomas contends that ‘the business of simultaneously exhibiting and exterminating natives is consistent with the enduring invasive logic of a settler-colonial nation’. Reading this periscipacious insight back into the northern Australian frontier of the 1880s and 1890s, we find a frontier home décor of ghastly dimensions. Jack Watson was one of the most violent men on the northern frontier in the 1880s and 90s. He managed Lawn Hill in 1883, and Mrs Emily Creaghe, who was in the Lawn Hill region then, wrote in her diary that, ‘Mr Watson has 40 prs of black’s ears nailed round the walls [of the homestead], collected during raiding parties after the loss of many cattle speared by the blacks’.

Watson had a wide reputation for being ‘hard on the blacks’, as they called it then. In 1895 he became manager of Victoria River Downs Station, remaining there until his death the next year. The infamous Constable Willshire was posted to Victoria River Downs between 1894–5, so his tenure overlapped with Watson’s. They took an enormous dislike to each other, but were capable of collaboration.

Willshire went about the work of killing people, capturing others, and generally ‘performing his duty’, as he called it. At the same time he collected local Indigenous vocabulary, some concepts of custom and kinship, and some designs, as he reports in his invaluable book *Land of the dawning: being facts gleaned from cannibals in the Australian*
Less publicly, he also collected body parts. I will quote from a letter of his, responding to a question about an Aboriginal man named Pompey:

In reference to your “memo” enquiring about one “Pompey” aboriginal: I have the honour to state that three natives by that name came to their death in my time in the far north. … [He discusses the first two; the third is discussed in these words]:

On the Victoria River Downs in February 1895 two civilized blackboys named ‘Pompey’ and Gordon Creek ‘Jimmy’ ran away from the cattle station with firearms and joined the wild natives 4 miles from my hut, in three days the wild niggers killed them both, I went out and got on the natives and recovered the firearms, some few months after when the bodies of Pompey and Jimmy had sufficiently dried I went out and brought both their sculls [sic] in and buried them in my garden at Gordon Creek, as the late Jack Watson … stated that he wanted Pompeys scull for a spittoon.11

I will label this vignette a ‘trophy moment’. It is an overkill site, a trophy of nationhood, produced locally.12 Death was the ‘dance’ of the frontier, and the trophies went to prove that evidence of these frontier relationships — that whites and blacks had occupied the same time and place, that one had died and one had conquered — could be produced, for contempt, or for science, or for history. There was, however, no official policy that promoted killing; officers like Willshire and frontiersmen like Watson acted unofficially when they went out killing. Today this type of unofficial murder is termed an ‘extra-judicial execution’.13

Constable Willshire criticized Jack Watson because he was so harsh on the blacks. He framed the criticism around bad management, saying that ‘since Watson came on the run the whole place has been in a state of fermentation, what blackboys and lubras Mr Crawford [the previous manager] left behind have all run away since. Watson has such a bad name amongst blacks that … there will not be a single person left who knows the run’.14 Willshire’s words reference the taken-for-granted knowledge of the day that the killing that went with settlement in the cattle country was intended to terrorise, demoralise, and ultimately to subdue. There was the clear desire for death, and the trophies are eloquent testimony to settler presence at the moment of death. But there was also a counter-desire: to refrain from killing, and put the survivors to work. White settlers needed Indigenous people’s knowledge and skills, they needed their collaboration in food procurement, in exploration, in locating water, in managing cattle, and in warfare. The deaths were one side of colonization, and lives were another.

10. Willshire 1896.
11. Willshire 4-12-1896, South Australian Museum Archives AD43.
12. The trophy moment was not unconnected to the society of the day. Skulls, along with other bodily remains, artefacts, and snippets of information were objects of fascination and desire to the scientific community as well. And of course the story is not confined to natives, either. Ned Kelly was hanged in 1880; he was decapitated and his skull came into the possession of the police who used it as a paperweight (Molony 1980: 254).
14. GCPJ, 18-3-95, 8-7-95; Willshire 1896: 38.
Charlie Schultz was a white cattle man whose memories of life on the frontier are offered in the book *Beyond the big run*.\(^{15}\) He came to the Victoria River District well after the time of Watson, Willshire, and others whose extra-judicial actions were so deadly. He did not go out killing, nor did he exactly condone killing, but he clearly understood it to have been a key fact of earlier settlement. This photo, taken by Schultz in about 1930 documents an elementary unit of the frontier: a dead Aboriginal, a living Aboriginal, a white man, a gun, and a camera. The white man’s presence frames and penetrates the whole photo — including the skull, which Charlie picked up near a massacre site. This photograph is another trophy: it captures life and death, white and black, extermination and display, all in one vividly provocative image that fixes those dynamic trajectories, and holds them in their tension, at the foot of a tree in the Victoria River District.

**Banality as ‘history’**

Scholars are in significant agreement that torture in the twentieth century (and continuing in the twenty-first century) differs from classical torture in several important ways. What they have in common is the infliction of extreme pain for a social purpose, and with the intent that the victim not die. Where they differ, as Edward Peter states so very clearly, is in this: ‘It is not primarily the victim’s information, but the victim, that torture needs to win — or to reduce to powerlessness.’\(^{16}\) Darius Rejali, in his study of torture in

\(^{15}\) Lewis and Schultz 1995.

\(^{16}\) Peters 1985: 164.
Iran similarly contends that twentieth century torture aims to produce certain kinds of subjects — dependent, apolitical, asocial individuals. My analysis goes to torture's doubled intention — an intention both to destroy the person and to prevent their death. As the literature on torture assumes an individual victim, I will attempt to read contemporary analysis of torture back into action directed toward groups rather than individuals. In doing so I link the power structures of torture with the power structures of conquest in settler societies.

Charlie Schultz's photo suggests that over both the living and the dead there hung a shadow of death. Its vision was ultimate destruction, its name was history. Many settlers believed that Aborigines were doomed to disappear in the encounter with civilisation; Willshire, as ever, is pithy and instructive. Of the Victoria River natives, he wrote: 'I do not object to them; they are the pure aborigines, who are gradually going to extinction'. Settlers were secure in the idea that they did not have to kill all the people in order to eradicate them. Time was on the side of the settlers, as death was an event that was overtaking Aboriginal people no matter what they did.

The social Darwinism of the late nineteenth and twentieth century posited the telos of human civilisation moving or evolving toward greater complexity and greater inclusiveness. Survival of the fittest, in social life, meant not only brute power as the measure of success, but the eradication of competition so that the end of history would be marked by a human monoculture. Settlers' sense of destiny allowed them to imagine themselves working with the inevitable (natural) tide of history. The deaths they inflicted were not necessarily intended to destroy whole groups, and many of them believed that what they did not complete, nature or history would complete for them. It was a win-win outcome for death.

Aboriginal people of the Victoria River District understand these relationships very well. They say today that the stations are built on the blood and bones of their ancestors, and while they use the expression rhetorically, they mean it entirely factually. In the cattle country of the Victoria River District there was no hint of soothing the pillow of the dying race. Quite the opposite, Aboriginal people were incarcerated on cattle stations, and were subjected to extreme brutality, including starvation, and physical and sexual abuse. Not all stations were equally abusive by any means, but as I have suggested in Hidden histories, the laws that gave pastoralists almost unlimited power over Aboriginal people ensured that people had few, if any, forms of redress.

18. Willshire 1896: 35.
19. There were people who were more kindly disposed towards Aborigines who found this to be a tragedy. A few queried the proposition that Aborigines were destined to die out, seeing in place of destiny a set of practices of dispossession, starvation, neglect, and other forms of cruelty. For example, see Woods, J. 1880, 'The Natives in the Far North', Sydney Morning Herald, 22 July: 2.
22. My analysis remains situated primarily on VRD and Wave Hill stations because Aboriginal people's understandings of their history vary, and across the north people tell the stories of their lives in the pastoral world differently — see, for example, McGrath 1986.
On many of the enormous cattle stations in the Victoria River District of the NT, Aboriginal blood was let fall in direct killings, and then was allowed to bleed out during a long period in which settlers effectively worked people to death. Keeping the dying alive long enough to make good use of their labour was actually not a goal on many stations, as there was also a belief that there existed in the bush a continuing reservoir of Aboriginal people who could be brought in and forced to work their lives away.\(^{23}\) The continuity of the labour force was imagined as a stream of people coming from bush to station, rather than as the reproduction of generations of people within the stations.

In 1944 and 1945 Ronald and Catherine Berndt were employed by Vestey’s pastoral firm to assist them with their labour problem: The work force was dwindling, Aborigines were no longer coming in from the bush, and Vestey’s wanted the Berndts to recruit.\(^{24}\) The Berndts reported on a set of conditions on the stations that were so severe that it was simply impossible for Aboriginal people to thrive. In light of the UN Convention on Genocide, which came into effect only a few years after the Berndts’ study, conditions on the cattle stations that the Berndts surveyed, and undoubtedly on others as well, were situated very ambiguously in respect to point three: ‘deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part’ (Article II, c, United Nations Convention on the Prevention and Punishment of the Crime of Genocide [1948]). I do not find evidence to suggest that cattle station personnel sought deliberately to inflict on Aborigines conditions calculated to bring about physical destruction. On my reading of the evidence, destruction occurred as a matter of indifference, negligence, and casual cruelty. It was attributed to the agency of history rather than to settlers’ own agency.

Jack Watson put the evidence of bloodshed on display and announced death as a colonial project. Charlie Schultz formalised death as the past and placed it in a composed tableau that suggests a trajectory or tide of history. Aboriginal people’s lives were treated with a careless negligence that was also a form of complicity. If the tide of history doomed Aboriginal people, complicit whitefellows hastened that history along.

**Living trophies**

The near total control that whites exercised over blacks on cattle stations included white men’s demands for sex with Aboriginal women. While men ‘paid’ women for sexual labour, the exchange itself was coercive on stations such as Wave Hill and Victoria River Downs because the necessities of life were consistently undersupplied. A woman’s sexual relationships with white men could make the difference between life and death for herself and her dependents. Not only women, but also girls were brought into this economy of sex.\(^{25}\) The Berndts report the case of a man demanding sexual access to a seven year old girl.\(^{26}\) In addition, rape and gang rape were always possibilities, and here again, opportunities for redress were almost non-existent.

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\(^{23}\) Rose 1991: 151.

\(^{24}\) Berndt and Berndt 1967: 221-222.


\(^{26}\) Berndt and Berndt 1948: 48.
Not all sexual relationships were exploitative, or without kindness and regard, nor were Aboriginal women only and always the victims in these relationships, as McGrath has shown. The social facts that run through these relations are the facts of incarceration, coercion and lack of redress. In Australia rape and other forms of coercive sex were not officially sanctioned, but unofficially they were well-established aspects of the pastoral regime. One might consider ‘extra-judicial sexual violence’ as an adjunct to extra-judicial killings. Importantly, locally practices were condoned that would have attracted official condemnation if they had been required to be officially acknowledged.

Only recently has systematic sexual abuse come to be included within the UN definitions of crimes against humanity. The issue first arose in international law in the case of Jean-Paul Akayesu who was tried for crimes against humanity by the International Criminal Tribunal for Rwanda (ICTR; September 1998). The three judges in this case note that issues of sexual violence were being monitored by NGOs, and that there was growing public concern ‘over the historical exclusion of rape and other forms of sexual violence from the investigation and prosecution of war crimes’. The judges note that there was at that time no commonly accepted definition of rape in international law, and they proceeded to offer a definition: ‘a physical invasion of a sexual nature, committed on a person under circumstances which are coercive’. In order for rape to be considered a crime against humanity, it must be part of ‘a systematic attack ... on a civilian population ... on national, ethnic, political, racial, or religious grounds’. Thus in order for rape to count as a crime against humanity, it has to be part of an intentional and systematic attempt to destroy a group.

The connection between rape and destruction rests primarily in the disposition of children. The fourth point in the Convention on Genocide reads: ‘imposing measures intended to prevent births within the group’ (Article II, d). The ICTR judges took a broad view of this definition, noting that where group membership is determined by parentage, then rape may be used to force women to give birth to children who will not belong to their group. The judges imagined a case of patriliny such that the children would be rejected by their mother’s group. They also note that these criminal practices might have the effect of discouraging women from procreation. Both aspects are pertinent in the pastoral world of Australia.

As in Rwanda, Aboriginal women were discouraged from bearing children. Evidence for this proposition is provided by the Berndts who reported that many of the Aboriginal women they met with were disheartened, and appeared to believe that it was futile to bear children under the circumstances of their lives.

More importantly, perhaps, in Australia children were not rejected by their mothers’ groups, but rather were claimed and taken by the state. As is well known, in the Northern Territory the Commonwealth Government assumed the right to remove children from their families and communities and incarcerate them in institutions specifically for the purpose of raising ‘half-caste’ children. These are matters of extreme significance in their own right, but go beyond the scope of my analysis here. My point

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28. ICTR para. 417: 94
29. ICTR, para. 598: 130.
is that the common practice of sexual abuse on cattle stations can be assessed as part of a set of measures intended to prevent births within the group that would increase group membership.

The removal policies also contravened the fifth type of action named in the Convention: ‘forcibly transferring children of the group to another group’. It is clear that many Aboriginal women were subjected to extra-judicial rape, and then to the loss of their own children. Agency in this case was linked to the tide of history, but also was naturalised as the inevitable working out of human sexuality. Within the pastoralist world of white masculinity, these relations were held to be ‘only natural’. Constable Willshire stated the case with a few choice words: ‘Men would not remain so many years in a country like this if there were no women, and perhaps the Almighty meant them for use as He has placed them wherever the pioneers go … What I am speaking about is only natural, especially for men who are isolated away in the bush at out-stations where women of all ages and sizes are running at large.”32 The Almighty soon dropped out of North Australian lingo. In 1945 Bill Harney, a patrol officer for the Native Affairs Branch (NT), wrote that on stations in the Victoria River District, ‘young women are regarded as part of the wages paid to keep [European] men on the stations’.33 Tom Cole, a stockman who later published volumes of reminiscences, recalls

31. Report of the National Inquiry Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families (Australia) 1997.
that he recruited a cook to a station with the inducement that ‘the lubras [Aboriginal women] are the sweetest little girls in the Territory ...’\textsuperscript{34} Cole’s remarks naturalise men’s desire for Aboriginal women: ‘It’s the same old story wherever you are.’\textsuperscript{35}

The banality of ‘blood’

Jack Watson’s trophies — the ears nailed to the wall, and the spittoon made from the skull of a man with whom he had once worked — identify a moment in which Aboriginal people were consigned irrevocably to the past. The deaths that he displayed, and the stations in which people were forced to work while white society waited for them to die out, were sites at which segments of the social world were being shifted out of the present and into the past.

The Welfare Department’s trophy, in the form of stolen children, was directed toward the future. It deprived the families of their future generations and deprived the children of the possible future they would have had as members of their natal families and communities. Aboriginal blood was no longer a substance soaking the soils of conquered lands as it had been in Willshire’s time. It became increasingly attached to the symbols of racial eugenics — full-bloods, half-castes and other terms of blood quanta were compartmentalised into different historical trajectories. Death was for the full-bloods, and gradual whitening was for the half-castes. Aboriginal people would bleed out across their own future generations as the people taken from them were disappeared into an assimilated dream of monocultural Australia.

Michel Foucault famously contends that: ‘If genocide is indeed the dream of modern powers, this is not because of a recent return to the ancient right to kill; it is because power is situated and exercised at the level of life, the species, the race, and the large-scale phenomena of population’\textsuperscript{36} Every scholar I have encountered who writes about these matters disagrees with Foucault, contending that his words offer the seduction of thinking that we have left behind us the ‘ancient right to kill’. The Nazi death camps stand as the overwhelming modern event that contradicts Foucault’s analysis. Nazi death culture linked blood to the symbols of race and to the power to exterminate.\textsuperscript{37}

In Australia, by the mid-twentieth century, the relationships between nationhood and Aboriginal people had shifted from dead bodies to living ones, and the living were being made to disappear. White Australian fantasies and symbolics of Aboriginal bodies depend on the binary of contrast with white bodies. Elizabeth Grosz offers a profound realisation of the white, implicitly male, embodied subject of modernity: His body is solid and thus opaque; its boundaries are impermeable, and it is under the control of the will. The inner fluidity of the body, such as it is, is wholly contained either by the will or by the physical boundaries of the body.\textsuperscript{38} Grosz is interested, of course, in how women’s bodies fail to attain the ideal of corporeal subjectivity, primarily because of menstruation, but I want to take the analysis into the domain of settler

\textsuperscript{33} Harney 1945.
\textsuperscript{34} Cole 1990: 119.
\textsuperscript{35} Cole 1990: 26.
\textsuperscript{36} Quoted in Rosengarten 1996: 23.
\textsuperscript{37} Rosengarten 1996 and Linke 1999 make this argument persuasively.
\textsuperscript{38} Grosz 1994.
racial desire. In Australia, as elsewhere, white fantasies of Aboriginal bodies depend on a set of imagined transgressions against the white ideal.

One imagined transgression is that the interior of Aboriginal bodies is visible. Racial conventions and a vocabulary of blood quanta assume that it is possible visually to assess with probable accuracy the actual ‘blood mixture’. A bureaucracy wants documents, while patrol officers and policemen, as well as many Australians in their daily lives, made visual assessments that were based on the assumption that they could read off the quanta of inner substance from the external features. This leads to a sense of transparent skin, as if white people could look right inside the bodies of racialised others. From a white perspective, reading the surface is a natural act that acquires its exactitude only because bodies are themselves conceived as natural. The white eye merely reads what the natural skin displays, and the skin only displays what the interior ‘blood’ consists of. In contrast, Aboriginal people report experiencing this racial gaze as extreme aggression. Fanon articulates the pain of the ‘genocidal gaze’: it penetrates the body of the black person in a colonial context, causing pain like knives opening within. Under regimes of colonising violence, a person’s body and form become a site of injury, and part of that injury derives from the presumption of interior visibility. Mitchell articulates this suffering as the place of shared remembrance in reconstituting Aboriginal moral communities. There is a powerful story here that is articulated through Aboriginal agency, but this, too, goes beyond my purpose here.

Another imagined transgression is that inner substance is said to be not under control of the will. Aboriginal blood is imagined to have its own agency that the person can barely or rarely resist. We know this set of concepts best from novels and films — the Boney mystery novels offer superb examples — but it also informs official documents. Bleakley, the Queensland Protector of Aborigines, recommended in his 1928 report that half-caste children be segregated. His reasoning was that they needed to be isolated where they could ‘avoid the dangers of the blood call.’ The idea that blood will call out, and that people will be unable, because of their own blood, to resist that call, depends on a concept of extreme lack of control of the mind over the body, and an overwhelming agency within the body.

A third imagined transgression is permeability. The idea that Aborigines are all being washed away on the tide of history suggests that their bodies are uncontrollably permeable, and that they are on a trajectory of loss. Rather than their inner substance being contained by the skin and by the will, white Australia imagines an on-going process of lost blood, against which it defines its own emergent and fragile conquest. Permeability underwrites the long ritual of nationhood in which Aboriginal people dwindle beneath the shadow of death, and history, and their own permeability.

39. I am reliant on both Rosengarten 1996 and Linke 1999 in helping me to conceptualise this section.
Transparent trophies

The Yorta Yorta Aboriginal Community's application for recognition of their native title concerned the public lands and waters in a large area of northern Victoria and southern NSW along a section of the Murray and Goulburn Rivers; it was registered in 1994. After mediation, it was referred to the Federal Court in May 1995. This was the first case to come to trial under the Native Title Act; it was heard over the course of several years, with the main body of evidence and arguments being heard in 1997–8.43

The judge (Olney J) found against the Yorta Yorta people. The essence of the judge's decision on Yorta Yorta Native Title can be quickly summarised:

The facts in this case lead inevitably to the conclusion that before the end of the 19th century the ancestors through whom the claimants claim title had ceased to occupy their traditional lands in accordance with their traditional laws and customs. The tide of history has indeed washed away any real acknowledgment of their traditional laws and any real observance of their traditional customs.44

One of several remarkable aspects of the judge's decision was the quality of its sentiment. Yorta Yorta people were criticised as witnesses, the anthropologists working with them were criticised, and their lawyers certainly got no praise. The media picked up on many of the judge's negative comments, particularly his comment that, 'in one instance two senior members of the claimant group were caught out telling deliberate lies, albeit about a relatively minor matter...'.45 The assertion of a lie is debatable on sociolinguistic grounds, but the judge formed his view according to his own grounds, and he expressed it. So did almost every newspaper and radio station in the country; years later it is still repeated from time to time.

Another remarkable aspect of the case was the displacement of agency that I have noted earlier: all the events leading to the loss of title had been caused by history. Newspapers and radio blared out the news that the tide of history had washed away Yorta Yorta people's native title. Additionally, in this case agency was displaced by the idea that the facts took the lead in drawing the judge to his conclusions. I now turn briefly to some of these facts, which led him so inexorably.

The decision relied in the first instance on the work of Edward Curr. Curr was a squatter in Yorta Yorta people's country. His father bought a sheep station there in 1841, and Edward took charge of the property. Over the years he became interested in the gentlemanly pursuit of compiling a natural history of Aboriginal people, and in 1883, forty-two years after he took up residence in the region, he published his Recollections of squatting in Victoria, then called the Port Phillip District (from 1841 to 1851).46 The book has a great deal in common with Constable Willshire's Land of the dawning. Both authors

43. The Yorta Yorta people's application was opposed by the governments of Victoria, NSW, and SA, as well as by the Murray Darling Basin Commission, Telstra, the recreational users of the river (including fishermen and others), by groups whose interests were as varied as grazing, timber, and tourism, by the Murray Irrigation authority, and by numerous local governments. There were some 16 barristers and QC's ranged against the Yorta Yorta, who had the services of one barrister and one QC. Rod Hagen and I were anthropologists for the Yorta Yorta.
44. The Members of the Yorta Yorta Community, para. 129.
45. The Members of the Yorta Yorta Community, para. 21.
46. Curr 1968 [1883].
were on the frontier dispossessing people, and at the same time collecting and exhibiting fragments of information in the form of texts promoting the reputation of the author. The books were published within a few years of each other and each purported to draw on extensive first-hand insight in describing the customs and world view of savages.

One example of how the judge's argument was constructed will enable the analysis to proceed.\textsuperscript{47} Curr worked with a set of colonial tropes that distinguish the gentleman from the natives. One such trope is the wasteful native: unlike the gentleman, the wastrel is not a good steward of the land and resources at his disposal. Curr writes: '...food was plentiful, and they were very wasteful of it. I have often seen them, as an instance, land large quantities of fish with their nets and leave all the small ones to die within a yard of the water.'\textsuperscript{48}

The judge used this passage as one measure of the lack of continuity in Yorta Yorta custom:

Another contemporary practice that is said to be part of the Yorta Yorta tradition is the conservation of food resources. ... It is said by a number of witnesses that consistent with traditional laws and customs it is their practice to take from the land and waters only such food as is necessary for immediate consumption. This practice, commendable as it is, is not one which, according to Curr's observations, was adopted by the Aboriginal people with whom he came into contact and cannot be regarded as the continuation of a traditional custom.\textsuperscript{49}

As an anthropologist, it is perfectly clear that Curr observed people who were obtaining surpluses, as people did and do all over the country. Perhaps they were being wasteful, but it is far more likely either that he did not stay to observe how the food was distributed and/ or preserved, or that he frightened people away so that they were unable to distribute and/ or preserve the surplus. His fragment of information is almost certainly incomplete; he offered it as a benchmark of savagery. Under the judge's analysis, it became a benchmark of native title. Much of the evidence went like this: Curr's propositions were held as benchmarks, and Yorta Yorta people of today were found wanting.

This is a trophy moment, another overkill event that instantiates nationhood. What are the parallels between the different trophy moments? How do they position white people, the state, and the lives and bodies of Aboriginal people? One hundred years ago, ears and skulls were material items that absolutely grab the attention. In mid twentieth century the children were being grabbed, institutionalised, and sent out into white society. Their lives were bent to the will of an erratic dream in which people marked as transgressively different could become agents of their own disappearance. The Yorta Yorta trophy moment is different, and yet it seems to be part of this long continuum.

In the Yorta Yorta judgement we see both an assertion of complete conquest on the part of white people, and a corresponding assertion of complete transparency of Abo-

\textsuperscript{47} See also Rose forthcoming.
\textsuperscript{48} Curr 1968: 263.
\textsuperscript{49} The Members of the Yorta Yorta Community, para. 123.
original people. Thus, to my list of three mid-century bodily transgressions, I now add a fourth that seems to speak to the 21st century: that of total transparency. The judge seemed to look right through the Aboriginal witnesses, and find a truth that was located elsewhere. Their own words, lives, bodies, and vivid living evidence, were set aside in favour of a locus of truth that takes us back to the time of Jack Watson, Constable Willshire and Edward Curr. The transparency of the applicants on the one hand appears as an absence — their words carried no weight, their presence offered no firm index of their connection with their own history. But on the other hand the applicants' absence could be said to have a certain shape, like a lens that one looks right through, but which by its shape bends the light that goes through it. The Yorta Yorta people's transparency was a lens that in the legal context focussed attention on a moment of truth that was held to be far in the past, and was documented by a white settler, not by Aboriginal people themselves.

This brings me back to torture. Classical and Medieval torture sought to extract the truth from its hidden places within the body. It depended on the idea that intellect could conceal the truth, but that the body would yield it under duress. The Enlightenment era radically shifted this view: torture became re-imagined as irrational, and the truth, although still hidden, could be exposed through the application of reason. Page duBois, in her excellent book on torture and truth, considers that contemporary concepts of truth show continuity with antiquity, especially around the idea that truth must be forced into the open. In contemporary legal settings, the method of cross-examination is designed to force the truth out of its hiding places.

I believe that the Yorta Yorta decision can be seen to suggest that the transparent bodies of the applicants no longer contained a truth to be forced out into the open. Their courtroom presence as three-dimensional beings with names, documents, citizenship and rights, was undermined by this more compelling absence: they were construed as people with no truth in them, and thus with no testimony that could fruitfully be brought into the open. The judge's insistence on 'lies' seems to hammer home the idea of a missing truth. But there is a Cretan paradox here: the one truth located in the witnesses was that there was no truth. One can thus imagine people as lenses that refract truthfully: one could see the past, and in that refracted seeing one could know that it was, with certainty, the past. Reading into the decision this way, people, through their transparent presence, testified (truthfully) to their own demise.

To return to Foucault's point about the ancient right to kill, I think it is most plausible to contend that we have ambiguated but by no means abandoned the 'right to kill'. Have we not naturalised it, decentralised it, and to some degree concealed it? Unlike

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50. Scholars caution against using terms like torture or genocide metaphorically, on the grounds that to weaken them is to deprive us of the power of our ability to represent the subject of our concern. If the word torture comes to mean almost everything, then it also means almost nothing. I agree with the logic of this proposition; my contention is that torture, defined as the infliction of pain in order to produce powerlessness, is a continuing process. It would be equally wrong, I think, to imagine that torture only occurs in the secret spaces of prisons and camps if torture takes place out in the open under state policy, we would miss the significance if we refrain from naming it.


genocide and torture, which are imagined as episodic crisis events, have we institutionalized that right to kill, and spread it out across time, labelled it history, and made a nation in dialogue with trophy moments? What alternatives are there to the form of nationhood that calls Aboriginal people into a continuing dance of death?

Postscript

This paper arises out of my commitment to processes of decolonisation. It assumes that many of us New World settler descended people seek to encounter ways by which we may inscribe a moral presence for ourselves in our societies. I do not pass contemporary judgements on the past, per se, but rather I draw on contemporary moral sensibilities to enable us to understand connections between past and present, and thus to understand more clearly the quality of damage in the moral terrains of our lives today. The reason for doing this is to gain an appreciation of the damage toward which we would direct our reparative action in the world.

None of the trophy events I have discussed can be truly said to have found social resolution. In the Victoria River District Aboriginal people continue to struggle to make lives of decency and productivity within the national and global economies whilst yet remaining in proximity with the blood and bones of their ancestors. The reverberations of the removal policies have spread through families and communities for generations, and are now inspiring a national movement of reconciliation. The Yorta Yorta case was appealed to the full federal court. Two junior judges (Branson & Katz JJ) upheld the view that native title was extinct, while the senior judge (Black CJ) took the view that the legal reasoning behind the extinction view was faulty. The matter is now under appeal to the High Court.

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The Stolen Generations and genocide: Robert Manne’s In denial: the Stolen Generations and the Right

Bain Attwood

In recent years many Australians have been troubled over two words or terms, the Stolen Generations and genocide, and no more so than when they have appeared in tandem, as they did in the report of the Human Rights and Equal Opportunity Commission’s inquiry into the separation of Aboriginal children, Bringing Them Home, and the inquiry that gave rise to it. Subsequently many conservatives have increased their attacks upon so-called black armband history and particularly the Stolen Generations narrative. This assault gathered momentum during 1999 and 2000, eventually provoking the political commentator and historian Robert Manne to pen In denial: the Stolen Generations and the Right, an essay in which, to quote the publicists for this new venture in Australian publishing, the Australian Quarterly Essay, he sets out to ‘demolish’ these critics and their ‘demolition’ of the history presented by Bringing Them Home.

Manne, as he makes abundantly clear throughout In denial, is not only convinced there is ‘a growing atmosphere of right-wing and populist resistance to discussion of historical injustice and the Aborigines’ in Australia today; he also believes there has been ‘an orchestrated campaign’ by a ‘small right-wing intelligentsia’ to ‘change the moral and political balance ... with regard to the Aboriginal question as a whole’ and ‘the issue of the Stolen Generations’ in particular. Manne also fears this has been effective, creating ‘scepticism and outright disbelief’ among ‘a highly receptive audience’.

1. This was not unprecedented, however. For instance, in the early 1980s the historian Peter Read discussed the removal of children and raised the question of whether this could be regarded as a case of genocide — ‘I ... hope that in the next decade the context of systematic dispersal will become better known and understood. Such terms as ‘invasion’ and ‘attempted genocide’, which still appear to stick the typewriters of some historians and others, will no longer be avoided’ (1983a: 32) — while some of the critical responses to the 1983 documentary film Lousy Little Sixpence (which focused to a large degree on child removal) referred to genocide (File for Lousy Little Sixpence, Australian Film Institute Research and Information Centre, Melbourne).

2. See Attwood 2001: 258. For a consideration of earlier attacks on what has been called the new Australian history, see Attwood 1996 and Curthoys 1997.


Manne's defence of the Commission's inquiry and its report proceeds in three ways. First, he seeks to expose the weaknesses in the conservative attack upon it by revealing how much of what they say is flawed. Second, he reasserts its value: the inquiry 'gave the victims of child removal a public voice', and the report enabled non-Indigenous Australians 'to hear, for the first time, the voices of the victims and their stories of abuse, bewilderment, disorientation, loneliness and pain' and so grasp what 'they had previously failed to understand or even to see'.

Third, he concedes the weaknesses in this historical account (which has led critics of the Stolen Generations narrative to claim he has done a ‘turnaround’ and others to assert he has done an ‘about face’) and attempts to address these. There was, he says, ‘a gulf between the seriousness of the moral issues involved and the thinness of the historical grasp’. Most importantly, we need to reconsider the report’s representation of the manner in which children were separated, revise its estimates of the number of children separated, and refine its contention that this amounted to genocide. Children were separated in ‘a wide variety of circumstances’ and under a range of laws; placed in many different forms of care; variously treated, and suffered varying degrees of separation from their parents and kin. In other words, they were not all forcibly removed from happy homes under racially discriminatory legislation, thrust into special institutions, cruelly used and denied contact with their families. Indeed, Manne insists, hardly any generalisation regarding those who were separated ‘holds good’.

We should also acknowledge, he contends, that Bringing Them Home ‘greatly exaggerated the numbers of children involved’: its claim that as many as one in three children were separated is ‘certainly wrong’; instead, an Australian Bureau of Statistics 1994 survey finding that one in ten Aboriginal children were separated between 1910 and 1970 is ‘far more soundly based’. As for the numbers of children separated, it is ‘probable that between 20 000 and 25 000 Aboriginal children were separated from their families between 1910 and 1970’, a much lower figure than the oft-quoted figure of 100 000 or even the other, commonly used estimate of 50 000. But this, Manne emphasises, is ‘far from a trifling sum’ because of ‘the ripple effect of the removals on parents, siblings and extended families’. Finally, he argues ‘the plausibility of the discussion of the relationship between child removal and genocide in Bringing Them Home was ... weakened’ by its failure ‘to distinguish with sufficient clarity between [two] chapters of child removal’, that of ‘the pre-war ... age of eugenics, biological absorption and racial engineering ... [and that of the post-war era of] social and cultural assimilation’: the former, which he identifies with two important administrators of Aboriginal affairs in the inter-war period, AO Neville in Western Australia and Cecil Cook in the Northern Territory, was ‘driven by genocidal intentions’, the latter, which he associates with Paul Hasluck, Commonwealth Minister for the Territories 1951–63, was not.

7. See, for example, Bolt 2001, Brunton 2001 and Slattery 2001.
Much of Manne’s attack on the conservative critics of the Stolen Generations narrative is persuasive. He readily demonstrates many of their criticisms of Bringing Them Home are simply untenable, characterised as they are by poor reasoning, interpretive misconceptions, inadequate evidence and factual errors. More interestingly, Manne is also able to show the nature of some non-Aboriginal testimony has, like that of the Stolen Generations, changed in various respects over time. He does this by considering a series of oral history interviews with senior Northern Territory patrol officers conducted in the early 1980s, before the Stolen Generations achieved the prominence they have come to have. ‘Almost all’, he contends, ‘expressed shame and regret at the policy they had been required to implement’. As such, their perspective forms a stark contrast to that of other ‘old men’ who, in a heightened atmosphere of personal and political attacks, feel wounded and have struck out at those they regard as their accusers.

In what amounts to his most telling consideration of such critics, Manne examines a man who belongs not to the generation of these elderly men but to that of the sons — Douglas Meagher, who headed the Commonwealth’s legal team in the Cubillo and Gunner case in the federal court (1996–2000), and whose father was chairman of the Aborigines Welfare Board and Minister for Aboriginal Affairs in Victoria in the 1960s. Manne tells a story that suggests Meagher’s investment in scrutinising the Stolen Generations narrative was informed by a desire to defend his father’s honour and that this rendered him ‘both prejudiced and blind’ in important respects. In the course of addressing a Quadrant seminar, ‘Truth and Sentimentality’, in September 2000, shortly after the Commonwealth’s triumphant victory in the Cubillo and Gunner case, a sentimental Meagher attacked what he called an ‘appalling slur’ in Bringing Them Home — a claim a holiday program for Aboriginal children devised by the Aboriginal singer and activist Harold Blair, and supported by, among others, Meagher’s father, had entailed the permanent separation of Aboriginal children from their parents. Meagher told his audience he could not ‘believe that Harold Blair [an occasional visitor to Meagher’s childhood home] would have lent his support to such a scheme; nor that [his] father would have done so’. This claim, he continued, was typical of the ‘dreadful accusations ... against the men and women who formed and implemented the policies of that era’. And yet, Manne is able to show, by a careful discussion of historical evidence, there is some truth in Bringing Them Home’s account of this matter and that, like so many of the conservative attacks on the Stolen Generations narrative, Meagher’s impassioned broadside does not rest on any research of the contemporary historical record.

Meagher’s approach to the Stolen Generations has greater significance than this, however. Like Justice O’Loughlin, the presiding judge in the Cubillo and Gunner case, he is also, Manne suggests, a good example of a decent Australian who has a poor understanding of the nature of racism and who seems ‘incapable of seeing the injustice done to the Aborigines’ in the past. Racism, in the eyes of those like Meagher, merely consists of attitudes, beliefs or acts that treated Aboriginal people as inferior and discriminated against them accordingly. This ignores, Manne convincingly argues, the
ways in which an ostensibly benevolent welfarism was akin to racism. Echoing an argument previously made by Peter Read, Manne points out that ‘even among the kindest of human beings involved in the removal process, [there were] ways of thinking ... disfigured by the all-pervasive racism of the times’; few, if any Australians in the pre-war era could ‘emancipate themselves’ from ‘racist ways of thought’. This, he argues, ‘is probably the most important lesson [this history] has to teach — namely how almost no-one was able to see through the kind of racism’ that underpinned the practice of removing Aboriginal children from their families and communities. The evil lies, he seems to suggest, in the thinking and the attitudes of our forebears rather than some lack of moral sensibility (as is often claimed).

Manne’s reassessment of Bringing Then Home is both necessary and helpful, all the more so because of his prominent role as a public commentator who has championed the Stolen Generations in recent years. As he points out, the Human Rights and Equal Opportunity Commission inquiry’s claim that as many as one in three children were removed between 1910 and 1970 is quite untenable, while the 100 000 is an entirely spurious figure, the result of a journalist’s misunderstanding of an observation by Peter Read but then bandied about during the Commission’s inquiry and repeated on a number of occasions since. Manne could well be right that one in ten Aboriginal children were separated nationally (though one might doubt whether such a calculation furthers our understanding of the impact of removals on Aboriginal communities given there were, as he acknowledges, such marked regional differences in government policies and practices regarding separation). Likewise, he is correct in pointing out Bringing Then Home tended to conflate ‘separation’ and ‘forced removal’ and so obscured the range of circumstances in which Aboriginal children were taken from their parents or kin, the various reasons for which they were separated, and the different experiences they later had.

This said, there are several weaknesses evident in Manne’s important essay. He weakens the force of his assessment of the conservative critics by becoming unduly polemical: he asserts rather than argues for or evidences his principal thesis — that there has been an orchestrated and effective right-wing campaign against the Stolen Generations narrative and this amounts to ‘historical denialism’. There can be little doubt conservatives have been greatly troubled by the Stolen Generations history, and by historical scholarship in the area of Aboriginal history more generally, and have mounted many attacks upon this history-making, but it is questionable whether this amounts to a ‘campaign’ in the sense of a highly organised, tightly knit and well coordinated form of activity. Certainly, Manne does not make a persuasive case here, though there was an opportunity to do so. One should also note, however, that the conservatives have their own, parallel ‘conspiracy theory’ regarding the so-called ‘left-wing

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20. See Attwood 2001: 207–10, for similar criticisms of the Stolen Generations narrative produced in recent years.
historians' whose work they attack, and both accounts of the other are over-determined and so tend to be parodies.

Manne might have spent more time developing an analysis of what drives those he labels as ‘right-wing’. (Only at the close of his essay does he offer some suggestions, the most important explanation being that ‘[e]ver since the early 1970s Australians have been struggling to come to terms with the crimes committed during the settlement of their country and with the ways in which the Aborigines were treated by governments and society after the dispossession was complete’). Consequently the nature of their broader project, inasmuch as the writings of this disparate group of conservatives could be said to have any single goal, is left unclear. Nor is it really evident why Manne accuses these critics of ‘denialism’. Any discussions of this kind will invariably be conducted against the backdrop of the assault upon David Irving’s infamous claims regarding the Holocaust (and the term has been used and misused a great deal recently), but Manne muddies the waters when he refers to ‘an Australian version of historical denialism’. This obscures rather than clarifies what precisely these critics have done or are doing, and the grounds upon which and the reasons why they might be doing it.

The most important weaknesses in Manne’s account lie, however, in his historical treatment of both the Stolen Generations narrative and genocide. First, his account of the emergence of the narrative is misleading; though there can be no doubt that this history only gained a large public audience as a result of Bringing Them Home, knowledge of this past was much greater than Manne allows. Beginning in the early 1980s, the separation of Aboriginal children became the subject of much public history-making by the Stolen Generations themselves, historians, film-makers, curators, and so on, and had taken the form of autobiographies, family histories, academic studies, poetry, songs, films, exhibitions and so forth, which had penetrated the public realm. Manne barely mentions this and largely overlooks the academic studies done in the 1980s and early 1990s as well as the Aboriginal autobiographies and oral testimonies published during the same period. Nor does he refer to more recent scholarly work, the most important of which is Anna Haebich’s general history, Broken circles: fragmenting Indigenous families 1800–2000. As a result, he perpetuates a major misconception, shared by the critics of the Stolen Generations narrative (and nearly all public commentators): that Bringing Them Home (and legal cases such as Cubillo and Gunner) constitutes the cornerstone of historical study and knowledge of the removal of Aboriginal children.

Second, Manne has not grasped the fact that the Stolen Generations narrative is not so much a history as it is a collective memory. This is, perhaps, unsurprising. He has little if any scholarly interest in understanding (and so representing) the process

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21. For example, instead of savaging former cadet patrol officer, Colin Macleod, Manne might have more carefully researched the ways in which Macleod’s 1997 memoir, Patrol in the Dreamtime, was repeatedly (mis)used by the critics, including the Commonwealth government (2001a: 44–7, 108); note, however, that Manne’s suggestion that Prime Minister John Howard ‘invited Colin Macleod to Canberra to discuss Aboriginal child removal’ is incorrect.
25. See Attwood 2000 and 2001 passim for a discussion of this.
entailed in ‘working up’ a historical narrative — one suspects that, like the conservative critics, he thinks such an approach smacks of ‘postmodernism’ — and he privileges ‘top-down’ rather than ‘bottom-up’ accounts of cultural and political change. There are a few signs in In denial that he now realises the narrative cannot be treated as a conventional history — for example, he observes that ‘the term “Stolen Generations” had come [to be] for Aboriginal Australians ... a way of referring, in a kind of moral shorthand, to a common and collective tragedy’ — but his understanding of collective memory and its relationship to history remains quite limited. Consequently, he has become a rather puzzled and therefore confused champion of the Stolen Generations narrative.

Something of this is evident in his treatment of autobiographical testimony. He has come to realise this can be a highly problematic source, though his assertion in In denial that ‘[i]t could have defused much subsequent criticism if [the Human Rights and Equal Opportunity Commission inquiry] had more explicitly acknowledged in its report something anyhow obvious to commonsense, namely that ... the memories of some members of the Stolen Generations ... were likely to have been simplified and even distorted with the passage of time’ is disingenuous. He failed to grasp this earlier, and even now his approach to historical sources that draw upon memory remains somewhat naive, as his treatment of aspects of Lorna Cubillo’s story reveals. He seems reluctant to accept the dangers of unduly relying on (auto)biographical sources; like Bringing Them Home, he devotes considerable space in In denial to the telling of four personal stories of the Stolen Generations. The assessment of the arguments involved in [this debate] cannot take place in a vacuum’, he asserts. ‘Without stories, the understanding of child removal ... is in danger of becoming far too abstract and remote’. Like a recent retelling of Lowitja O’Donoghue’s story by the journalist Stuart Rintoul, there can be no denying the emotional power of personal stories, nor that they have often been well told, but biography should not be asked or required to bear the burden of explanation traditionally shouldered by history. The cost of this erroneous expectation has been made plain by the narratives produced by both the HREOC inquiry and the Cubillo and Gunner case: it is one thing for Aboriginal narrators to play the role of bearing witnesses, another to demand that their histories perform a task traditionally undertaken by historical research and analysis. Here Manne tells these stories but offers little by way of exegesis.

In his treatment of genocide, Manne focuses on eugenicist policies of absorption, in particular those advocated by Neville and Cook. Recently Manne has remarked that

27. Manne 2001a: 82.
28. Manne 2001a: 30, my emphasis.
32. At the launch of In denial in Melbourne, 6 April 2001, several speakers praised what they called Manne’s approach of ‘the head’ and ‘the heart’.
it was a statement of Neville's (to the first national conference of administrators of Aboriginal Affairs in 1937) that first 'plunged [him] into serious study' of this country's Aboriginal past:

‘Are we going’, Neville asked, ‘to have a population of one million blacks in the Commonwealth or are we going to merge them into our white community and eventually forget that there were any Aborigines in Australia?’ Neville's rhetorical question struck me with the force of lightning. Was he really advocating a policy for the disappearance of the Aboriginal people? Was this not a clearly genocidal thought? ... I discovered that Neville's idea of merging or absorbing the so-called ‘half-caste’ Aborigines into the European population by a process of encouraged inter-breeding had won the approval of the delegates to the conference.34

Comments such as Neville's are undoubtedly striking, and they have a particular resonance for those familiar with the more or less contemporaneous history of Nazi Germany's persecution of the Jews.35 However, one can readily make a number of errors when they are one's point of departure and focus. First, these statements of intent can be mistaken for action(s). As Inga Clendinnen has noted in the course of discussing Manne's essay, '[i]ntentions matter' but so, too, do outcomes and 'the connections [between them] are not always evident'.36 Manne seems convinced Neville and Cook won broad acceptance for their eugenicist policies and were able to implement them,37 yet what Clendinnen would call a close reading of the historical record of actions does not support this claim. Manne not only posits a simple casual relationship between intentions and actions, however; he does little if anything to examine the nature of policymakers' and administrators' intentions, being inclined instead to reach (for) a moral judgement about individual historical actors or their actions rather than striving to understand broad and complex historical contexts.38

Manne also makes a mistake when he overlooks the deep and profound historical continuities between the thinking that underpinned the policies of (biological) absorption and (cultural) assimilation. Although there were differences, it is doubtful that they were truly ‘fundamental’.39 Hasluck was, so to speak, a son of Neville; his approach to assimilation no more envisaged the long-term survival of a vibrant Aboriginality than his predecessors did.40 By defining racism in the narrow (biological) terms that he does and by emphasising absorptionist policies as the primary example of genocide, Manne distracts attention from assimilation as a form of racism that was (and is) of much longer standing in Australia. Neville and Cook's proposals at the 1937 conference do not seem at all novel when placed in the context of the policies that various governments had already been pursuing, for example the NSW Aborigines Protection Board's policy of 'dispersal'.

34. Manne 2001b. Elsewhere, Manne has written of this 1937 conference: 'If there exists a more terrible moment than this in the history of the twentieth-century Australian state than the Canberra conference of April 1937, I for one do not know where it is to be discovered' (1998: 31).
35. See, for example, Moses 2001.
37. Manne 2001b: 36-40, 64-5, 78.
40. See, for example, Rowse 1989.
If we are to consider seriously the question of genocide in relation to the removal of Aboriginal children, we can only do so by exploring the broader historical circumstances in which it occurred, paying particular attention to the assumptions of governments and settler Australians regarding the future of Aboriginal people and to the nature of Commonwealth and State policies from the turn of the century (when discriminatory legislation was passed by nearly all legislatures) to the end of the 1960s (when assimilation was supposedly abandoned as a goal) and to their relationships to Aboriginal people which was itself the product of the relationships between Aborigines and settlers on the colonial frontier and the later, ongoing dispossession and displacement. There is a considerable body of historical evidence which suggests that across the first 50 or more years of last century governments and/or the majority of Australians either: (i) anticipated the demise of ‘the Aborigines’ or Aboriginal communities and Aboriginality because they assumed that the former were ‘a dying race’ or/and that the latter was incompatible with modern Australian society; or/ and (ii) wished that Aborigines would disappear because they held that Aboriginality was worthless and its bearers an embarrassing presence; or/ and (iii) implemented policies that aimed to destroy Aboriginality by breaking up Aboriginal families or communities and ‘dispersing’ Aborigines into the general community where they were to be ‘merged’ because it was held that the future was ‘white’ and this was ‘for their own good’; or/ and (iv) pursued policies that did not aim to break up Aboriginal communities and destroy Aboriginality but which nevertheless had, they knew, this effect. The outcomes of each of these phenomena was, no doubt, neither simple nor transparent, but each implies a certain kind of relationship between Indigenous and non-Indigenous Australians that undoubtedly had serious consequences for Aboriginal people, whether or not these were necessarily intended or even clearly envisaged by settler Australians or their governments.41

If this is a fair summary of attitudes to Aboriginal people or Aboriginality and approaches in Aboriginal affairs over much of the twentieth century, we can ask how we might conceptualise and, thereby, understand them. In particular, is it helpful to consider in terms of genocide? As Manne observes in his essay, ‘[f]or a people that has not yet come to terms with the extremity of what it has done to the indigenous population of Australia, discussion of genocide and the Stolen Generations was never going to be easy’.42 Indeed, as the response to this essay has again revealed, there is a rush to dismiss consideration of genocide in Australia even before arguments have been or can be properly mounted or presented. There are reasons for this other than or further to the one Manne suggests, most importantly the way in which genocide is commonly imagined or understood. In considering Manne’s discussion of genocide and the Stolen Generations, Clendinnen has commented:

I am reasonably sophisticated in various modes of intellectual discussion, but when I see the word ‘genocide’ I still see Gypsies and Jews being herded into trains, into pits, into ravines, and behind them the shadowy figures of Armenian

41. Here I am drawing on the important essay by Tony Barta in which he urges an approach to genocide that replaces the conceptual emphasis upon intention (or purpose, motive, policy or planning), particularly those of individuals but also of the state, with one that focuses upon ‘sets of relationships’ in any given society (1987: 238–9).

42. Manne 2001a: 41.
women and children being marched into the desert by armed men. I see deliberate murder: innocent people identified by their killers as a distinctive entity being done to death by organised authority.43

In other words, though she acknowledges the point (which Manne among others have made) that the 1948 United Nations Convention on the Prevention and Punishment of the Crime of Genocide defines genocide more broadly than acts of killing, application of the term to Australia’s history makes no sense to Clendinnen (and, she argues, to many others). She contends that “the persistent invocation of the term “genocide” has not only been ‘ill-judged’ but also a ‘moral, intellectual and (as it is turning out) a political disaster.’44 As far as the short term goes, there is no gainsaying Clendinnen’s contention regarding the political consequences. However, the concept of genocide, I am suggesting, might still be useful to us in the historical task of imagining and so understanding the past of our forebears (and therefore, in time, it might have beneficial political outcomes). There are too few historical studies that have methodically considered the implications of non-indigenous attitudes and approaches to Aborigines and Aboriginal affairs. It must be hoped that In denial or the subsequent debate will provoke historians to undertake these.

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Aboriginality in southeastern Australia

Ian Keen

The following three articles were originally presented as papers at the ‘Aboriginality in southeastern Australia’ conference held in Canberra in June 1997. This conference was organised by Francesca Merlan and Nicolas Thomas of the Department of Archaeology and Anthropology and the Humanities Research Centre, ANU.

The papers have been reproduced in this special section of Aboriginal History, which is spread across volumes 24 and 25. The first four articles of the section, those by Geoffrey Gray, Brian Egloff, Robert Foster and James Weiner, appeared in volume 24. The remaining three papers by Gaynor Macdonald, Marilyn Wood and Ron Hagan now appear in the present volume.

Introduction

The recent flurry of social and historical research in the southeast of Australia occasioned by the Mabo case and the Native Title Act has brought a number of academic disciplines together. From the vantage point of three of these — archaeology, anthropology and history — the contributors to this section of the journal have considered interactions among Aboriginal people (both as agents and as objects of research and of policy), the State, and researchers, during the last hundred years or so. The papers are also indicative of cross-fertilisation and collaboration among these three disciplines. We find archaeologists and anthropologists writing history, historians making sociological interpretations, and writing histories of anthropology.

Interaction among the disciplines

Taken together, the articles in the section point to growing dialogue and collaboration among the disciplines concerned with social research in the southeast. We can attribute this partly to the stimulus provided by the Mabo case and Native Title legislation. Research carried out in connection with Native Title claims, which directly or indirectly informs several articles within this section, requires the integration of a number of perspectives and realms of expertise: a critical anthropology and archaeology of ‘traditional’ social life and culture, social history, social theory dealing with transformation and continuity, the ethnography of cities and small country towns, studies of government policy and action. This research is necessarily embedded in political and legal processes, and often involves a dialogue between researcher and members of the community.
However, the wider intellectual climate favours such dialogue and cross-fertilisation between disciplines engaged in social research. Appropriately, then, the section began with the article in Volume 24 by Geoffrey Gray, which outlined a history of Australian anthropology with reference to the southeast. The article set the context for the direction of research represented in this section.

Writers on social history and social policy, such as Tim Rowse, draw on a wide array of disciplines. Their common subject matter necessarily draws historians and anthropologists interested in relations between Aboriginal people and the state. Anthropologists now often incorporate a historical perspective in studies of colonial and post-colonial relations between former ‘tribal’ and industrial societies, and have long turned their attention to a wide array of social contexts (recently to post-Soviet eastern Europe, for example). The archaeology of colonial Australia, a growing enterprise, necessarily draws on and contributes to historical information and interpretation. Archaeologists, anthropologists and linguists are now cooperating in their enquiries into pre-colonial Australian social forms and processes to an extent not seen since they were linked by the ecological perspective of the 1960s and 1970s and the use of ethno-graphic analogy in archaeological interpretation.

The collaborations among the three disciplines, together with interactions among Aboriginal people, the State, and social research, gives rise to a number of themes, woven through the various articles making up the section.

**Aboriginal agency and the transformation of culture and identity**

Several articles address the question of the nature and degree of transformations of Aboriginal cultures since colonisation, a pervasive theme. Some, represented here by Gaynor Macdonald, emphasise continuities of sociality and culture, in kin relations and ties to land. In a similar emphasis on change, James Weiner argued that as the result of missionisation there has been a transformation in the Ngarrindjeri sense of self. When Aboriginal religion becomes self-conscious and objectified, and open to inspection and manipulation, the possibility of fabrication arises. Robert Foster wrote of a generation of deeply religious Aboriginal men who publicly embraced values of the dominant culture in their opposition to Chief Protector South. Marilyn Wood’s view is that an emerging culture at Burra Bee Dee combined Indigenous and introduced elements; moreover Aboriginal people saw themselves as part of colonial society.

This theme involves issues of social and historical interpretation, and has implications for the relationship between research and policy.

**Aborigines and researchers in political and legal action**

A second theme is the involvement of Aboriginal people and researchers in political action and litigation. In a historical case study, Robert Foster described effective Aboriginal activism against legislation in South Australia during the Protectionist era, which sought invasive powers to take children of mixed descent into care. Brian Egloff showed that in the Mason vs. Tritton case the defence placed too much reliance on an expert witness and none on Aboriginal witnesses, and brought out the evidentiary demands of a case relying on a claim to Native Title.

Not only do the products and processes of research affect policy, legislation, and litigation, but Aboriginal people engage with them as well. This is a topic of Rod
Hagen’s article, which examines the use of scholarly resources in the Yorta Yorta Native Title claim, and the need for claimants to engage with those sources.

The effects of scholarly research and writing in litigation are often unintended and unexpected. The accounts of ‘local organisation’ put together by anthropologists such as Howitt, Curr and Smyth, which drew more on the then current dogma that tribal organisation was patrilineal and patrilocal than on evidence, are inconsistent with the earliest reports but have been deployed as authoritative in the Yorta Yorta claim and will no doubt surface again (see Hagen’s article). We might ask what impact some of the contributions to the present volume might have on Native Title claims in the southeast. Models (such as Macdonald’s) which bring continuities of custom and relations to land to the fore, are more obviously consistent with the aspirations of Native Title claimants than those that give more weight to dislocation, loss and the influence of non-Aboriginal action and institutions.

Issues of scholarship

In a third theme, the categories and theories which inform scholarly research and writing come under continual scrutiny. In this section the contributors question categories and dichotomies such as theories of degrees of ‘blood’, contrasts between ‘settled’ and ‘remote’ Australia, ‘traditional’ and ‘non-traditional’ Aboriginal society, and, not least, the category ‘Aboriginal’ itself. Again, this issue affects policy, legislation and litigation. As Robert Foster demonstrated, Protectionist policy in South Australia invoked the ‘blood’ theory of race and miscegenation (elaborated in the biological and demographic research of Birdsell and Tindale).
Does ‘culture’ have ‘history’? Thinking about continuity and change in central New South Wales

Gaynor Macdonald

Introduction

I was on Erambie mission in Cowra in the early 1980s, sitting on a chair on the lawn while one of the guys cut my hair. An older Wiradjuri man saw us and came up to tell me to make sure I picked up every bit of hair when we had finished. No explanation, just, ‘You don’t want to leave that lying around now’. He moved on, and as he did, a young woman sitting with others on the grass turned to me with a nod, ‘Yeh, you could get sung, you know!’ She smiled but it was clear she was serious and sharing his concern. While I personally do not know of Wiradjuri people who train these days in the arts of sorcery, it is nevertheless an ever-present fact of life. People remain susceptible to it, one never knows who might be around who does practise it, or where people have visited where they have been in contact with it. But I was surprised by this man’s comment. Not by his obvious reference to the existence of spiritual powers or forces which can be mobilised by people, but because this same man had, earlier that very day, been at pains to convince me my studies of ‘culture’ in Wiradjuri country were misconceived — there was no culture left. In retrospect, with more understanding of aspects of Wiradjuri experience and of that particular person, it seems that he was doing what many non-Aboriginal Australians do: working on a stereotypical notion of what ‘Aboriginal culture’ should look like and, in the process, devaluing the culture that he and others around him were actually living.

Not that I should have been surprised. Wiradjuri country is in central New South Wales, a State in which the growth and success of Anglo-Australian society and industry has for more than a century been sustained by a belief that not only was the destruction of Aboriginal society in the face of colonising forces inevitable, it was also complete. Even the most supportive advocate of civil rights for New South Wales Aboriginal people could point to the dispersals, massacres, dispossession, miscegenation and loss of culture and language. Themes such as resistance, while they made active agents and fighters of the previously passive depictions of Aboriginal people, nevertheless helped to fuel the image of irrevocable loss. Thus, claims in this State under the Native Title Act (1994) have been met with surprise or cynicism in some quarters. The idea that there are continuities in Aboriginal traditions not only confronts this myth of dispossession but also stereotypical notions of ‘Aboriginal culture’. The resultant distortions for an understanding of Aboriginal cultural dynamics in New South Wales
have taken on a new political significance with the passing of the Native Title Act because it requires that one determine the extent to which classical structures affect and inform the life-world of contemporary Aboriginal people's cultural systems and the extent to which these structures have or have not been altered in their accommodation of modern cultural forms such as the nuclear family, the global capitalist economy and the modern nation state.

This paper briefly explores the history of studies in New South Wales which have contributed to the popular belief in cultural loss. My focus is on the work of social anthropologists, in part because it is the discipline within which I work, but also because few other disciplines took any interest in Aboriginal experiences in New South Wales until the 1980s. This overview demonstrates, not surprisingly, that the analyses of anthropologists were influenced by the politics as well as the theoretical perspectives of their day. However, in seeking to encourage a more critical approach to the anthropological analysis of change, I would not want to undermine the contributions these earlier writings continue to make. These writers took an interest in southeastern Australia despite it being academically unfashionable to do so and their observations and insights reveal much about Aboriginal practice at different points through the mid-twentieth century. But what is needed today from anthropologists and historians is the development of a fine-grained, localised but contextualised and ethnographically-informed approach which will enable the historicising of Aboriginal peoples in southeast Australia. This will open up an appreciation of the ways in which they have changed and why they have done so, as well as enable identification of the ways in which they have transformed their own practices in response to changing environments so as to maintain valued practices, albeit in much modified ways. Such studies will not only counter the perception that ‘culture’ can be ‘lost’ (although, of course, specific practices can be rendered illegal, irrelevant or impossible to maintain) but will also challenge the ways in which some peoples’ experiences of change are valued but not others.

Studies of Aboriginal culture in New South Wales

The view of ‘cultural loss’ that prevailed throughout most of the twentieth century, until the 1980s, has largely been the result of two factors. The first is inadequate field-based research. Second, where field data clearly show otherwise, attesting to continuities in Aboriginal practice in New South Wales, the assumptions of loss, along with an anthropological tendency to value only the exotic as worthy of study, encouraged the analysis of this data within uncritical models of social change which assumed the inevitability of the demise of Aboriginal traditions and the consequent adoption of European cultural ways. This is evident in the work of Marie Reay. On the basis of her work in rural New South Wales in the 1940s, Reay (1949: 112) argued that:

When the culture of a group fails to adjust to radically changed external conditions, the group is apt to be characterized by the pathological condition of disequilibrium ... A cursory glance at the place of the mixed-blood communities in the larger, predominantly European society, indicates that it is a pathological part of that society ... Clearly, incompatible goals can be pursued, conflicting values held, without the group approaching disequilibrium, if the group is adequately structured. But a strong institutional structure is lacking here.
However, despite the attitude she expresses above, Reay provides rich data on various Aboriginal practices and beliefs. She does not interpret these as a contemporary portrait of Aboriginal peoples’ actual lifestyles – as the outcome of strategic choices as they mediated changes over which they often had little control. Rather, she dismisses signs of cultural distinctiveness as vestiges of a past not yet successfully discarded.

Reay is only one example of the common approach of the mid-twentieth century which was ethnocentric, organicist and synchronic. It attempted to account for the oddities of Aboriginal lifestyle as consequences of an Aboriginal failure to adjust to European domination. Bell (1962, 1964) put it as strongly in the 1960s:

Generally speaking, the part-aborigines of New South Wales have no culture of their own to preserve. There is the odd exception of a settlement where a few attenuated features of traditional life hang on, but these have little relevance to the people’s way of life (Bell 1964: 64).

Bell dismissed any notion that Aborigines had a different culture, maintaining that their distinctive ‘tightly knit groups’ were solely a product of social, economic and cultural depression: ‘in other words, these groups are just like groups of poor whites’ (1964: 68).

Calley (1957) did give some weight to the efficacy and influence of Aboriginal ways. In particular, he argued that Aborigines of the north coast had been able to reconcile some of their beliefs with those of Christianity, as did Hausfeld (1959). Both writers attribute the retention of practices which stem from classical times (‘traditional practices’), however successfully incorporated, to the need to ameliorate their low status in Australian society by sustaining an alternative world from which Europeans could be excluded (see also Rowley 1972). In that respect they recognised that ‘traditions’ could be evidence of strategic choices that Aboriginal people themselves were making, even if only reactively, foreshadowing later studies that saw distinctive domains as a product of colonial relations (see Beckett, below) and which picked up on the resistance theme which was to gain support from historians through the 1980s (see below) and more recently in forms of political anthropology (Morris 1989, Cowlishaw 1999; see more generally Gledhill 2000).

Such evaluations reflected Berndt’s (1963: 386) assumption that there was a continuum which could be drawn from ‘traditionally oriented’ Aborigines to those who were ‘to all intents and purposes European’. For those in the centre of this continuum the analyst was required to decide ‘when the life of the people is no longer meaningful in traditional Aboriginal terms, but is meaningful only or predominantly in European terms’ (Berndt 1963: 387). Aboriginal studies required that one or other of two determining cultures be selected as the reference point. In settled Australia, the European world was assumed to be all powerful and Aborigines were evaluated in predominantly European terms. The term ‘settled Australia’ was introduced as a model by Rowley (1972: v) to denote the southeast and southwest regions of Australia ‘in which those enumerated as half-caste are approximately equal in number with those enumerated as Aboriginal in the 1961 census’. Rowley described Aboriginal people in the mid-west of New South Wales as having ‘approached a higher degree of acceptance and integration’ — to the extent that ‘one is forever looking for people where this has happened, since they may not be thought of as Aboriginal at all’ (1972: vii). This last comment is curious. Aboriginal people would appear to have been uncomfortably visi-
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ble to Europeans who in the 1960s were concerned about Aboriginal people moving into the towns. Bell, in contrast, maintained that differences were obvious — in lifestyle as well as appearance. He asserted, in apparent contradiction of his argument on cultural loss, that the value system of New South Wales Aboriginal people was ‘diametrically opposed to that of the European population’ and that this was ‘one of the chief factors distinguishing them from Europeans’ (1965: 406; 1962). However, these differences were not interpreted as characteristics of Aboriginal societies but rather as examples of why Aboriginal people were failing to enter into the relations expected of them.

When the Australian Institute of Aboriginal Studies was established under an Act of Parliament in 1964 to ‘promote aboriginal studies’ it focussed its brief on studies of traditional Aboriginal life, further entrenching the dichotomy of cultured and culture-less. There were constraints operating on the Institute. The parliamentary debate stressed that the new Institute was to be academic: ‘It is not intended that the new institute should rival existing institutions’ (Commonwealth of Australia 1964: 1944). It was to be restricted to collection, processing and preservation of material about traditional Aboriginal society before it, too, ‘disappeared’. Set up as a response to the call for urgent action to be taken to conduct Aboriginal studies before ‘the source material of many aspects of study in this field’ disappeared (Mr Freeth, Minister for Shipping and Transport, in Commonwealth of Australia 1964: 1943), it assisted in the recognition of the strength of traditions of Aboriginal practice in remote Australia and thus in a process of their valorisation, something much need in settled Australia where Aboriginal people were being taught to be ashamed of what they were (see, for instance, Jimmy Barker’s story in Mathews 1977). This opportunity was explicitly denied to Indigenous people of ‘settled Australia’. This was not simply on the grounds that they were believed to have no traditions but because the pressure to eliminate continuing practice in order to better assimilate them was so much greater in areas where their presence conflicted with European goals.

Beazley, Member for Fremantle, was well aware at the time of the tensions which were reflected in the way in which the Institute was established:

There can easily develop, among welfare officers and many authorities who are administering aboriginal affairs in the Commonwealth and in the States, a possessive attitude towards aborigines, a resentment if somebody else comes into the field and a particular resentment if somebody else’s study reveals things which are inconvenient ... I believe that there is a clear contradiction between a general policy of assimilation, which means the disappearance of the aboriginal culture, and this battle to preserve, at least in record form, the aboriginal culture. A contradiction can easily develop between two sets of persons — the people who believe they are administering a policy of assimilation and the people who, for the sake of their studies, are encouraging the performances of ceremonies, recording the languages and so on (Commonwealth of Australia 1964: 2160).

Thus, the Institute’s existence was predicated on two lines of thought: first, Aboriginal traditional life ways were destined soon to disappear and, second, the operation of the policy of assimilation (and the protection of the industry set up to ensure it) was to remain paramount. It was hardly surprising that anthropological studies in ‘settled Australia’ — which also had particularly entrenched welfare agencies — would not have been valued. In fact, amongst a people considered well on the way to assimilation,
if not very successfully, such studies may have seemed to constitute a threat to this policy direction. Later, Berndt was amongst those who would have liked to have seen this brief broadened. He maintained that:

To widen the Institute's focus at that time was quite a struggle. For a matter of several years, the Institute officially resisted studies of non-traditional themes, especially when these concerned the southern regions or political issues — these were considered to fit more appropriately within the frame of Aboriginal administration (Berndt 1982:57).

Nevertheless, there was a new wave of anthropological studies emerging, prompted in part by WEH Stanner. Most notably this included Jeremy Beckett (1958, 1964, 1965, 1978, 1993, 1996) who worked in western New South Wales among the Wongaibon, Barkini and Maljangapa people and Diane Barwick (1963, 1964, 1978, 1998) who conducted extensive research in Victoria. Their contributions proved much less evaluative and have thus been more enduring. Beckett was the first to argue for the New South Wales context that Aboriginal people had distinctive modes of interaction, as in kinship relations, drinking styles, and in mobility patterns — the Aboriginal 'beat', which marked them off from Europeans. It was not the world of poor black whites. He also focused on Aboriginal men in the pastoral industry who were variously negotiating the immense changes they were living through (1978, 1993, 1996). In many ways Beckett's work was before its time and was largely unheralded for two decades (but see, for example, Sansom 1980, 1982). Barwick was particularly, and perhaps uniquely at the time in anthropology, concerned to record Victorian Aboriginal people's histories, a task interrupted by her untimely death. Through an historical approach, she sought to identify those social structures and activities which illustrated a coherence in Aboriginal social life over time. In another notable study conducted in northern New South Wales, Kitaoji (1976: VII-52) drew attention to the distinction that should be made between the destruction of tribal social organisation and social deprivation: 'The former is an historical fact; the latter is an inference'. Her analysis of kinship demonstrates how kin relatedness remained an integral component of Aboriginal understandings of sociality, personhood and gender, despite the changes wrought in its actual expressions by political and economic pressures.

Studies elsewhere in settled Australia still focused on the success or otherwise of assimilation (see, for instance, Gale 1964, 1972; Inglis 1961, 1964; and Pierson 1972 in South Australia; and Eckermann 1973 and Smith and Biddle 1975 in southeastern Queensland). The maintenance of kinship was attributed to poverty, and female-headed households to 'broken down' nuclear families. But in almost all this work, until the 1970s, anthropological models of Aboriginal life in southeast Australia implicitly reinforced the notion of discontinuity: classical Aboriginal culture was a thing of the past, and discernable 'vestiges' were supposed not to be able to last.

Another factor emerges in the 1960s to further reinforce the notion of discontinuity. At the time that the Australian Institute of Aboriginal Studies was promoting the study of 'traditional Aborigines' there was simultaneously an increasing emphasis on religious beliefs as central, indeed definitional, in the understanding of Aboriginal societies. This view underpinned the land rights movement in northern Australia and eventually the framing of the Northern Territory Aboriginal Land Rights Act 1976. The distinguishing characteristics of Aboriginal practice were associated with ritual or with
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'spirituality', de-emphasising, indeed even excluding, political, economic and social practice (see also Povinelli 1993). Perhaps the hardest hit of all facets of Aboriginal experience in colonial New South Wales, this focus on religion further removed them from interest: if religion was so central, without it how could they have culture? The political and academic response in 'settled Australia' was to de-emphasise 'culture' — indeed, even to deny it — emphasising a history of injustices, of Aboriginal resistance, of rights denied by the force of arms, of subjects constituted by colonialism, of people whose enforced change (interpreted as loss) should be compensated. Historians, including Indigenous historians, became more visible than anthropologists in the production of models through which Aboriginal peoples could articulate their demands (for instance, Prentis 1975, Broome 1982, Miller 1985, Wilmot 1987) and it became fashionable to depict anthropologists as perpetrators of the 'great deception' (Langton 1984) of cultural loss.

Although not challenging this general model of discontinuity in his earlier work, Beckett was nevertheless one of the few prepared to cut across the notions of a 'cultural vacuum' and establish new directions of study. He took Aboriginal people out of the 'disappearing race category', challenging those who argued that their pre-contact culture was the only model by which they should be judged. He also rejected the depiction of Aboriginal people in essentialist terms (1988: 3), later explaining his approach:

But this is not a matter of challenging the authenticity of a people's cultural tradition, or of their historical experience as it is passed on to succeeding generations, so much as an insistence that these things cannot be understood apart from their relationship with the state.

Beckett argues that a group which is seen to be only reproducing its own social and cultural forms cannot control the definitions of who they are and Aboriginal engagement with the wider society needs to become the important focus. But Beckett's corrective for what he sees as an essentialising tendency nevertheless insufficiently allows for those aspects of Aboriginal cultural tradition which cannot simply be understood as inversions or transformations of introduced forms but are transformations of practices and meanings with a history distinct from, albeit significantly reshaped by, the presence and pressures of European colonisers.

The constructionist approach which emphasised Aboriginal lifeways as constructed and historically constituted tended to reinforce the idea that Aboriginal peoples of 'settled Australia' were, by and large, but creations of colonialism. The depressing status of victim was re-valourised by reading it as 'resistance' but 'change' still meant loss, although one that was now understood as imposed by colonial violence and repression rather than due to an indigenous lack or any natural inevitability.

Cowlishaw (1988, 1997) and Morris (1983, 1989, 1997) have been prominent authors of the impacts of colonialism on the lifeways of New South Wales Aboriginal peoples, people encapsulated and constructed through relations of race, surveillance or terror. Expanding on Beckett's studies of relations between Aborigines and the state, both have particularly emphasised the role that racism has played in the construction of Aboriginal identities. But they have steered away from studies of the internal dynamics of Aboriginal lifeways within communities which are still, largely as a result of state incursions as they point out, physically and socially segregated from non-Aboriginal Australians (although Morris' 1989 work on 'creative bricolage' starts to develop
important insights into cultural processes of change). While this may not have been an intention, the focus on racism nevertheless also reinforces the idea that Aboriginal people in southeastern Australia are creations of an ongoing colonial encounter and that their own cultural history plays little part in their modes of engagement with either each other or the wider society.

**Culture, structure and change**

The term ‘culture’ has been used in so many ways in both anthropology and popular use as to become very confused but I use it to refer to those social, intellectual and materially-oriented practices through which people express what it means to them to be in the world. Culture is thus the product of peoples’ interactions with each other and their environments. But these practices cannot be understood as static or unchanging: they change, adapt, shift as a people move from one place to another, as a group of cohorts ages, as new practices are introduced, or as the material environment changes — from one season to another, after devastation such as war, or through changes in technological practices. ‘Culture’ is therefore dynamic, a reference to the constant creativity of human beings in their social contexts as they move through different times, places and events. Thus culture is, implicitly, a reference to the range of creative capacities for change and adaptation which one might expect to find among a particular people. What enables these creative, adaptive processes is better understood if we think of culture as those systems of meaning and practice produced by the ways in which people interact with each other and their environments, including dealing with the constraints as well as the possibilities that those environments yield.

Through the influence of Radcliffe-Brown from the 1920s, anthropologists in Australia understood people’s lives as taking place within structures of, for instance, kinship or politics. The models of structure at the time were static and there has been a tendency in recent years to reject them altogether. But we need to maintain the idea of structure — all social life is not fluid and amenable to choice — and we can now do so understanding that structures of thought and practice are always in a process of change (through the work of Bourdieu 1977 and Giddens 1984 in particular). From the 1950s, Lévi-Strauss sought to unravel the deep structures of cultural life of which we are not conscious, which underpin the meanings of everyday belief and practice. One legacy of both of these approaches to understanding the structures which constrain action is the reminder that day to day practice takes place within systems of meaning. Meaningful practice, shared and modified over time, reveals structured patterns. The choices people make day to day, the constraints within which they make them, and the contingencies of life suggest constant change and flux. Nevertheless, it is also the case that much of this seeming flux is taking place within higher order structures of morality, value orientation and social relatedness that are enduring and which both modify and are modified by changes presented to us.

Structural configurations can be powerfully embedded, operating as frameworks which allow multiple levels of meanings to be negotiated and lived out, rather than as formations which constitute or fix the culture in time or space. These structures are our cultural histories, linking present and changing practices with meanings and values of their past. This shifts the earlier anthropological focus from structure as a system of formal rules and regulations operating in a climate of cultural stasis, to a more dynamic
understanding of structure as defined in relation to ideational frameworks, moral codes and practices which provide pathways for distinct ways of being in the world. These structuring elements of practice are not necessarily visible or understood by those who participate in them, and apparently similar practices may take on different meanings in different cultural contexts. For instance, an activity such as a fight between two young Wiradjuri men might be 'read' or interpreted quite differently by people of cultural different backgrounds (Macdonald 1988). The meanings one brings to the interpretation of an observable event are informed by embedded values and moralities in ways that even participants in that society are not always aware of because they take them so much for granted. It is a central tenet of social anthropology that most people grow up ‘ethnocentric’ — believing their own taken-for-granted ways of being in the world are shared (or, perhaps, should be shared) by others around them — indeed, they need to operate effectively as a socialised being. It is ‘natural’ to interpret the actions of others from our own standpoint.

Wiradjuri people tend to be more keenly aware of differences between their own ways of being in the world and those of ‘white people’ than is the reverse. Differences of meaning and values are constantly brought to light in complex interactions in which they are usually unequal partners. These differences both maintain and reinforce a distinctiveness which is not always in ways of their own choosing, consistently reinforcing the consciousness of separate domains: Aboriginal domains as those spaces and times in which their values predominate are contrasted with the relative constriction of European domains. ‘White people’ with little or no experience of Aboriginal domains tend only to look at Aboriginal social life in New South Wales at a superficial level, in which they see many changes in activities as compared with the visual representations of the ‘traditional Aborigine’. The voluntary or enforced adoption of new activities of European origin within an Aboriginal cultural repertoire, leads to an ethnocentric assumption that the meanings and significance of these activities is also carried over into the receiving culture. At times, this is indeed the case. More often, however, tenacious structures of meaning and practice operate to mould or adapt introduced ideas and activities so as to maintain, where feasible, embedded understandings of personhood, sociality and being in the world. This leads to a process of transformation in which one can recognise a complex interaction of continuities in change.

Two decades ago Liberman (1978: 174) noted in the Western Desert that cultural regalia such as ‘make-up, fancy clothes, rock-and-roll cassettes, comic books, and so on’ can have some effect in inculcating prevailing Euraustralian aspirations’, but ‘they can be tolerated in large quantities without affecting significantly the everyday social relationships of Aboriginals’. It goes without saying that anyone conversant with the history of New South Wales will recognise the significant impact of European culture, including its ontological framework, on Aboriginal people. Nevertheless, my research over two decades indicates that Aboriginal frameworks have not simply been replaced by ones derived from Europeans (see Beckett 1958 and 1964 for earlier examples; also Austin-Broos 1996). Indeed, many of the conflicts and difficulties of intra-community life and of Aboriginal-European relations arise because of this little recognised fact.

According to Kapferer (1979), the transformation of contexts may be taking place even when the surface elements, the ingredients of social action, might appear incoherent. It is such an ‘incoherence’ which, to Europeans in the mid-twentieth century,
seemed to constitute the Aboriginal experience in southeast Australia. It looked neither classically Aboriginal nor European. However, transformation, as a means of reconciling the known with change, is not necessarily an obvious process. Changes may occur in the content of social relations such that the new content is altered but retains a significance similar to that pre-existing. The present is but one point in a series of spatial-temporal phases in which there is simultaneous permanence and change (Hunt 1977). Social life is never static: changes are inevitable, with or without the relations set up by colonisation. Europeans have generally assumed that the effects of European colonisation and capitalism are all-pervasive, that a hunter-gather society would not have means of incorporating the new system within the logic of the old. This does not imply that accommodation to European ways does not take place: in fact, this was necessitated as Europeans redefined the Wiradjuri social and economic environment. However, neither does it imply that change has to take place in terms of a European way of being. Indeed, it is not possible to make adjustments or transformations in terms of someone else’s way of being.

Early anthropological definitions of structure have been radically reinterpreted in recent decades. The weakness of earlier structuralist and functionalist theoretical paradigms, which privileged the analysis of fixed or static structural forms and therefore their perceived dominance in shaping the lives of their given subjects, was, of course, that they presented a picture of classical societies as being unchanging, constantly reproducing themselves according to their own particular structural imperatives. Originally developed to meet the needs of the scientific method in the late nineteenth century, ‘structure’ was privileged over ‘process’ because it was more amenable to analysis in the mechanistic terms of scientific positivism — important to new disciplines struggling to gain legitimacy as social sciences. The ‘arrangement of parts’ (forms and mechanisms) thus took precedence over study of what those ‘parts’ did in everyday life or the systems of shared meanings underlying and constituting those parts (structures), and in the intricacies of the lives of inhabitants.

This is evident in nineteenth century studies of New South Wales societies in which early anthropologists (such as Cameron 1885; Mathews 1894, 1897, 1900; Radcliffe-Brown 1918; Elkin 1933; Berndt 1947) became preoccupied with studying the structures of kinship and ritual organisation but told us little of the ways in which these translated into or emerged from the daily practice of, for instance, ‘being kin’. It had been theoretically and practically more ‘manageable’ to analyse a cultural structure such as kinship, language, religion or law, than it was to investigate the impact of these structures on the personal desires and motives of individuals within the communities under study, requiring as the latter does a particularly demanding form of field work. As a result, classical anthropology told us more about the form of a particular society than it did about the day to day lives of its people. People however make social structures work for them. They are not imprisoned by them.

The earlier mechanistic methods were unable to account for change, encouraging the static views of ‘culture’ in which change came to be interpreted as ‘destruction’. The inability to theorise change and deal with structure dynamically meant that ‘breakdown’ was the outcome of any analysis because all change was assumed to be in the direction of either European-American style modernisation or extinction. This has had profound implications for the understanding of Aboriginal societies in their various
responses to colonisation, and in particular in the southeast of Australia where the
intensity of colonial impacts necessitated and often forced radical change. In New
South Wales the focus in the earlier literature on Aboriginal lifeways led to distorting
preoccupations with manifest structure at the expense of meaning and process, giving
rise, as outlined above, to a century of writing about Aboriginal peoples in terms of
‘loss’, ‘breakdown’ and ‘remnants’, denying their creative capacities in the face of vio-
lent upheavals and the continuity of valued practices. Certainly there has been a loss of
certain practices and beliefs which could not be continued in the very changed eco-
nomic and social circumstances which their colonisation imposed on them. The
assumption of ‘cultural loss’ among Aboriginal people of southeastern Australia is
distorting.

The formal structures of classical Wiradjuri served, as far as can be ascertained
from this literature, to enable succession to specific knowledges and ownership, and to
regulate relationships between people for the purposes of marriage, ceremony and dis-
pute management. The more formal something is, the more fixed the structure which it
has to translate. The formal structures of classical Wiradjuri life have become attenuated
in order to increase their capacity for adjustment necessitated by successions of major
and minor disruptions imposed by the colonial order. The more formal something is,
the more fixed the structure which it has to translate. Wiradjuri people have relaxed
their structures in order to increase their capacity for the fluidity necessitated by succe-
sions of both major and minor disruptions imposed by the colonial order. The
specificity of Wiradjuri classical lifeways has given way to more diffuse approach to
connectedness, of people to people, people to place, and people to the spiritual world. It
is wrong to see this as ‘loss’ or ‘weakness’ in a cultural form: rather, it is a demonstra-
tion of the strength and tenacity of this cultural system. Far from ‘not being able to
withstand the pressures of colonisation’, as popular belief in New South Wales has had
it for over a century, the Wiradjuri have had such a commitment to their worldview,
and the social, spatial and spiritual relations to which it gives rise, that they have made
whatever adjustments have been required of them to ensure that their cultural system
survived. In the light of their history, this is remarkable.

Contemporary anthropology has had to recognise the fact that societies are a great
deal more dynamic than early models allowed for. The nineteenth century belief in
‘progress’ as a unilineal change in the direction of northern European culture was not
borne out, nor was the later assumption that ‘modernisation’ inevitably destroys ‘tradi-
tion’. Anthropology responded not by ignoring structure but by realising that it is not
static and that there is a dialectic relationship between structure and meaning, and
structure and process in social life. Everyday meanings are continuously negotiated
within social structures, and this in turn alters, modifies or transforms these structures
in a continuous and dynamic way, what Giddens (1984) called a process of structura-
tion. Geertz (1973) also had a major influence by highlighting the significance of
systems of meaning for understanding change, reorienting the study of structures to
take into account social processes as ways in which people negotiate meanings, and
influence and modify structures. A model of culture that assumes a people’s lifeways
are characterised only by immediately observable activities is one that cannot take into
account the meanings, the values, and the inter-relationships between activities and
meanings by which practices and processes take on the rich depth of experience which constitutes human social life in all its variants.

Formal structures are based on a concept of how people are allowed to be. They provide pathways which maximise the Wiradjuri process of individuation, the coming into being in the world as a unique individual person who is at the same time part of a social entity and identifies with a specific social entity, in this case, Wiradjuri. They adjust as the conditions of being change. It should have been the case that peoples such as the Wiradjuri would long ago have become a focus for social anthropology because of their resilience and ability to adapt and transform as cultural beings, people with the capacity to making practice meaningful even within situations over which they had little control. Instead, for five generations they were regarded as of little interest to academics who were preoccupied with defining such societies in their classical form as precursors to ‘civilisation’, and in their contemporary forms as ‘failures’.

**Traditionality**

Tradition has become a central mode of authentication in the framing of Aboriginal rights within the *Native Title Act* (Cth) (1993/1997). For a quarter of a century, Aboriginal-related social anthropology was dominated by issues emerging from responses to the Northern Territory *Aboriginal Land Rights Act* (1976). Its focus on sites of significance required only limited elaborations of principles of sociality and traditions of continuity. It did not promote a lively discourse of social change in the studies of Aboriginal societies in Australia, despite the increasing significance of such debates elsewhere in the decolonising world. The *Native Title Act* has changed that. By requiring that claimants produce evidence of cultural histories to support their contention that they have a continuity of cultural tradition, it does not allow anthropologists to use worn-out and static models of culture. It challenges us to integrate more adequately into the understanding of Aboriginal societies anthropological insights which have been developed, largely outside Australia, over the past four decades to specifically address the fact of continuities of belief, value and practice and dynamic social change as a normal characteristic of all societies.

However, it is ‘tradition’ rather than static notions of culture and formal structure which is now the biggest burden that New South Wales Aboriginal people have to bear. It carries with it the sub-text of authenticity because, in response to the changes in their lives, they have constantly been represented in Australia as ‘not real Aborigines’. Wolfe (1994: 110) has coined the notion of ‘repressive authenticity’, which describes the problem of having to prove Aboriginal authenticity in terms of a limited definition of ‘traditionality’. The use of the concept of tradition in the context of static models of culture can act as a mode of exclusion through its creation of a history-less people who are locked in a ‘traditional’ past, in contrast to being modern. ‘Tradition’ is rarely a label which people give to their own practices. It is an inherently comparative term, an assessment of the value and recognition of certain practices as against others, as interpreted within a particular relationship (cf. Volkmann 1984: 166). The choice of emphasis is political and arbitrary. We call some practices traditions informed by the past but not others. How are such decisions made and, more significantly, by whom?

Debates about tradition, influenced in particular by Hobsbawm and Ranger’s 1983 volume on the *Invention of Tradition*, have tended to focus on the ways it is con-
structured or invented in the present so as to depict the past in a certain way. Tonkinson (1993: 599) has referred to tradition as something that clearly belongs to the present, ‘effectively conceptualised as a resource, employed (or not employed) strategically by certain (but not all) of a community’s members’. One evokes:

the past to gain strategic advantage in the present ... When people contest definitions of the past and the nature and content of customary practices, the ‘truth value’ of such claims is largely irrelevant to the observer; what matters is whose views prevail, and why, and to what effect.

Ulin (1995: 526) agrees, pointing out that the invention of tradition is not only positional but selective:

Not all discourses of an imagined and relativized past have an equal chance of being advanced and recognized as authoritative. The historical and sociocultural differentials of power thus occupy a central place in establishing which of a multiplicity of positioned actors will be able to advance their versions of the past as authoritative. The effort to gain recognition for an interpretation of the past involves a political struggle for self-identity and mutual recognition that should not be trivialized by a postmodern equivalence of discourses or, as Jonathon Friedman (1991) has argued, a museum concept of culture.

Aboriginality is a bundle of social constructs, many of which compete with each other but on unequal terms. Aboriginality is as constructed in remote Australia as elsewhere but only in remote Australia is it imbued with authenticity. The two principal criteria for a privileged position of authenticity are to be natural and untainted. In wilderness areas the Aborigines are untouched by the Anglo-capitalist. A combination of possessive individualism and modernisation ensure that the demise of those who cannot fulfil these criteria is seen as an equally natural process of decline — and not the outcome of a particular form of anthropological and political privileging, coincidental with expansionist programs in settled Australia. It is ‘to be expected’ that denser colonial settlement would extinguish Aboriginal traditions, because the colonisers are the powerful. This not only renders the Aboriginal people of settled Australia less authentic, because traditions are defined in such a way as to ensure that this will be the case, it entrenches the legitimacy of colonisation itself. Anthropologists collude in the reproduction of limited constructs of Aboriginality and thus to the denial of alternatives to this system they have constructed. It is now so much taken for granted that the distinctions between remote and settled Australia signify cultural loss, that to question it is to render oneself unacceptably radical or naive.

Handler (1986: 2) maintains that:

Our search for authentic cultural experience — for the unspoiled, pristine, genuine, untouched and traditional — says more about us than about others. Explaining anthropological notions of authenticity will give us yet another example of the startling degree to which anthropological discourse about others proves to be a working out of our own myths.

There is a real paradox in Trilling’s (cited in Handler 1986: 3) assertion ‘That the word [authenticity] has become part of the moral slang of our day points to the peculiar nature of our fallen condition, our anxiety over the credibility of existence and of individual existences’. But in the exoticising of those who are deemed more authentic in terms of European imagining is the denial of lived lives.
Change happens everywhere as a normal part of cultural process. Traditions are not the vestiges, the conscious or unconscious leftovers from another world of practice. Rather, they refer to meanings and practices moving through time, dynamic. Traditions are those practices and beliefs of a people which are regarded as having been informed by practices and beliefs of the past. They do not normally require to be of long standing in a culture to attract such a label: they need only to have been transmitted through one or two generations, and a particular social group may refer to traditions which have developed as annual rituals over just a short period of time. ‘Traditions’ are thus contemporary practices that have histories and these histories are complex, full of tension, change and contradiction. They are strategies designed to make the unfamiliar familiar, to maintain power in the hands of some rather than others, to recall fears and prohibitions as well as fond memories handed down from one generation to another. The bunyip or waawee is still in the river — maybe not as incarnation of the clever man but as feared killer nonetheless, with many a story told of an adult made unwary by the grog pulled down into its icy-cold holes. The card table turns someone’s wages into someone else’s winnings, which then have to be shared with kin with a traditional right to make demands.

The Native Title Act requires that what constitutes a living tradition among Aboriginal peoples must be seen to have its intellectual or behavioural foundations in classical lifeways. For example, when describing their traditions of hunting, rabbits feature frequently and rabbit curry has been a long standing tradition among Wiradjuri people. Some Kooris refer to it as ‘traditional Koori food’. However, the rabbit and the curry were introduced from Europe subsequent to the colonisation of Wiradjuri country. The hunting and cooking of goanna or echidna in traditional ways, on the other hand, have been directly informed by classical lifeways and constitute traditions in the context of the Act. If rabbit are hunted in the classical way that possum, for instance, was once hunted, with well-flung stones, this would constitute an adaptation, a transformed tradition. If rabbits are shot with guns, and goannas are no longer hunted at all, one might argue for a cessation of a tradition of hunting in such a case. The realities, I would argue, are much more complex. In many areas, Wiradjuri people continue to hunt goanna, sometimes to cook on open fires and sometimes in the oven. But its meanings have, of course, changed considerably from the days when it was part of a staple diet rather than a symbolic seasonal ‘treat’. Thus reference to ‘traditions’ of, for instance, familial culture, law or other customs, will be to a vibrant and meaningful tradition of intellectual and social activity in contemporary practices and/ or beliefs which can be seen to have been informed by this classical period but which are not necessarily expected, consistent with the Mabo High Court decision of 1993, to have been transmitted in identical form or structure.

Continuities are more able to be grasped if one accepts that the dominance of Wiradjuri social life was not total. Even during the mission era, when managers dogged everyday life, people saw themselves as exercising a degree of autonomy. Indeed, the levels of autonomy are probably more reduced today in northern Wiradjuri, and proba-

1. The waawee is like a great snake, which causes death by dragging people down into its deep waterholes (Gribble 1886:118, Mathews 1904:162). Although older Wiradjuri may use the local term waawee, it is also now called by its popularised name, the bunyip.
bly elsewhere, as a result of contemporary political and economic structures than at any other time in their history, pre- or post-colonisation. Mission managers identified in Wiradjuri memory as good are clearly those who appreciated their need of the Wiradjuri polity, and the kinship networks upon which it was based for the effective management of the community. The Aboriginal Protection and Welfare Boards relied both on hunting and gathering skills and opportunities, and on the economics of sharing to ensure supply throughout the community and thus cut their own costs. Hunting in particular underpinned several of the Wiradjuri mission economies until after World War II. Individual communities have differing histories of the ebbs and flows of controls and repressions of their valued modes of being in relationship to each other and to place and their practices.

And there have been obvious political shifts over time. At certain times, it has been incumbent on Wiradjuri to de-emphasise tradition, at other times to highlight it. This responsiveness to the exigencies of the dominant society is to be expected in a situation of relative powerlessness. The Aboriginal Protection Board encouraged men to hunt to save the Board money. At the same time, hunting signified the continuance of a state of primitivism, and a man who was known to hunt found it more difficult to get a job. Such hypocrisies inevitably produced ambiguities and conflicts in Wiradjuri representations of themselves vis-a-vis the white domain. Hunting, shearing and fruit picking have each been valued highly in different economic eras, and Wiradjuri people have excelled in all of them over generations although, in the indigenous cultural history stakes, a higher symbolic value is placed by contemporary Australia on the skills of hunting. In contradiction, status and pride were more available through paid employment in the European domains which ultimately mattered in the power stakes. This again reflects the subtle processes of exclusion through the apparent valuing of ‘tradition’.

It is often the case that, while deep structures which inform social meanings and everyday practices may remain, resulting in a transformation rather than a loss of traditions, it is the surface or manifest culture which is observed — and in many cases misunderstood — as evidence for ‘loss’ of culture. As has been the case since colonisation, what is not seen to be material or visible (land tenure at the time of initial colonisation is an example) is not accorded status as an authentic cultural mode. The most common examples evidenced for ‘loss’ of traditions in settled parts of Australia are loss of traditional languages and formal ceremonies. Kinship, authority relations, ways of being, identification within a collective framework of kin relations, and relationships to land are phenomena which are not easily visible to the eye. Friedman (1993: 753, 760) makes a pertinent observation in this regard:

[While it is indeed the case that tradition is constantly undergoing transformation as long as it participates in a dynamic social process, there is also significant continuity in the transformation itself. And where absolute discontinuity exists, it can be overcome by the act of creating a social identity based not so much on history books but on the transformed cultural strands that link generations ... and I maintain that with an artefact based notion of what culture is all about, the question of continuity cannot even be properly addressed as a social phenomenon. This is because continuity, and therefore transformation of cultural form, is not comprehensible in terms of the forms themselves, but must be rooted in the motivations and strategies, the intentionalities of social subjects in time and space.]}
The point is that kinship rules, language or rituals (as forms of cultural exotica) are amenable to treatment as a set of material artefacts which can be offered as evidence of traditionality. This stems from the early emphasis on their higher order structures — form, rather than practice. They are then reified because of their value to western cultures at this point of modernity, including, for example, their commodification for the tourism industry, or the need for ‘spiritual authenticity’ to placate the crisis of meaning in materialist cultures. The turning of these notions into objects or things divorces them from their social origins and therefore from their meanings. Conceptualisations of traditionality and authenticity, when reified, become mutually interlocked in a dangerous circle of interdependence and therefore offer little in the way of explaining how transformative processes actually operate within Aboriginal socialities. Whilst the processes of transformation depend on the continuities offered by perdurable structural forms, it is a mistake to think that notions of continuity can only be linked to inelastic frameworks of traditionality. Notions of traditionality must incorporate models of history to be at all meaningful when analysing how cultures transform and reinvigorate themselves. Lindstrom and White argue that it is only through an historical approach that the stereotypical notions of ‘traditional’ and ‘modern’ can be eroded (1993: 470). This of course entails that, in studies of cultural continuities and transformations in Aboriginal Australia, our models of their histories must be grounded in the realities of Aboriginal-European relations and the obvious inevitability of change as a result of state-sanctioned incursions into their lifeways while at the same time acknowledging the capacity of much of Aboriginal tradition to have continued to share those interactions.

The capacity to change

The history of European–Wiradjuri relations in the vast Wiradjuri area is long and convoluted and it is not my intention here to elaborate on the moral complexities inherent in comparisons between government policies of different eras. Nevertheless, it is imperative that we recognise the extraordinary capacity of much of Wiradjuri tradition to have continued, as well as the obvious inevitability of change in Wiradjuri societies as a result of state-sanctioned incursions into their lifeways. This does not mean that these
changes should necessarily be interpreted as so great that they constitute a situation of 'cultural loss', as popular belief would have it. On the contrary, I would argue that it is because of the creative ability of Wiradjuri and other Aboriginal socialities to reconstitute themselves as discreet social entities under the impositions of colonial policy that Australia has been forced to address the moral/political issues of land rights and social justice over recent decades, in New South Wales as elsewhere. The failure of assimilation policies attests to this fact, as does the now legal definition of what constitutes an Aboriginal person. Since 1972, Australian governments have recognised the existence of distinct Aboriginal polities through the expression 'Aboriginal community', and have allowed people who identify with and are identified by such communities to define themselves as Aboriginal. It has included the recognition by the Wran Government in 1983 of the Wiradjuri desire to jointly incorporate their land councils as the Wiradjuri Regional Aboriginal Land Council, despite initial plans to divide this cultural region (Macdonald 1986).

Liberman (1978: 161) has noted how cultural innovations in Aboriginal society pass as already 'principled versions' of how things have always been done, and that this is as true for ritual as it is for political formulations. What is evident in Wiradjuri lifeways over the past two centuries is that their traditions of lived experience with their vast repertoire of expressions have been able to continually nourish themselves from their own source. When activities are introduced, they have been modified in form or meaning in such a way that they continue to express the source of Wiradjuri social being. In the past Wiradjuri people would have illustrated these expressions of sociality in the form of myths, ceremonies, songs, rituals and various other activities of classical Wiradjuri lifeways. Nowadays they have different expressions, as would be expected in a situation of continuing colonial encounter: there is a focus on political activities and articulations, on ritualised stories of past contrasted with present, of the old people, of Wiradjuri-European encounters, of sporting prowess, and different ceremonies of selfhood. In other words, things that make contemporary life meaningful but in terms of their traditions of moral order (such as 'demand sharing', see Macdonald 2000).

Within the physical sciences, theories such as chaos theory have been developed to accommodate more adequately the complex nature of dynamic systems. None could be more complex and dynamic than human social systems but Australian anthropology has been slow to incorporate theoretical frameworks which acknowledge this (but see, for instance, Morris 1989, Merlan 1998, Austin-Broos in press). Pre-existing systems — social, intellectual and material — are a key resource in a people's cultural capacity to adapt, modify and transform themselves as individuals and as social groups in response to both enforced and desired changes wrought by their own lifecycle, by colonialism and other intercultural contacts, war, natural disasters, and so on. It is in this responsiveness that people demonstrate the vibrancy of their culture.

The recent work of Marshall Sahlins' (1985, 1995, 2000) has been committed to examining the ways in which indigenous peoples change, and he argues that the collective structures of tribal or cultural life are able to reproduce themselves over time because they clearly demonstrate a capacity to risk themselves in the new conditions with which they are presented. Sahlins' approach emphasises that it is in the way that a people change that they maintain their wholeness, their distinctiveness — these are not just the product of continuity or survival. The unique Wiradjuri response to the chal-
Challenges of colonialism stems from their appeal to practices and meanings with histories in their classical past as well as the ways in which they continually negotiate introduced ones. Both are resources, strategies for dealing with changed circumstances (see also Tonkinson 1993 on tradition as a resource). But Aboriginal beliefs and practices in Australia have been regarded as authentic only if seen to be unchanging since ‘time immemorial’. There has been no recognition, until the Mabo decision, of the fact that it is not only perfectly logical but also legitimate that, under conditions of colonisation, social systems would undergo processes of transformation. As Wolfe (1994) points out, colonisation is not an historical event but a structure within which indigenous peoples have had to operate.

Colonisation is a process with alternating periods of upheaval and stability as adjustments are made on all sides to the presence of the ‘other’ (see also Wolfe 1994). It is evident that some introduced practices were found attractive by Wiradjuri people precisely because they did allow for both strengthening and continuity of valued Indigenous practices. Wiradjuri adapted introduced technologies for their own purposes, as when Reckitt’s Blue laundry whitener was adopted to paint bark upon which there were carved representations of fish in water (Mathews 1897: 43, at Bulgeraga Creek on a burbung initiation ground). This kind of incorporation of non-Indigenous artefacts and activities is not evidence of a loss of an artistic tradition but of creative adaptation and incorporation of European products into Wiradjuri traditions and lifeways, albeit within a very changed framework of reference (see also Morris 1989). At other times, new practices were found attractive and change was desired or was part of the strategies of adjustment. Flour was an attractive alternative to the collecting and grinding of nerruh grass seeds for damper bread, and the native grasses disappeared quite quickly under the pressures of grazing and land-clearing. Card-playing introduced a new mode of redistributing resources and was thus able to redefine money coming into the community in terms of Wiradjuri systems of economic and social value. It is little wonder that cards became so popular, here as elsewhere in Australia (see, for instance, Berndt and Berndt 1947; Goodale 1987), particularly as hunting and gathering became more difficult and wage labour imposed potentially new forms of economy and value.

The recent recognition by the Australian state of Aboriginal rights on the basis of traditionality, as in native title, implicitly recognises that it is previous state policies which have forced certain forms of transformation and change. It thus invites acknowledgement that this should be accommodated in the understanding of Aboriginal cultural histories. New South Wales people are faced with the unenviable task of educating non-Aboriginal people in the ways of their own particular forms of cultural expression, in an environment which has been made hostile over a long period to their recognition at any level. The problem is how to deal with an historical outcome which is mostly a creation of state policy: including, for instance, eradication, segregation and assimilation; or the requirement that in order to receive much-needed housing and development funding Aboriginal people must introduce culturally-alien structures as a condition of their receipt.

But as Sahlins encourages us to think, the point is not what has been ‘lost’, nor what has been ‘retained’. Rather, it is how ways of being in the Aboriginal context have been efficacious in providing resources upon which people could draw in responding creatively to changes over time. What is not useful is discarded, whether it has been
rendered ‘not useful’ by prohibitions or force, or whether it is voluntarily discarded in favour of new resources available in the environment. Change is particularly evident as well as frequent at the level of technology: most people would rather buy their flour than make it (see, for instance, Sharp 1964). The least change is evident in the structuring of social interactions, meanings and values, and it is these which form the basis of, as well as being influenced by, the Wiradjuri systems of kinship, land connectedness, authority and economies. If Wiradjuri people draw on practices and beliefs of European origin and transform them in their struggles, is this not improvisation rather than assimilation? As Asad (1993: 11–13) comments:

> The idea that cultural borrowing must lead to total homogeneity and to loss of authenticity is clearly absurd … one does not simply get a reproduction of identity. The acquisition of new forms of language from the modern West — whether by forcible imposition, insidious insertion, or voluntary borrowing — is part of what makes for new possibilities of action in non-Western societies.

Aboriginal socialities have survived and in most cases thrived, despite state-sanctioned attempts to dissolve them through violence, then dispersal and assimilation policies. One could say that the failure of each of these stages of state activity provides irrefutable evidence as to the power of Aboriginal socialities to renew and maintain themselves as discrete polities in the face of ongoing attempts by the state to dismantle them. Aboriginal people in New South Wales have had to endure prolonged, hostile and intense occupation of their lands. They should not have to suffer the concomitant indignity of a further lack of recognition towards their own particular modes of survival and adaptation simply because they have had to endure the full wrath of the colonising process. The fact of their survival as distinct Aboriginal societies indicates the strength of their cultural history. The assumptions of ‘assimilation’ that follow strategic choices which involve the adoption of European-derived practices are a product of ideological positions on the inevitability of modernity rather than an ethnographic and historical portrait of Aboriginal responsiveness. The Wiradjuri past is influenced by ideological projections of anthropologists, historians and colonisers alike, rather than in a genuine interest in how their cultural forms are and have been constituted. Yet it is the fact of the creative ability of Wiradjuri and other Aboriginal societies to reconstitute themselves as discrete social entities under the impositions of colonial policy that challenges Australia to address the moral and political issues of recognition, rights to land and social justice, in New South Wales as elsewhere.

**Legitimating colonisation**

So I am arguing that, until recently, understandings of the Wiradjuri past and present have been influenced by ideological projections of anthropologists and colonisers alike, rather than in a genuine interest in how their cultural forms are and have been constituted. They have had to confront not only the model of cultural stasis but also the privileging of certain traditions over others. Tradition has become associated with exoticised practices, in particular those associated with rituals and artefacts, those which emphasise the manifest and the material at the expense of systems of meaning. The privileging of certain activities has rendered some traditions valuable and others not.

In the labelling of Aboriginal peoples as either traditional or cultureless, anthropologists have colluded in the invention of a hierarchical and hegemonic model of
Aboriginalities and thus also of traditionalities which have served to conceal the historical events by which dispossession itself has been ‘naturalised’ in the settled areas of Australia. The development of agriculture in central New South Wales, contributing as it does to the political economy of the State and the nation as a whole, is based upon the violent dispossession of the Wiradjuri. We can trace the process by which that dispossession has been invented and reinvented over time as a natural and inevitable process of cultural loss and disintegration in the face of modernisation and progress. The invention of the inevitability of the Wiradjuri demise has, of course, legitimated their continued colonisation and the denial of their rights.

While I have characterised the view of New South Wales Aboriginal people as having ‘lost’ their culture as being due, in part, to inadequate fieldwork and the continued uncritical application of outmoded anthropological theories of social change, these practices were themselves produced within a political arena in which it became necessary to emphasise loss of Aboriginal culture in particular ways in order to legitimise European-Australian gain. Increasingly, a denial of cultural tradition has served to deny rights to those who no longer have ‘tradition’. The social construction of the authenticity of only certain forms of Aboriginality as ‘traditional’ naturalises the colonial process of land alienation and use which has differentiated Aborigines of remote and settled Australia for much of the twentieth century. Socially-produced differentiations are constructed (invented) as ‘natural’. It is ‘natural’ that denser settlement would extinguish Aboriginal traditions, or make any transformational processes less authentic, because the traditions are defined in such a way as to ensure that this will be the case. ‘Tradition’ is an assessment of the value of certain practices as against others, as interpreted within a particular political relationship (Hawkins 1996). The choices in emphasis are political and arbitrary: some people are allowed to change and not others. Indigenous rights, when defined as traditions, are calculated in terms of their distance from non-indigenous practices: the more ‘different’, the more ‘rights’. Rights are then, in a self-perpetuating spiral, only defined in terms of the retention of those differences, irrespective of other facets of cultural life.

While I cannot explore debates about the invention of tradition here (see, for instance, Hobsbawm and Ranger 1983; Linnekin 1983, 1992; Linnekin and Handler 1984; Tonkinson 1993), suffice it to say that if it can be argued that ‘tradition’ is invented in response to political exigencies, then it must also follow that ‘culturelessness’ and ‘loss’ can be invented as well. It is necessary to examine the theoretical and political significances of culturelessness and loss as the dominant representation of Aboriginal peoples in southeastern Australia, and the extent to which anthropologists have colluded in these representations by their silence and in their contribution to a hierarchical and hegemonic understanding of ‘Aboriginality’ as defined by a classical past, and not as the cultural history of landowners grappling with the pain and attractions, the conjunctures and disjunctures which characterise their history of colonisation. Does it matter, in the end, what kind of ‘culture’ Aboriginal peoples have in their quest for justice and recognition in the face of colonial practices and ideologies?

It is instructive in this respect to consider the argument that Ulin (1995) has developed in exploring the politics of the ‘invention of the tradition’ of Bordeaux wines. His insights on the ways in which tradition becomes defined and legitimised can be equally applied to the ‘invention of the culturelessness’ of New South Wales Aboriginal people.
This can be illustrated by my paraphrasing of part of Ulin's (1995: 519) discussion, using it to argue that the current position of New South Wales as Australia's premier and most highly developed State:

Follows conjointly from its political and economic history and from a more general process of 'invention' that disguises what is social and cultural in 'natural' attire. [The history of New South Wales] thus illustrates the dialectical connection between [the development of agriculture in New South Wales] and [dispossession of Aboriginal people]. It is thus imperative to address the theoretical and political implications of the invention theme, for I maintain that power differentials between [Europeans and Aborigines] significantly silenced all but [powerful European colonial interests] in the invention of a hierarchical and hegemonic ... tradition [which rested on the invention of the 'inevitability' of the disappearance of Aboriginal culture, and hence on Aboriginal cultural loss and disintegration].

The theme pervasive for almost a century of the inevitability of modernisation or progress, and thus of cultural loss, has served to buttress the aspirations of capitalist development through colonisation and has been an important component of ideologies of possession and legitimation. Returning land to Aboriginal control has been regarded as morally and politically advantageous only when 'culture' (defined by other than Aboriginal participants) has been deemed to have survived — mostly notably in the Northern Territory — coinciding, at least until relatively recently, with land which was considered of less value to developers. The politics of return are very different in developed States, where the ideology of culturelessness continues to deny Aboriginal people similar rights, or even sometimes their right to call themselves Aborigines. To argue for the Aboriginality of New South Wales Aboriginal people not only places at risk of pollution the exotic representations of Aboriginalities upon which national identities and cultural industries depend, but it also threatens the security of non-Aboriginal landholders who have been led to believe the prior owners were long gone, at least as encultured beings.

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The journey to ‘Forked Mountain’

Marilyn Wood

In this article I examine the ways in which relationships between people and place constitute the factors that were influential in the historical development of a particular Aboriginal community in rural New South Wales. This case study is based on research undertaken in Coonabarabran and may prove to be useful as a small contribution to the growing literature on change and continuity within Aboriginal relationships to land in the southeastern or ‘settled’ regions of Australia.

The Coonabarabran region on the northwestern slopes and plains of New South Wales falls within an area in which the matrilineal transmission of moieties and social totemic clans may have significantly affected the nature of social relations amongst kinship groups both before and after contact with European society. Rights in land have customarily been assigned through patrilineal descent. However, such traditional practices in this area were particularly affected by the rapid nature of the process of conquest and appropriation of country, the economic uses to which that land was put and the scale of European migration into the district. In particular the dramatic reduction of the Aboriginal population to that of a marginalised minority, with the emergence amongst that population of a large percentage of people of mixed descent, created the circumstances in which the forms of Aboriginal social organisation through which relationships to land were constituted underwent substantial transformation.

1. Fieldwork was undertaken from November 1995 to April 1997 and archival research has been carried out intermittently since 1994.
2. I refer here to those areas first identified by Rowley (1970: viii) as ones where a high proportion of people of mixed descent comprised the Aboriginal population due to their early colonisation in the nation’s history. It most commonly refers to the more densely settled regions of the southeastern States.
3. Refer, for example, to Fison’s description of matrilineal descent amongst the Kamilaroi (Fison and Howitt 1991: 68–75).
4. This is a contentious issue that requires further investigation. Refer to Sutton’s comments (1998: 40).
5. An assertion made by anthropologists such as David Turner who, in his 1980 book Australian Aboriginal social organisation, draws on material from all regions in Australia except New South Wales and Tasmania to support his analysis (Turner 1980: ii–iii). Sutton reproduces this argument but does allude to the fact that there is very little evidence concerning patrilineal land rights in New South Wales, for the simple reason that earlier anthropological research failed to address the issue (Sutton 1998: footnotes pp 40, 67). I assume that the reason for this was the perception that Aboriginal people had already been effectively dispossessed of any rights to land by the second half of the nineteenth century.
Most Aboriginal people within Coonabarabran claim to be descendants of the Kamilaroi9 speaking people, a language group with several regional variations that before the British invasion occupied a large region of country in northwestern New South Wales and southern Queensland.10 During my fieldwork period a prominent family group was described by many townsfolk as Wiradjuri11, another major language group whose country extends from south of Coonabarabran towards the Victorian border.12 The region that is now known as the Coonabarabran shire overlapped the transition zones of several language regions13, and there is historical and folklore evidence to suggest that raiding parties from as far off as Cassilis to the southeast and Gunnedah to the northeast fought and raided local hordes.14 Evidence also exists that the region was incorporated into an extensive Indigenous trade system.15 After European settlement it became a strategic commercial centre first on colonial stock and trade routes16 and then for travellers on major highways.17 What we know of the prehistory of the Coonabarabran district certainly provides support for Goodall’s description of a complex model of Indigenous society in the inland regions of New South Wales integrated through relationships based on kinship, ceremony, trade and gift-giving (Goodall 1996: 11–13). The region has therefore historically been characterised by its dynamic human travel and migratory movements providing opportunities for extensive incorporation into pre-contact and contemporary social networks.

I do not mean to imply here, however, that a sharp break necessarily exists between the movements of people before and after the British invasion and settlement of the area. It is possible that Aboriginal people drew on existing social networks, exchange and ceremonial links to negotiate their spatial and social placement within the new social and political milieu. This may have provided one possibility for elements

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9. Also referred to as Gamilaroi, Kumularoi, Gummilray, Kahmilaharoy and other spellings (Millis 1992: 21).
10. The pre-conquest boundaries of Kamilaroi country is contentious and the position of Coonabarabran in relationship to Kamilaroi country is debateable. A major revision of Tindale’s map has extended Kamilaroi territory into the Hunter region (refer Millis 1994: ch 2).
11. Peter Read’s map of Wiradjuri country demonstrates the ways in which boundaries affiliated with language groups have shifted historically (Read 1988: xvii).
12. This ascription is of course simplistic and this construction of a ‘tribal’ identity relies on the privileging of some cognatic (or more rarely affinal) relationships over others. This process is similar to that outlined by Sutton’s description of a limited ‘choice’ usually existing between a few descent groups (Sutton 1998: 64). In the Coonabarabran district people use the two tribal identities to distinguish ‘local’ from ‘outsider’, ‘sedentary’ from ‘transitory’, and ‘friendly’ as opposed to ‘hostile’. ‘Choice’ was partly determined therefore by the orientation of the family sub-group towards the general community.
of continuity to underpin some of the more obvious transformations of social organisation. Further research is required into the relationship between Aboriginal and non-Aboriginal population movements before conclusions can be drawn concerning the exact nature and extent of the ongoing effects of contact patterns between Europeans and Aborigines on this particular community. It is apparent that in the Coonabarabran district British conquest, invasion and settlement resulted in many of the social changes listed by Sutton in his summary of transformative factors affecting local social organisation (Sutton 1998: 67–8). In particular his identification of the emergence of powerful and independent women who became the matriarchal heads of land holding groups is consistent with developments in the Coonabarabran area. To explore this theme of continuity and transformation in social organisation I will draw on documents written by the founding matriarch of this community, Mary Jane Cain, as well as the history of the Forked Mountain reserve and the Cain matriarchs, written by Margaret Somerville and Mary Jane’s descendants (Cain 1926; Somerville et al. 1994). These works reveal how, from the vision of the first matriarch on ‘Forked Mountain’, an Aboriginal community grew in strength from shared experience of struggle and extraordinary social change (Somerville et al. 1994).

As Cowlishaw describes in her outline of changing cultural dynamics in New South Wales, the survival of a distinctive Aboriginal culture was achieved in the face of State oppression and public opposition to its survival. There was consequently a high price paid in terms of loss of esoteric knowledge and language. She argues, however, that to focus on the ‘loss’ is to overlook both the political context of that aspect of change and the positive ways in which Aboriginal people have negotiated changing social conditions whilst retaining their Aboriginal identification (Cowlishaw 1994: 90-3). The work of Sommerville et al. (1994) reveals how family and community survival

13. Millis (1992: 25) places the present-day townships of Coonabarabran and Baradine within Kamaíloroi (also known as Gamilaroi and Gamilaraay) country, Gilgandra and Coonamble within Kamaíbarai country and the Wiradjuri quite distant to the south extending just north of Dubbo. Tindale’s map places the townships of Coonabarabran and Gilgandra within Wiradjuri country, Baradine within Kamaíloroi country, Coonamble and Gulargambone within Wayilwan country. An analysis of these contradictions lies outside the scope of the article, but they do point to the dynamic nature of large-scale social interactions within this area.

14. Refer, for example, to the stories collected by John Ewing and his sons (Pickette and Campbell 1983: 121–2). Part of this collection became the basis for the book The red chief by Ion Idriess (1953). It recounts raids made by the Red Chief on women from the Warrumbungles region.

15. For example, the stone in a small axe found at ‘Ukerbarley’ originated at Moore Creek, near Tamworth. The sample of andisitic greywacke has been positively identified as coming from the Daruka quarry. Rock from the same quarry has also been found in Gunnedah, Wilcannia and Bourke (pers comm Pat Gaynor, 25 September 1991). Refer also to Wilson (1994).

16. Refer for example to Pickette and Campbell’s description of the Morpeth ‘wool road’ which extended through Coonabarabran from the Barwon and Namoi regions to the Hunter district. In addition, the stock route from Queensland to markets in Sydney and Melbourne passed through Coonabarabran (1983: 49).

17. Coonabarabran lies on the Newell Highway which extends from Victoria, northwards through New South Wales to Queensland. The Oxley Highway/New England Highway extends from just north of the Coonabarabran township to Queensland via the New England district.

18. For example the continuity of links between Coonabarabran, Gunnedah and Tamworth is suggestive.

was often accomplished through the outward adoption of non-Indigenous lifestyles that, however, remained distinctively Aboriginal through the retention of Aboriginal modes of interpretation and practice.\textsuperscript{23} Through these dynamic patterns of accommodation, incorporation and continuity,\textsuperscript{24} those transformations occurred within Aboriginal communities that facilitated first their survival and then their emergence as a distinct Indigenous people within the Australian polity. As the work of Cowlishaw (1994) and Somerville et al. (1994) reveals, the apparent taking up of non-Aboriginal cultural practices in many ways masked the continuance of an Aboriginal value system that underlay outward adaptations.\textsuperscript{25} The work of Sommerville et al. (1994) demonstrates that the privileging of relationships to place,\textsuperscript{26} kin relationships, and shared experiences of ‘mission’ life, have been central factors in the construction and reproduction of a group identity that has enabled Aboriginal people in Coonabarabran to adapt to their changing social conditions without losing vital aspects of Aboriginal cultural practice.

Within the Coonabarabran community there are at least three major family names that people may identify with, that provide affiliates with relationships to other members of that cognatic descent group and to the places (both within and outside Coonabarabran) associated with those names. Some people may have cognatic or affinal links to more than one of these families and many people do not actually have the family name as their personal surname. A detailed analysis of the processes by which a person’s primary identification with a particular family is established is outside the scope of this article, but in common with those families identified by Peter Sutton as ‘families of polity’ descent from a common ancestor is a necessary but not sufficient criterion. Another criterion is the ability to establish that oneself or an ancestor within one’s own sub-set had a historical link with the particular place associated with the apical ancestor of the larger surname group. Essential also is that sense of amity that

\begin{itemize}
  \item For example through the passing down of oral legends told to the children, which were a mixture of Christianity, ‘ghost’ stories and Aboriginal legend (Sommerville et al. 1994: 105–8).
  \item Compare with Sutton’s identification of ‘reaction, continuity and re-creation’ as the underlying influences on ‘post-classical’ Aboriginal society (Sutton 1998: 59).
  \item May Mee’s recollections of her childhood involvement with the sleeper cutters. Instead of going to school, May and other children would often go out into the mountain areas with a woman to hunt for small game and search for caves (Sommerville et al. 1994: 131–2).
\end{itemize}
transcends personal disputes to constitute that more enduring sense of corporate solidarity based on a recognition of mutual interests in place and extensive family connections (Sutton 1998: ch 2). In this article I examine the emergence of a woman whose close connection with a particular place created the circumstances in which she would be remembered as a founding ancestor of a community linked by consanguineal and affinal ties. In following articles I will explore how her status was transformed to that of an ‘apical’ ancestor whose identity became the reference point by which others located themselves in social and spatial relations.

In his work on ‘post-classical’ Aboriginal society, Sutton examines the relationship ‘families of polity’ have to particular country and their relationship to larger groups such as language groups, characterised by Rigsby (1995) as the ‘new tribes’. Sutton approaches this issue from the perspective of an anthropologist required to critically engage with the specificities of land rights and native title legislation, legal precedent and bureaucratic regulations. Some historians have also taken up this issue by seeking to establish a continuity in discursive claims to land that constitute evidence of unbroken links to country. I examine some of the issues facing anthropologists and historians who seek to link historically constructed relationships to land with pre-British contact concepts of territorial rights and responsibilities. I do so by exploring the ways in which Coonabarabran people in the nineteenth century overcame their loss of much ‘traditional’ knowledge concerning responsibility to country and at the same time maintained a strong Aboriginal identity. This was achieved through the social and historical constructions of new relationships to place that drew on and transformed older concepts of ‘belonging to land’. In this article I examine the period from the 1820s until the establishment of the Aboriginal reserve at Forked Mountain. In a future article, ‘Journey to Burrabeedee’, I will explore the transformation of the Forked Mountain reserve into the mission ‘Burrabeedee’, which marked the emergence of a greatly expanded community. In the last article in this series, ‘Journey from Burrabeedee’, I will examine those changes in social organisation that occurred as people moved from the mission into the township.

Sometime in the 1890s, Mary Jane Cain moved permanently from the locale of Aboriginal settlements on Gunnedah Hill and Honeysuckle Point to a parcel of land

27. Defined by Sutton as ‘those cultural practices and social institutions that have arisen since colonisation, as distinguished from those that are in large measure in continuity with those prevailing at the time of colonisation’ (Sutton 1998: 60). Sutton argues for the adoption of this terminology in preference to the ‘traditional: contemporary’ opposition, as he claims quite correctly that contemporary Aboriginal cultures also contain elements of the traditional (Sutton 1998: 60). In this article my use of the word ‘traditional’ is synonymous with Sutton’s concept of ‘classical’ and is not intended to relate exclusively to a pre-colonial period.

28. In common with many other places, people in Coonabarabran refer to ‘Burrabeedee’ as the ‘mission’ despite the fact that its associations with Christian organisations have only ever been of an informal nature. Until the State provided the first school teacher/manager in 1908, Forked Mountain was an unsupervised reserve. It then attained the status of a State-managed station.

29. Before this she had been using the land at Forky Mountain to graze her stock (Sommerville et al. 1994: 51–2). The Cains may have been doing so since the early 1880s. Refer to mention by Goodall (1994: 83) of an Aboriginal family on their own selection in 1882 that may be the Cains.
THE JOURNEY TO ‘FORKED MOUNTAIN’

at the base of Forked Mountain, six and a half miles northeast of the township on the
‘Gunnedah Road’ (Somerville et al. 1994: 77). Like many other Aboriginal people at
that time, Mary Jane believed that this land was a grant made by Queen Victoria to her
and her family in perpetuity. In 1892 the land had been gazetted as an Aboriginal
reserve and she and her husband had already begun to construct a hut for themselves
and to permanently graze their herd of goats there. She wrote several letters to the Gov-
ernor in connection with the reserve and Somerville located one in the State archives
that contains a request for government assistance. In this letter Mary Jane asked for her
land to be ‘measured (sic) and fenced’, for ‘seed of all sorts’ to be provided and for
rations be given to her and her dependent family. She wanted title to the land given to
her so that she could pursue her rights for sole occupancy against trespassers. She
envisioned that in time her family would become self-supporting from its farming enter-
prise. Mary Jane’s explicitly detailed intention was to pursue the form of propertied
existence she had been exposed to and which she plainly valorised.

At the same time as she intended to live the life of a selector, Mary Jane was also
obviously aware that as a ‘native’ she stood in a different relationship to the State than
did her ‘white’ neighbours. Her requests for assistance reveal that she expected the
government to ‘protect’ her rights to live free of harassment and to provide her with
those welfare measures necessary for her family’s survival and future security. It is also
apparent that she regarded this as a transitional measure until her family enterprise
could become self-supporting. Mary Jane based her claim for rations on her assertion
that she was the ‘only native belong in [sic] to here’ and that she was, because of her
own and her husband’s recent ill-health, unable to adequately provide for her large
dependent family. The letter she wrote to the Governor revealed that she believed the

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30. This area would have been seriously affected by the local flood of 1890 (Pickette and Campbell
31. The ‘Gunnedah Road’, as it is known, is that part of the Oxley Highway that extends from
32. In 1892-3 the area was affected by a depression in the economy which affected wheat prices
33. The ‘Burra Bee Dee Aboriginal Reserve (no. 47521) was gazetted on 21 February 1912. It con-
34. Cain, M. J. 1893, letter held in Letters to the Colonial Secretary, location number CSL 5/ 6137,
35. She claims to have already complained to the local sergeant but, lacking any title deeds, he
took no action.
36. Cain (1926) describes with nostalgia her participation in the rural world of pastoral work and
37. The terminology of ‘native’, ‘white’ and ‘halfcaste’ is that used by Mary Jane Cain in her letter
of 1893 and her collection of written reminiscences produced in the 1920s.
38. ‘Whites’ were coming onto her property and shooting (presumably hunting) and were allowing
their stock to graze there.
State had a duty to provide both for her family’s immediate survival and the means by which they could achieve long-term self-sufficiency (Somerville et al. 1994: 73–6; compare Goodall 1996: 75–84 and Morris 1989: 92–6).

Morris’s work with the Dhan-gadi people of New South Wales explores the context within which such letters were written. They were framed to fit the criteria for assistance set out within the policies of the Aborigines Protection Board. Morris points out that during this era protectionist and welfare measures were designed to ‘protect’ Aboriginal people from the destructive aspects of European society and to alleviate the conditions of their final demise by encouraging an ethos of sedentary self-sufficiency. This was to be achieved through farming activities undertaken on reserves located within the peoples’ own districts. By doing so Aboriginal people would simultaneously be removed from the growing urban centres (Morris 1989: 92).

Goodall has documented just how common initiatives by Indigenous peoples to secure farming land for economic security became in the second half of the nineteenth century (Goodall 1996: ch 6). She claims that an analysis of correspondence regarding such petitions reveals that they reflect a desire by Aboriginal people not only to secure a future economic base but to secure one that was located within their ‘traditional’ country. Goodall states that ‘[a]lthough the concept was not expounded in detail, it is clear that Aborigines were arguing that their ownership of land was sanctioned by tradition and religion’ (Goodall 1996: 84). Goodall explores the different ways in which Aboriginal people approached the State to apply for land. In all these approaches the desire to own land for farming and an acknowledgement of the Crown’s power to alienate land in the form of land grants is explicit — even where the injustice of their dispossession is pointedly referred to.

However, in the absence of other supporting evidence, the meanings associated with language concerning ‘country’ can only be conjectured. An example that illustrates the interpretative difficulties associated with such material is the demand made by William Cooper, where he asks for a ‘small portion of a vast territory which is ours by Divine Right’. Without further clarification it is unclear whether he was referring to country in which he had custodial rights through clan membership or wider ‘tribal’ interests. In his reference to ‘a vast territory’ he may also have been making a pan-Aboriginal claim for recognition of prior ownership of the whole of the Australian continent. Petitions such as Cooper’s are problematic for the historian in so far as it is difficult to interpret the particular basis upon which he was making a claim for an Indigenous right to land. Goodall characterises Cooper’s request for a land grant as ‘a testimony to the continued responsibility its Aboriginal owners felt towards the largest expanse of their lands’ (Goodall 1996: 79). Exactly what constitutes such a ‘responsibility’ and what ‘the largest expanse of their lands’ refers to is not clear from Goodall’s text. She may be referring to the emergence of language groups as the broadest land-holding group in areas where the particular estates of localised clans have merged into more regional rights in land or where different groups covering

39. Reay’s work explores how deeply felt was this sense of resentment and awareness of injustice throughout the western districts of New South Wales in the 1940s (Reay 1949: 98–9).

40. Sutton identifies this trend as due to changes in social organisation resulting from depopulation and lack of Aboriginal genitors (Sutton 1998).
large areas of land are linked through their shared cosmology associated with an extensive network of Dreaming sites.

Goodall’s claim that ‘it was clear that Aborigines were arguing that their ownership of land was sanctioned by tradition and religion’ is tantalising, but the issue of exactly what constituted those traditions and religion needs to be clarified. I am arguing here therefore for the need to contextualise references to land within both pre-contact and post-contact social worlds and to tease out the changes and the continuities. With respect to the Coonabarabran district, until all the available evidence — historical and archaeological — is comprehensively assessed, it is impossible to state with any certainty what the cultural beliefs and practices were that structured relationships to land before the pastoralists’ invasion. The area is rich in archaeological evidence of the long-term occupation of the region by Aboriginal bands, and bora sites indicate its use as a ceremonial meeting place for large groups of people. To date there has not been a definitive interpretation of rock carvings in the area that may be associated with increase sites or perhaps have been created as part of the shamanic practices of the area’s ‘clever men’. When interpreting references to land therefore it is important to approach the material with both a critical and an open mind.

Given Mary Jane Cain’s emphasis in her letter on the need to measure, fence and provide feed for stock on her land, it is apparent that she views her interest in the Forked Mountain property as an economic base and home site similar to those properties she and her family have worked on in the past. Her emphasis on measuring and fencing indicates a keen understanding of concepts relating to private property. In Mary Jane Cain’s case there is evidence to suggest, therefore, that her relationship to country had been transformed from one which in earlier times would have invested her with territorial rights based on local band membership, to one based on a sense of ‘belonging’ to place within the cultural domain of local pastoral stations. I am not claiming however that Mary Jane Cain did not at the same time retain important elements of Aboriginal knowledge concerning the land and social organisation — only that evidence for this is more fragmentary. A brief overview of Mary Jane’s family history indicates the complex ways in which relationship to people and place were constituted in the period from the 1820s to her movement onto Forked Mountain some time in the 1880s.

The story of Mary Jane Cain’s family reveals the ways in which some people from the central west, the Hunter region and northwestern New South Wales underwent significant relocations before finding a place where they could settle and be integrated into the local Aboriginal community. Some people from the east of the Great Dividing Range were incorporated into the world of those whites who explored the lands of cen-

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41. Goodall’s claim that whilst ‘Cooper was using the language of … Christianity … the concept [of land rights] was not Christian’ is problematic. Cooper did not necessarily need to operate in an either/or religious paradigm. Reay’s examination of the compatibility of Christian concepts of deity with Aboriginal concepts of creationary heroes such as Baiami demonstrates the extent to which apparently orthodox Christian beliefs were reinterpretations of traditional spiritual beliefs (Reay 1949: 108–10).

42. Refer to Sommerville et al. (1994: ch 1) for an overview of both the richness of the archaeological evidence and difficulties associated with its interpretation.
entral and northwestern New South Wales with the entrepreneurial intention of squatting on the best lands for themselves ahead of the State’s own timetable for the orderly and controlled settlement of the remoter regions. Whilst the Kamilaroi and the Wiradjuri warriors were feared for their armed resistance to European settlement, some of these people also acted as guides for explorers, boundary riders, shepherds and general hands on the runs established by the squatter-explorers. In doing so they became part of the movement of Aboriginal peoples from the coastal areas around Sydney, through the Hawkesbury area, up into the Hunter district and then into the central and north-west regions of New South Wales.43

This following account of Mary Jane Cain’s family history is pieced together from her own written account of the family and local history (Cain c1926), the memories of her descendants (Somerville et al. 1994), the historical account of the Pilliga region (Rolls 1981), the local published history (Pickette and Campbell 1983), census, and birth, death and marriage records. It demonstrates the ways in which relationships between people and place in much of the nineteenth century were organised around the affiliations forged by powerful land-holding families with their ‘servants’, their peers, and the land that they occupied. By ‘power’ I refer to the political, economic and social influence that ruthless and entrepreneurial dynasties were able to wield in a fledgling colony whose executive government was weakened by its distance from its administrative centre overseas, its lack of infrastructure and the extent of the territories it was attempting to control.44 This comparative freedom from state surveillance provided such people with opportunities to deal arbitrarily and harshly with Aboriginal people who resisted their encroachment.45 This article, however, explores the ways in which the same lack of social and political control provided opportunities away from the gaze of ‘respectable’ society for a variety of relationships to form between people that class and caste divisions would otherwise have kept apart.

It is unclear where Mary Jane Cain’s mother was born or when. As she died an elderly woman in 1882 it is likely, however, that she was born either just before or after the time that Europeans first crossed the Great Dividing Range and began the settlement of the Bathurst district. According to Mary Jane Cain, her mother Jenny (usually referred to as ‘Jinnie’), a ‘full-blooded’ Aboriginal was ‘brought up’ by the Coxes (or more probably by someone who worked for them) in the Mudgee district. William Cox was first based at Windsor but was then granted land at Bathurst in recognition for his role in constructing the first stock road over the Blue Mountains. From their Bathurst base the Cox family moved into the Mudgee area during the early 1820s. It was a time of fierce fighting between Europeans and the Wiradjuri. If Jinnie was ‘brought up’ by the Coxes around the Mudgee district during this time the circumstances of her incorporation into their world would undoubtedly have been violent. In 1824 the Wiradjuri of the Mudgee district had taken part in a major uprising that had been suppressed

43 Refer to Millis (1992, chs 3, 4) and Rolls (1981: chs 2, 3) for broad overviews of this era.
44 Pickette and Campbell (1983) both directly address and indirectly allude to this issue in the first few chapters of their local history.
45 Millis (1992) provides detailed accounts of the ‘bushwacks’ that resulted in the deaths of many Aboriginal people. He also addresses the issue of the extent to which social and geographic distance from state-regulated society affected the nature of frontier conflict.
only by military force. This led William Cox to make his infamous demand to the government: "Shoot them all and manure the ground with them!"  

By 1826 William Cox's sons George and Henry had extended their cattle even further north, staking a claim to land at Binnea, south of Coonabarabran, providing the nexus for Jinnie's move between Mudgee and Coonabarabran. William Cox Jnr meanwhile had established a family base in the Hunter region. By 1829 George and Henry Cox had moved on from 'Binnea' and had established a run at 'Nomeby' ('Nombi') further northeast into Kamilaroi lands. Another of the Cox brothers, Edward, decided to take up land in the same general direction and established the stations of 'Ulamambri' and 'Urabrible'. By 1836 George and Henry were sufficiently impressed by Edward's success to establish their own run (adjacent to his) which they named 'Cooleburbarun', part of which was the site for the present-day town of Coonabarabran. Edward himself extended his holdings to include the run of 'Cuttabaloo' near Binnaway.

According to Mary Jane Cain, Jinnie moved to the district not with the Coxes themselves but with 'people by the name of Rogers'. This may refer to Roger Heenan who knew the Cox family in Bathurst and became the superintendent of the Cox runs in the Coonabarabran district from about the time they moved from 'Binnea' to 'Nombi' around 1829. He became notorious for his penchant for black women. In 1839 Commissioner Hunter caused the sacking of Heenan when he reported that he had found Heenan 'living with an aboriginal black woman' and had warned him of the consequences. Hunter removed the woman from Heenan's control and returned her to her Aboriginal husband. When Hunter returned to the district again, however, he found that Heenan and another man, Hugh Griffis, 'had come after the black with a pistol and taken the woman from him'.  

It is impossible to say what relationship this woman had to Jinnie, or if Hunter was referring to Jinnie herself. What is apparent however is that during this time, women like Jinnie occupied a position at the interface of racial and cultural contestation over rights to land and its human occupants.

Jinnie's future husband, Eugene Griffin (the Hugh Griffis above?), was an Irishman who came to Australia on the same boat that brought out a Roberts family member. Roberts took up land in the Mudgee district adjacent to his father-in-law, William Hayes. Eugene had been assigned to William Hayes and when Hayes took up the 'Belar' run south of Coonabarabran Eugene presumably moved into the district as one of Hayes's men. William Cox's one-time overseer, James Hale, also applied for his own grant of land in the 1830s. After spending time in the Hunter on Cox family business, he took up the 'Tarawinda' run as well as 'Ulima', 'Bomera' and 'Bundalla'. A tightly knit group of squatters from the Mudgee district (most with secondary ties to the Hunter) had therefore quickly taken up extensive tracts of land in the Coonabarabran district by the 1840s. Eugene and Jinny Griffin worked for Hale for several years before Mary Jane was born. Jinny no doubt knowing Hale also through his close association with the Coxes. Through their incorporation into the network of intertwined 'pioneer' families from the Windsor, Mudgee and Hunter regions, Eugene and Jinny Griffin were perfectly positioned to obtain work within the Coonabarabran area on the runs that these

47. Refer to Pickette and Campbell (1983: 23).
affiliated family groups had claimed. Indeed at one time or another they worked on all the large and many of the small properties in the district.

Jinnie and Eugene also spent a period of time dealing in goods they bought at Maitland and sold along their trade route from the Hunter to Coonabarabran. It may perhaps have been at this time that they married at Muswellbrook and had their daughter christened. After a scare with bushrangers they settled back to pastoral work at James Hale's 'Bomera' station. By 1841 Hale had 21 men working for him on land that covered 80,000 acres, but he retained his close links with the Coxes in the Windsor district. Joseph Stafford, who had been partners with Eugene Griffith in the trading business, also worked at 'Bomera' and married a Miss Budsworth (also written as Budworth). Stafford had originally been assigned to a property in the Scone district and so would have had connections in the Hunter that might have influenced his decision to go into partnership with Griffin trading from the Hunter through to Coonabarabran.

Like Stafford, Mary Jane also married into the Budsworth family before her marriage to George Cain. Interestingly she married Joseph Budsworth at Mudgee, in 1859, indicating that the Griffin family continued to move between the Mudgee and Coonabarabran districts over the years — no doubt in response to the flexible labour needs of the pastoral enterprises they worked for. Joseph Budsworth himself had been born on the 'Binnea' run around 1832. Mary Jane and Joseph Budsworth returned to the Coonabarabran district before the birth of their second child, James, in 1860. Joseph died soon after and Mary Jane worked on a number of different properties such as 'Kianbri' and 'Mount Tennandra' before going to work for the McGregor family near 'Weetaliba'. The McGregors were related to the McMasters who came to live nearby and 'Yellow' George Cain moved to the Coonabarabran district with the McMasters who took up the runs of 'Weetaliba', 'Mobbla' and 'Pine Ridge'. George Cain was born in Singleton and Mrs McMaster, the mistress of these runs, was a Cox from the Maitland district. Mary Jane and George Cain were married in the McGregor's 'best parlour' by the Reverend Alexander McEwen. After their marriage Mary Jane and George continued to work on the various properties owned by their network of affiliates until they eventually moved to Forked Mountain.

This brief overview of Mary Jane's family history demonstrates the deep enmeshment of Aboriginal and European lives during this era of colonial history. Some Aboriginal people managed to maintain their social and cultural distance from the pastoralists, retaining their membership of the local tribal bands as their primary social position. However, people like Mary Jane and George Cain who were born into this world, and her mother who was incorporated into it from an early age, found the large squatting runs with their own community of superintendents, stockmen, shepherds, labourers, women and children provided a means by which they could forge new forms of relationships to people and place. Yet life on the pastoral runs did not exclude the more traditional Aboriginal domain. Local historical records reveal the presence of Aboriginal people living in camps either on or adjacent to these runs and these people provided people like Jinnie Griffin and the Cains with a continued exposure to Aboriginal language and custom as well as a sense of 'belonging to' place that predated the squatters. The ability of Aboriginal people to move between these social spaces is demonstrated by the way in which Jinny Griffin became the partner of King Cuttabush in later life. After his death she became the acknowledged leader of his local band.
In view of her complex relationship to people and place it is therefore impossible to comprehensively understand the meaning/s Mary Jane Cain intended to convey through her claim to be the only ‘native belong in [sic] to here’. This claim is made in the second half of her letter after she has addressed the other issues relating to European uses of land. This claim is however suggestive that Aboriginal concepts of country informed her sense of identity and associated rights. We know that when Mary Jane wrote her letter in 1893 other Aboriginal people lived in the district. As mentioned above, her husband, Yellow George Cain was, like herself, of mixed descent but born elsewhere. In her collection of notes written in the 1920s, but referring largely to people and events of the nineteenth century, Mary Jane refers to two ‘halfcaste’ men, George and Harry Slater, living at Baradine in the 1920s but raised from small children by the Cooper family at ‘Wittenbri’. She also mentions Mrs Murchison, ‘a Windsor native’ who may have still been living in the district in the 1890s after the death of her Scottish husband, Kenneth Murchison. According to an 1891 report written by Maurice Hennessy, the schoolteacher at Coonabarabran, there were somewhere between forty and fifty ‘halfcaste’ people living in the district. Birth, death and marriage records from the district make a few oblique references to Aboriginal people but with little information given concerning their origins. Local histories provide several references to Aboriginal people being befriended or raised by whites and working for them on properties. Further research is therefore needed to establish how Aboriginal people born in a variety of locations and circumstances constructed their sense of identity and relationships to each other during this era.

However, by the 1890s the generation who had been born and/or lived in the area before the European invasion and occupation had either died or were very old people. Of the people mentioned by Mary Jane in her memoirs, apart from her children, she was the only one who was born before 1893 in the Coonabarabran district, and

48. Refer to Report from Teacher, Public School, Coonabarabran to the Chief Inspector. Re, necessity for establishing a separate school for Aboriginal Children in the vicinity of Coonabarabran (Department of Public Instruction 1891).
49. Refer to Wood (1998) for an examination of the role played by civil registration practices associated with births, deaths and marriages in positioning Aboriginal people vis-a-vis non-Aboriginal colonial society.
50. For example Quaker Tommy continued to live on his land in friendship with its white owners and two Aboriginal girls raised by the Carlows on ‘Dandry’ (Pickette and Campbell 1983: 45).
51. Refer however to Wood (1997) for an analysis of the difficulties faced by Aboriginal people such as Jimmy Governor during the second half of the nineteenth century in their attempts to accommodate the often conflicting social dynamics affecting identity formation and social place. Also refer to Wood (1998) for an examination of the bureaucratic practices associated with constructions of Aboriginal identity in the nineteenth century and their potentials for either the social marginalisation or incorporation of Aboriginal people into colonial society.
52. Mary Jane Griffin was born at ‘Toorawandi’ on 26 February 1844.
despite some moving around the wider region as a younger person, remained there to marry and raise her children. On a straightforward reading of her words she therefore certainly ‘belonged’ to the district, although it is highly likely that there were descendants of the original inhabitants of the area still living there too. Undoubtedly they formed a core group of the ‘half caste’ people mentioned by Hennessy above, but not mentioned in Mary Jane Cain’s memoirs.\textsuperscript{53} Once again the issue became one of interpretation, how she defined their relationship to her and to place. Another reading of the words is that she was the only ‘native’ living on the reserve at the time and therefore entitled to rations as a resident of that reserve. Given the explicit reference to her family she is obviously positioning herself in a matriarchal role where George and her children are represented as her dependants. This could be due to George’s ill-health but, more speculatively, it could also reflect the matrilineal ordering of Kamilaroi social organisation.

It is possible, however, that she also referred to an Aboriginal sense of ‘belonging’ to the country as a result of her birth in the district imbuing her with certain rights to country. Marie Reay claims that birth place was still recognised as a privileged criteria for acceptance into the local social group by the generation that came after Mary Cain in some areas of New South Wales. According to Reay, up until 1914 it was customary for a person born locally to be accepted for initiation into the local group regardless of his parents’ place of origin (Reay 1949: 106). If the same group recruitment processes operated in the Coonabarabran district as did in the other northwestern districts researched by Reay, the fact that her mother was probably born elsewhere, and had certainly spent some of her youth in the Mudgee district, would have been of less relevance than Mary Jane Cain’s own natal connections to the district. It is possible that the local privileging of birthplace that continues today amongst those born even two or three generations after Mary Jane Cain represents a continuity of this orientation.\textsuperscript{54}

Significantly, Mary Jane Cain’s granddaughter, Violet Robinson, refers to this birth connection as a critical factor in the construction of her rights to speak about people and place. She was born in 1917 ‘right there under the [Forked] mountain’ (Somerville et al. 1994: 81). According to Goodall (1996: 16), in Kamilaroi ceremonies people would sit ‘on the part of the ceremonial ground which was closest to their own lands, their tauri ... And the initiates were instructed to sit in the ceremonial circles in such a way that they each faced their own tauri’. When Somerville visited Violet Robinson at Gunnedah, Violet’s explanation of why she was not entitled to speak about Gunnedah matters, even after living there for 52 years, is suggestive of a continuity of these concepts of rights and responsibilities to country, with identity based on people’s birthplace and salient distinguishing features of land:

When I [Somerville] went to talk to her about Burrabeedee she looked into the distance from where she habitually sits at her table and said, ‘It’s a funny thing, I sit here and I could just write everything about Burrabeedee looking away to the

\textsuperscript{53} It is obvious from a straightforward reading of her manuscripts that Mary Jane Cain was intending to write a pastoral history of the district.

\textsuperscript{54} Refer for example to comments made by Violet Robinson and Laura Cain where they speak of the central aspect of their Aboriginal identities being their birthplace at Coonabarabran, specifically for its relationship to the mountains (Somerville et al. 1994: 82–3).
mountain’. She always sits looking west towards Forky Mountain. Violet explained to me that many people come and ask her to speak about the history of Gunnedah:

Yeah well, I tell ‘em I can’t talk their language, I can only talk me own. I’m not from Gunnedah ... How can I talk about my ‘ome and theirs too. I can talk about Coonabarabran, that’s me ‘ome town (Somerville et al. 1994: 82–3).

Evidence presented in this article therefore suggests that the apparent Europeanisation of Aboriginal people in the Coonabarabran district of New South Wales conceals deeper connections with ‘classical’ forms of social organisation, cultural beliefs and practices than is readily apparent by focusing simply on the changes they have undergone or the losses that they have suffered. I have argued therefore that it is important to understand the dynamic processes that contributed to the transformations in their society in order to understand how that which was severely disrupted and altered was nevertheless able to survive and renew. I would argue that for this to have occurred fundamental aspects of Aboriginal social organisation and cultural beliefs were preserved as the foundation of the transformed relationships they developed in response to the challenges encountered after the British invasion.

By using the family history of Mary Jane Cain’s family as a case study, I have explored some of the factors that contributed to her family’s survival, and Mary Jane’s own transformation from the child of a dispossessed ‘native’ to a woman who, at the close of the nineteenth century, was poised to become the apical ancestor of a new community. Important factors included the ability of Aboriginal people to use the networks that opened up to them through European patronage at the same time as they related to other Aboriginal people who remained on their own country. I have presented evidence to suggest that the patterns of human movement precipitated by the drive to claim pastoral lands in many ways followed Indigenous pathways between place that had been used by people for trade or raids or warfare in the past. New movements did not therefore always represent radical reorientations towards relationships with other people’s country. By 1893 Mary Jane Cain had reasserted her birth connections to place as the basis for her own identity and she was at the beginning of an era that would see other people journey to Forked Mountain to establish (or re-establish) their association with the area. In a future article I will explore how, within the first two decades of the twentieth century, the ‘Burrabeedee’ people would emerge as a recognised community as a result of her generosity and the scope of her vision.

At the same time as I have explored these new, historically constructed connections to place, and their relationship to concepts of ‘belonging’ to land that pre-dated the British invasion, I have attempted to bring a critical approach to the issue of how these connections have been preserved and reproduced and the ways in which they have been transformed. In particular I have pointed to the conceptual problems that can arise where models of social organisation or custodial rights and responsibilities are applied that may not be appropriate for certain areas in New South Wales, or which may be appropriate but for which there is little evidence. Many of the problems concerning interpretation that arise in this area have been shown to result from this lack of available evidence concerning ‘classical’ social organisation in this region. It is tempting to draw, therefore, on pan-Aboriginal models that rely heavily on material from outside the area, but care must be taken when doing so. By examining the material presented
here, I hope therefore to probe for weaknesses in the historical record that require further research and to demonstrate the usefulness of employing a framework that focuses on European and Aboriginal connections. By doing so it is possible to trace an outline of those changes associated with the emergence of renewed forms of Aboriginal community identity.

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Ethnographic information and anthropological interpretations in a native title claim: the Yorta Yorta experience

Rod Hagen

Any anthropologist who has worked on Native Title claims, or similar activity, in southeastern Australia is likely to have come across the anger of Indigenous groups confronted with ‘academic’ interpretations of their rights, interests, customs and traditions which differ from their own view of these important aspects of their lives.

Native title claims, particularly, with their emphasis on the establishment of cultural ‘continuities’ with the situation at the time of initial white occupation, have the potential to further exacerbate such views.

Indigenous groups, not surprisingly, are highly indignant about having their claims, and the primarily oral traditions on which they are based, judged against the writings of the initial colonisers themselves and on occasion react even more strongly against later ‘academic’ interpretations of territorial interests, best epitomised perhaps by the work of Norman Tindale.

They are highly suspicious of the accuracy of much of the work of this type, and see it as cutting across the positive ethos of self-determination and self-empowerment which has characterised Indigenous affairs in recent decades.

On the other hand, groups such as the Yorta Yorta, on the Murray River between Echuca and Albury, with whom I have been working intermittently since late 1993, have found it necessary to come to terms with the importance of written ethnographic, anthropological and historical material in the course of preparation and presentation of their native title claim.

The case, and the relevant ethnographic and historical materials presented in the course of the claim, accordingly provide a good opportunity to assess the validity of Indigenous fears about such matters, and provide some guidance to practitioners concerning the sorts of problems which are likely to emerge with the treatment of such ‘whitefella’ materials.

This, in turn, has broader implications for disciplines such as anthropology and history. In the past it has been rare for the ‘output’ of academics and fellow travellers to be exposed to the heat of such an intense ‘blowtorch’ as, for example, the Yorta Yorta claim processes involving several hundred respondents and three State governments.
This blowtorch is different in some respects from the normal debate and discourse within academia about such matters. Firstly, of course, it can have immediate real life consequences for the people concerned. Secondly, it tends to come through people who, though they may often lack sophisticated knowledge of the subject matter or the underlying theoretical principles of the disciplines concerned, make their living from attacking facts and arguments of all kind.

The Yorta Yorta (also sometimes identified as the 'Bangerang') traditionally hail from country on the Murray River along the New South Wales–Victorian border upstream from a little below Echuca. They have a long and remarkable history of using non-Indigenous institutions and processes in attempts to obtain recognition of their interests. Within 25 years of the first white occupation of their lands in the late 1830s they were seeking compensation for the damage to their traditional fisheries caused by the introduction of paddlesteamers on the Murray River. Within 45 years they were involved in petitioning the government for formal title to parts of their lands.

Men such as William Cooper, a prominent figure in the 1938 Day of Mourning protests and fondly remembered by community members today, were already making formal demands for recognition of their interests in land in the 1880s. In the late 1930s, three decades before the Gurindji walked off Wave Hill, the Yorta Yorta had done much the same thing at Cummeragunja. These matters are proudly remembered elements of the cultural history of the Yorta Yorta/Bangerang today and since 1960 have received some academic recognition in the writings of people such as the late Diane Barwick, Professor CD Rowley, Nancy Cato and Heather Goodall.

Perhaps the most comprehensive recent discussion can be found in the work of Dr Wayne Atkinson, a senior Yorta Yorta man whose doctoral thesis dealt with important historical aspects of the Yorta Yorta claim processes. Earlier works by Atkinson contain a wealth of first-hand material provided to him in the course of research in the 1970s and 80s.

In my opinion, his unique perspective on the Yorta Yorta situation (as both elder and qualified historian) received less weight than it should in the course of claim hearings, with attacks made on his academic expertise by the Victorian and NSW State governments and other parties because of his membership of the claimant group, and on his ability to speak as a Yorta Yorta man on the basis of his academic skills and qualifications! If the expert evidence of Indigenous witnesses is to be regarded as necessarily 'tainted' because of close association with the Indigenous community, then perhaps, applying the same logic, non-Indigenous experts should be disqualified similarly from being taken seriously when 'white' matters are under discussion! This is an important issue, likely to raise its head again and again in similar situations. There are many eminent Indigenous scholars today whose standing should be seen as enhanced substantially by the symbiotic interplay of personal and academic knowledge. If we genuinely wish to understand these situations then we need to recognise this.

4. In, for example, Atkinson, W. 1981, A picture from the other side unpublished typescript, Melbourne.
Before the growth of interest in the contemporary situation in the 1960s and 70s most of those writing about the Yorta Yorta, however, ignored the present in favour of a search for some essential past. One exception to this, perhaps, was the GA Robinson, who arrived in the area so soon after white occupation that such a dichotomy could have little meaning. I now turn to the work of some of the earlier ethnographers and anthropologists whose work arose in the course of the original claim hearings.

**GA Robinson, Chief Protector of Aborigines**

The first significant documentation of the interests of Indigenous people in the area which the Yorta Yorta are today claiming as their traditional lands was undertaken by GA Robinson, the Chief Protector of Aborigines in Victoria in the 1840s. Robinson visited the area on several occasions, recording the identity of individuals and groups at various locations. His materials were later to be used by Diane Barwick in her own re-interpretations of traditional interests in the area.

Despite the limitations posed by the difficulties of reading Robinson’s handwriting, which on occasion have led to differences of interpretation on matters of substance, his journals contains a wealth of information from the earliest days of settlement of the region. His work was ignored by anthropologists until Diane Barwick’s rediscovery of him in the 1960s and her subsequent use of his work as a primary source for her 1980s re-interpretation of territorial interests in parts of Victoria. In more recent times he has also been used by Ian Clark in his various attempts at identification of territorial interests in Victoria.

The material is essentially devoid of theoretical sophistication. Although Robinson recognised that Indigenous groups operated on a variety of levels, he provides no elucidation of the principles of group recruitment or of other matters of structure or organisation. He generally called narrower groupings ‘sections’ and broad groups ‘nations’ and on occasion used the word ‘tribe’ for either. Sometimes his two primary levels become three, with intermediate aggregates of ‘sections’ identified by Indigenous names such as ‘Quart Quart’ which, in turn, are identified as subdivisions of broader ‘nations’.

Interestingly, people that he met in his travels in the very first years of white settlement of the area, seem to bear little relationship to one of the classical models of Australian anthropology, developed by Radcliffe Brown in 1914. Nowhere did he meet the ‘patriclan plus spouses’ groupings beloved of many writers in the 20th century. Instead, he commonly found people who identify with a variety of narrow groups, all living at the one place or travelling together for common purposes. There is little evidence in the earliest days of occupation, that ‘clans’, in the classical Australian anthropological sense, provided the real core of land using groups in this part of southeastern Australia.

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5. When this paper was first presented in 1997, the Yorta Yorta claim had not yet been adjudicated on by Justice Olney. He found against their claim. An appeal to the full bench of the Federal Court was also unsuccessful (in a split decision). In October, 2001 the Yorta Yorta were awaiting hearing of an application for leave to appeal to the High Court of Australia.

6. Radcliffe-Brown 1914 ‘Three tribes of Western Australia’.
Robinson identified two broad ‘nations’ occupying the bulk of the area claimed by the Yorta Yorta/Bangerang today. One of these, his ‘Pinegerine’, has appeared frequently in the ethnographic and anthropological thereafter as the ‘Bangerang’ or ‘Pangerang’. The other, his ‘Waveroo’, disappeared from view completely until Diane Barwick resurrected his materials in the early 1980s. No other 19th century commentator makes mention of them. Intriguingly too, in his journals the area which he ascribes to ‘Waveroo’ groups in a large measure overlaps the areas which he and other 19th century commentators such as Edward Curr also ascribe to the Bangerang, and he identifies members of both groups living and travelling together in all or almost all places which he visits in the region.

In the Yorta Yorta claim case, Robinson’s materials were examined primarily by me and by a historian engaged by opponents of the claim, Marie Fels. Ronald Brunton, an anthropologist engaged by opponents of the claim, also viewed some of the material. Unfortunately Ian Clark’s transcription of most of the relevant journals had not been completed at that time, and we worked, for the most part, from poor copies of the original material, making effective use of its content painstakingly slow and open to argument. Justice Olney ultimately dismissed much of the expert discussion of Robinson on the basis that:

The Court is not in a position to resolve disputed questions of anthropological interpretation. None of the persons whose original observations and records are relied upon could be called to give evidence and accordingly no assessment can be made of the credibility of the primary material. There are no objective facts to which the Court can have regard to support a conclusion one way or the other. That being so, if scholars learned in the relevant discipline are unable to provide an authoritative answer, the Court must have resort to such credible primary evidence as is available and apply the normal processes of analysis and reason.8

He then proceeded to attempt his own anthropological and historical analysis of the materials.

His approach to this matter was very different from that in another recent Federal Court case. In a recently determined case in which damages were sought for delays in the construction of the Hindmarsh Bridge, Justice Von Doussa concluded that in such situations:

I do not think any useful purpose would be achieved by me endeavouring to assume the role of an anthropologist and trying to evaluate the large quantity of material placed before the Court at the selection of each of the parties. This is a case where I consider the dispute on anthropological matters should be resolved broadly on an acceptance of one or the other of the contrasting anthropological positions which the expert witnesses have articulated.9

There is much to be said for Von Doussa’s approach to such matters.

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7. Indigenous groups in south eastern Australia themselves often speak of ‘clans’ today. When they do so, however, they are almost always referring to much broader cognatic groupings than those contemplated by the Australian anthropological definition, which is narrow even compared to use of the term in the discipline internationally.

8. Olney, J; ‘The members of the Yorta Yorta Aboriginal community v the State of Victoria and others’, VG no 6001 of 1995.

Edward Curr

The next major figure in the ethnographic literature of the area is Edward Curr, pastoralist, sheep warden and author of one of the major tomes of 19th century ethnography, *The Australian race*. In this and in *Recollections of a squatter in Victoria from 1841 to 1851*, Curr sought to describe aspects of Bangerang life. He did so on the basis of his 40-year-old memories of his time as one of the first squatters amongst the giant redgums of the Moira and Barmah forests.

Despite the great delay between his observations and his writings (and his own confession that he took little interest in Aboriginal matters when he was living in the area), Curr paints a far more vivid picture of the Indigenous people of the area than that offered by Robinson. It is clear that for much of his material he relied heavily on the observations of others, though much of *Recollections* in particular is written in the form of a first-hand account.

With Curr we begin to see the more forceful intrusion of politics and western intellectual interests into the process of recording the life of the people of the region. Curr was in frequent conflict with figures such as R Brough Smyth. They disagreed on matters of both Aboriginal policy and ethnographic theory. In the midst of raging ethnographic debates about the evidence for the progression of social organisation from the simple to the complex, based, in part in turn, on social Darwinist theory, and of policy debates about relative merits of protectionism and assimilation, the two men took opposing sides. The white arguments over protection or assimilation of course lasted well into the twentieth century and the anthropological arguments about Indigenous hierarchy or egalitarianism have continued to the present day, as Les Hiatt has pointed out in his *Arguments about Aborigines* (1996).

In the context of the present discussions, one is left wondering which parts of Curr’s commentary of the Yorta Yorta/Bangerang derive from genuine observation, and which are the product of a desire to bolster his own theoretical and political position.

Curr’s depiction of Bangerang society places far greater stress on narrow patrilineal groups than Robinson’s ‘on the ground’ identification of the people that he met on his travels would suggest. The fundamental unit of organisation according to Curr was the patriarchal family, with aggregations of families forming ‘septs’ (his equivalent of the Radcliffe Brown’s later ‘clan’), and aggregations of ‘septs’ forming the Bangerang ‘race’. There was no formal system of government or control, no ‘council of elders’, no leaders or ‘headmen’ other than the family heads, whose authority stopped with the family itself. Yet despite this Curr spoke of the broad Bangerang groups being ‘virtually one for the purpose of war’.

In contradiction of Robinson’s unelaborated observations he paints a picture of strongly patrilocal residence within the territory of the ‘septs’ or, indeed, within even more localised territories of their constituent families.

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Curr, in *The Australian race*, provides the first attempt at a detailed map of Indigenous interests in the area.

It is apparent that Curr relied at least in part on the observations of others in his delineation of narrow group boundaries. Unfortunately he does not make his sources explicit. Furthermore there are substantial discrepancies in his placement of the eastern boundary for his 'Bangerang' group. The 1886 map in *The Australian race* misplaces the town of Cobram by approximately 16 kilometres. In *Recollections*, he places the eastern Bangerang boundary at Yarrawonga, rather than Cobram, another 20 kilometres or so to the east. Nowhere does he explain these discrepancies. Curr himself indicates in his text that his boundaries should not be seen as 'hard lines' but I am not aware, in fact, of anyone commenting on the discrepancies in Curr's delineation of his eastern boundary of the Bangerang before the present land-claim hearings.

This highlights one of the problems with much of the ethnographic source material in southeastern Australia (and other parts of the continent as well for that matter). Simply put, the authors had little reason to be concerned whether the locations which they provided for boundaries (or, for that matter, on other aspects of life as well) were strictly accurate. Curr did not produce his map with the intent of mapping real rights and interests, but rather as a Victorian gentleman pursuing intellectual games concerning a people whose interests he believed were no longer relevant. He was pursuing the Victorian fetish for collecting rather than seeking hard information for hard purposes.

In his *Recollections of a Squatter*, published in 1883, Curr reflected on the disappearance of the people who form such a central part of his book. At that time there were still many Yorta Yorta men, women and children living at Maloga Mission, on the edge of Curr's 'runs' of 40 years beforehand. Daniel Matthews (1881), the local missionary, complained in his diaries of the difficulties involved in 'civilising' them. Curr, however, was by this time too far away to have retained the intimacy of the frontier, that Griffiths has suggested separated those at the cutting edge from the gentlemen collectors\(^{12}\). It is noteworthy that two years earlier these same 'disappearing' people had petitioned the New South Wales Governor for land and would continue to press their claims throughout the following century.

Despite such questions, Curr's 'mapping' of boundary lines has had powerful effects. A map, no matter how questionably drawn, has a certain seductiveness about it. Here is something concrete in a situation of ambiguity. All four of the expert witnesses called by parties opposing the Yorta Yorta Bangerang land claim (Ron Brunton, Ken Maddock, Marie Fels and Bruce Sommer) cite Curr's map as a (or 'the') primary authority for the extent of their territories.

Once lines have been drawn on a map they attain a false concreteness that stands out from the complexities and ambiguities of reality. Boundaries between Indigenous groups are rarely so hard and fast. Even the most prominent of territorial mappers, Norman Tindale\(^{13}\) refers to indeterminacies, 'shared' zones, and differences of perception. Myers speaks of 'territorial boundaries' in the Western Desert as 'highly flexible if not insignificant'.\(^{14}\) Ian Keen, writing of the McLaren Creek area in the Northern Terri-

\(^{12}\) See Griffiths 1996: 54 for reflections on separation and intimacy in this context.

\(^{13}\) See Tindale 1974: 77ff.
tory, says that people of the area 'do not point out clear or unequivocal 'tribal' boundaries ... McLaren Ck people do not seem to define country by enclosing areas within boundaries, but rather by extension out from a focus'.

Interestingly, the experts engaged by the opponents of the claim seem not to have noticed that the discrepancy between Curr's own different versions of 'boundaries' described in the text of his volumes are as great or greater than discrepancies in some other areas between Curr's descriptions and the claimants' own views. In the latter situations they saw such differences as highly significant. When the differences lay within Curr's own works (or between those of Curr and Barwick or Clark), however, they were instead seen as generally consistent.

Other players in the 19th century ethnography of the Yorta Yorta/Bangerang are figures such as the assistant protectors Parker, Dredge and Le Souef, and the missionary Francis Tuckfield, in the early days of occupation; the ethnographers AW Howitt and RH Matthews and the missionaries Daniel Matthews and Thomas James, late in the century who all made contributions, but space prevents any serious consideration of their material here.

As the 19th century gave way to the 20th and ethnography to anthropology, much of the interests of 'Australianists' moved to the more remote parts of the continent. The largely dispossessed and, no doubt, dispirited people of southeastern Australia no longer provided the lure of supposed 'primitiveness', of difference, of exoticism, that they had originally engendered. Very little of the writings of people such as Curr, Matthews or Howitt relates directly to the situation of people at the time that they were writing. Instead they were interested primarily in the notion of an essential past, of Aboriginal life as they saw it 'uncontaminated' by the actions of their white contemporaries. Northern Australia was thought to offer far better opportunities of this kind for those who were to follow them.

**Norman Tindale**

Although both Radcliffe Brown and Davidson made passing comments about the Yorta Yorta / Bangerang, it was not until Norman Tindale and Joseph Birdsell visited Cummeragunja in 1938 that the people were again exposed to significant anthropological investigation. Older members of the community still tell stories of the strange, unwell man who came to take photographs, measurements and family trees at a time when the community was in a state of foment over the actions of the manager of the day. They took him soup because they were worried about his health, but gave no thought to the idea that his published works might later, for better or worse, be of significance in their attempts to regain control of their traditional lands. As with Curr, at the time of the Maloga petitions for land, Tindale's published materials evince no interest in the community as it was at the time of his visit; simply in attempts at collecting the 'past'.

Tindale obtained some information about territorial matters from the Yorta Yorta/ Bangerang themselves and it seems likely that this was of significance in his 1940 Royal Society of South Australia map of tribal distributions. He also relied on published mate-

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rials from Curr, Eyre, Smyth and Howitt. Interestingly, his 1940 map perhaps comes closest of the various recreations to reflecting the views of contemporary Yorta Yorta/Bangerang people, and much closer than his better known 1974 work. None of the published sources which he cites dealt with the areas to the east between Yarrawonga and Albury. One can only assume that he obtained this information directly from the community itself.

Tindale cites RH Matthews alone as his sole justification for the identification of the Yorta Yorta (his Joti jota) as a separate group from the Bangerang. There is no doubt that he was wrong about this (all earlier sources identify Yorta Yorta or variants with people in the same place as 'Bangerang' groups, generally suggesting that it was a language or dialect name), but the myth has lived on in numerous subsequent local histories and other publications. It was not until Diane Barwick, and then Ian Clark, challenged his view more than four decades later that the poverty of evidence for the separation became clear.

Diane Barwick, along with Marie Reay, Jeremy Beckett, Malcolm Calley and a handful of others, played a major role in the revitalisation of anthropological interest in southeastern Australia in the late 1950s and 1960s.

Two major strands emerge from this period. Initially, perhaps for the first time since the early ethnographic fumblings of the Protectorate period, researchers attempted to look at Indigenous communities of the region as they were at the time rather than seeking to recreate information about a supposedly pristine past. The literature of this time often seeks to locate the people of the southeast within a more general international discourse on the situation of people in the Third World or other situations of colonial dispossession. In order to break free of the shackles of traditional anthropological interests this often meant downplaying the locally pertinent for the sake of emphasising the universal.

As time passed however, and as Indigenous groups became freer to pursue their own cultural interests with the death of 'assimilation' as the guiding light of official policy, writers such as Diane Barwick (one of the founding editors of Aboriginal History) sought to understand the synthesis of traditional and contemporary aspects of Aboriginal life. One of Barwick's fundamental contributions in this period involved the rediscovery of materials such as the records of the Port Phillip Protectorate and the recognition of the importance of observations of writer such as Robinson.16

In the years immediately before her untimely death Barwick had begun an ambitious project to map local groups in Victoria. The first section of this work 'Mapping the Past, part 1' was published by Aboriginal History in 1984. A second section, relating specifically to groups in the vicinity of the Yorta Yorta/Bangerang claim area, was in preparation at the time of her death. Drafts of this material were kindly made available by Dr Richard Barwick in the course of the current claim hearing. In these works Barwick attempted to apply the conventional anthropological views of the day concerning social organisation to the data collected by Robinson and others.

Barwick herself clearly recognised the tentative nature of such work, cautioning her readers to see it simply as a first step in a difficult process. In my view she erred significantly in placing too much emphasis on ‘narrow’ groupings, and insufficient on broader interests and inter-relationships reflected in the writings not only of Robinson, but of others such as Parker and, later, Howitt. Her factual interpretations are also open to question on occasion, at least in the area of the current Yorta Yorta/Bangerang native title claim — the area with which I am most familiar. On occasion she places great weight on snippets of information of dubious worth. In other situations she appears to be influenced as a result of taking sides in some of the great ethnographic brawls of the 19th century, most notably championing Howitt against RH Matthews. (By way of example, her southern boundary for the Yorta Yorta — much further to the north than is normally accepted — seems to have been solely based on an observation by Howitt, citing Kulin leader William Barak, whom he was interviewing in the vicinity of Melbourne, that one of the northern Kulin groups extended to ‘near Mooroopna, near Shepparton.’)

A major issue in the current native title claim involves her resurrection of the ‘Waveroo’ as a discrete group to the east of the Yorta Yorta/Bangerang between Shepparton and Albury. Neither the location which she gives them as whole, nor the local groups which she identifies with them, accords well with Robinson’s descriptions. One of the four sub-groups which she mentions is identified as a completely separate entity by Robinson (and as a Kulin group by Howitt). Two others may well simply be local groups identified as Bangerang by others, with different locative suffixes. Yet she cited no authority other than Robinson for their existence.

In a map of the region she locates this group neatly filling a gap to the east of Curr’s ‘Bangerang’, but this only partially accords with the Robinson source data on which she depended.

Despite these problems, Barwick’s ‘Waveroo’ are showing signs of becoming reified as a definite group in their own right. Ian Clark has used Barwick’s map in his own publications dealing with the area, and at least one expert engaged by parties opposing the native title claim has cited his materials as corroborative of her position, though essentially he was simply relying on her own interpretation of the situation.

The Yorta Yorta/Bangerang, and other neighbouring Indigenous groups, say simply that there never was a separate ‘Waveroo’ grouping, and that Robinson must have misunderstood the application of a descriptive term of another type (suggestions have been made that it may have been a moiety name or perhaps descriptive of particular environmental features). They find it remarkable that the uncorroborated evidence of one white man in the 1840s, reinterpreted inaccurately in the 1980s, can even be contemplated as standing against the weight of oral evidence handed down to them by their ancestors. Barwick, I suspect, would have been horrified to see work which she herself had described as ‘a gloss or “crib” for other scholars searching the archival evidence, in the hope that further work will expand and correct my attempt at mapping the past’ used in such a fashion.

There is, of course, another side to all of this. Much of the academic material relating to the Yorta Yorta/Bangerang claim area provides eloquent and effective support for the position of the contemporary claimants. It also helps to clarify some areas of doubt and confusion.

Nevertheless the examples given above help to highlight some important aspects of contemporary anthropological practice, regardless of whether the practitioner is working in the ‘native title’ sphere or not. Firstly we need to be very clearly aware that any materials which we produce may later be used for purposes quite different from those for which they were intended. Drawing lines on maps makes for effective presentation of aspects of Indigenous territoriality, but doing so may lead to situations which reify our own interpretations of reality, no matter how much we qualify them at the time, in situations of real importance to living people. We can overcome this problem to some extent by making clear the bounds of our own uncertainties, but even tentative conclusions and working hypotheses can all too easily come to be seen as ‘facts’ when given a patina of age and frequent repetition.

We also need to be humble about the extent of our own knowledge and of our discipline’s ability to provide unequivocal answers, especially when seeking to undertake reconstructions of past lives, recognising that much of the source material that we use may well suffer significant defects either in observation or in interpretation.

Finally I believe that we need to be explicit about these problems, particularly in situations where issues of real consequence are at hand, such as in the presentation or analysis of materials in native title claim hearings.

A codicil — the fate of the Yorta Yorta Claim

This paper, in its original form, was prepared before the handing down of Justice Olney’s judgement in ‘The members of the Yorta Yorta Aboriginal community v the State of Victoria and others’. As most readers will be aware, Olney found against the Yorta Yorta. He did so largely on the basis that laws and customs identified by Edward Curr in his reminiscences about squatting life in the area (written 30 to 40 years after the event) were not reflected in materials relating to the community written by the missionary Daniel Matthews, concerning life in the area in the 1880s. The evidence, he said, was silent on such matters, but there was evidence which indicated disruption to traditional life.

118. The evidence is silent concerning the continued observance in Matthews’ time of those aspects of traditional lifestyle to which reference is made in the passages quoted from Curr. Whether the former territorial areas of the various tribal groups were still recognised and protected as described by Curr is not something upon which there is any evidence. What the evidence does demonstrate is that the land on either side of the Murray had been taken up for pastoral purposes and that there had been both severe dislocation of the indigenous population and a considerable reduction in its numbers due to disease. Furthermore, there is no evidence to suggest that either Edward Walker or Kitty Atkinson/Cooper, or their immediate descendants continued to acknowledge the traditional laws or observe the traditional customs of their forebears in relation to land.28

The implication of this, of course, is that silences in the evidence from non-Indigenous commentators at one time or another since white occupation have the potential to
affect the recognition of traditional rights as much as errors or differences of view. Olney also cited the 1881 petition for land by the Yorta Yorta:

All land within (the petitioners') tribal boundaries has been taken possession of by the government and white settlers, a state of affairs which no doubt gave rise to their desire to change 'our old mode of life' in favour of 'settling down to more orderly habits of industry'.

He saw this as clear evidence that:

By 1881 those through whom the claimant group now seeks to establish native title were no longer in possession of their tribal lands and had, by force of the circumstances in which they found themselves, ceased to observe those laws and customs based on tradition which might otherwise have provided a basis for the present native title claim.

Olney recognised that 'Matthews would have played a part in the composition and presentation of the petition' but regarded it as a true expression of the beliefs of the community. Once this apparently fatal breach in continuity had been established, Olney concluded, native title had ceased to exist.

In fact the petition appears to have been written in Sydney by Matthews, while seeking support for the community, without any recourse to the words or thoughts of those community members whose names were actually attached to it. The petition was presented in early July 1881. Matthews arrived in Sydney on 29 April 1881 and left on 3 August 1881. He was not accompanied by people from Maloga. There are frequent references in his diary for this period of 'working on the papers' etc with Mr Palmer. It seems reasonable to draw the inference that the petition was really totally the work of Matthews and Palmer.

The decision was subsequently appealed by the Yorta Yorta to the full bench of the Federal Court. All three members of the bench were critical of aspects of Olney's approach to the case, most notably the weight which he placed on the 1881 petition. They also pointed towards elements of Olney's judgement which came close to adopting a 'frozen in time' view of traditional law and custom, contrary to the intent and proper interpretation of the native title legislation. Despite this, two of the three judges upheld Olney's judgement. A third judge, Chief Justice Black, found in favour of the Yorta Yorta and would, if he had been in the majority, have ordered that the matter be reconsidered.

At the time of going to press, the Yorta Yorta have obtained leave to appeal to the High Court of Australia. The hearing has been set down for late May 2002.

18. Olney J., 'The members of the Yorta Yorta Aboriginal community v the State of Victoria and others', VG no 6001 of 1995.
19. Which appears as Appendix 10 of Nancy Cato's Mr Maloga, 1976 ed.
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French anthropology in Australia, the first fieldwork report: François Péron’s ‘Maria Island — anthropological observations’

Stephanie Anderson

For those who are interested in French Pacific exploration as it relates to anthropology, Nicolas Baudin’s Voyage de découvertes aux mers australes as it was officially called, marks the beginning of field anthropology in a number of ways. First, Baudin was issued with specific instructions concerning both physical anthropology and ethnography, though these were not then known by these terms. The term anthropologist was, however, used in connection with this voyage and, it seems, for the first time in a sense implying an active scientific role. It was François Péron, a young enthusiast in the field of natural science who, with himself in mind, petitioned for the inclusion of ‘anthropologists’ in Baudin’s complement of scientists in a memoir presented at the Institut de France. During the voyage Baudin asked Péron, actually recruited as a zoologist, to prepare a report on the inhabitants of Maria Island off Van Diemen’s Land. As perhaps the first ever commissioned anthropological fieldwork report, Péron’s document is worthy of attention. The crews of the Géographe and the Naturaliste spent several weeks in Van Diemen’s Land. Their interactions with Tasmanians were more fraught than those of d’Entrecasteaux’s officers and sailors.1 The general tone of both Péron’s and Baudin’s accounts is of encounters that began with mutual pleasure and interest turning, over the period of their sojourn, to distrust and misunderstanding. Nevertheless, in the artwork produced by Nicolas-Martin Petit and Charles-Alexandre Lesueur, the ethnographic contribution of the later voyage was significantly richer.2

The subject of this article is Péron’s report ‘Maria Island: anthropological observations’. I attempt to situate the report in the context of the intellectual climate in which Baudin’s voyage took place, in the context of the French/Tasmanian encounters during the stay of Baudin’s expedition in Van Diemen’s Land in 1802 and in the context of Péron’s particular background. In providing this backdrop I aim to bring out the ambi-

It is important to note that the page from the document contains a citation: "See Part 1 of this article, Anderson 2000." Additionally, another citation is included: "Jones 1988 provides an ethnographically and historically detailed analysis of the artwork, the voyagers and the Tasmanians which is sensitive to the particular nuances of cross-cultural communication involved in these encounters. Hamy 1891 provides an annotated description of the published and unpublished anthropological drawings from Baudin’s voyage."
guities and difficulties surrounding the possible practice of ethnography in that place at that time. Péron himself was aware of these.

Péron’s remarks about Aborigines, especially in his published Voyage, are racially pejorative. Revisiting this material is important: we need to be aware of the genealogy of racial stereotypes of Aborigines, which extends back to the earliest history of European/Aboriginal contact. Historians such as Bronwen Douglas and Nicholas Thomas are concerned to provide readings of early cross-cultural encounters that reveal the complexities of time, place, people and cultures obliquely recorded in exploration narratives. In providing a rich historical and ethnographic context in which to consider official voyage accounts, such readings begin to restore the balance in the representation of indigenous/European encounters. The formula ‘European explorer is to indigenous inhabitant as subject is to object as active is to passive’ no longer holds. Treating voyage material in this way is an ever-expanding project. Here I only make a start with some of the material that remains from Péron’s contribution to Baudin’s expedition. Because this material, even though it is incomplete, is available to be consulted, whereas Aboriginal sources are not, the interpretation is inevitably still much weighted to the French perspective.

The Society of Observers of Man

In its anthropological dimension Baudin’s voyage must inevitably be linked to the Société des Observateurs de l’Homme formed in 1799. The Society gave institutional proof to the burgeoning interest in ‘man’ (to use the eighteenth century terminology) as an object of study along with the rest of nature; that is, man in all his facets and in all his human variety. Cabanis stated in his Rapports du physique et moral de l’homme that ‘physiology, the analysis of ideas and the moral are only three branches of the same science, which can justifiably be called, the science of man’. In this vein Louis-François Jauffret, the Society’s secretary, defined the task of its members as ‘to observe man in his different physical, intellectual and moral relationships’. The range of enterprises this would entail and the different kinds of specialists who might contribute to it were stated by a contemporary of the Observers, Millin. He wrote in his Magasin encyclopédique that to pursue its observations towards a science of man the Society had called upon:

... the true friends of philosophy and ethics, the deep-thinking metaphysician and the practising doctor, the historian and the traveller, as well as he who studies the genius of languages and he who directs and protects the first developments of childhood.

And indeed the members of the Society were both diverse and prominent in their fields. There was the Ideologue and linguist Destutt de Tracy, whose intellectual program was directed to the study of what we now term human cognition. Along with Cabanis there was Pinel, a researcher into mental illness; explorers, among them Bougainville, Baudin and the African explorer Levaillant; the historian Volney; and the

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7. Quoted by Hervé 1909: 474.
naturalists Cuvier and Jussieu, leading figures in scientific circles in Paris in the early nineteenth century, whose names feature in the official reports made on Pacific voyages. Despite its array of intellectual talent the Society only lasted into the first decade of the new century.\(^8\)

The Observers ventured into unexpected human territory, that we now see as a fascination with the Other. Their studies included a report on the appearance, language and manners of Tchong A-Sam, a Cantonese prisoner of war found in a hospital in Paris, and research on a wild boy named Victor known as ‘le sauveur d’Aveyron’. Their most extraordinary project, which is unlikely to have been realised, was to select a group of children and rear them in isolation from birth to adolescence in order to study their physical, intellectual and moral development. This interest in those who were foreign or who were raised without language and culture, shows the Observers grappling with questions about nature and culture in the way humans become what they are. What is innate and what comes from the social environment? Is life in society essential to being human?

In terms of the physical/moral dichotomy, the weight of Degérando’s memoir Considerations about the different methods to be followed in the observation of savage peoples\(^9\) lies on the moral side. It transposed questions about nature and culture to savage society and in this sense reflected the dichotomy between barbarism and civilization that exercised eighteenth-century minds and is marked in Péron’s researches in New Holland. Degérando drafted the memoir to serve as instructions to his fellow member Nicolas Baudin for anthropological study as he set out for his voyage into the southern hemisphere. It is remarkable for the program it outlined for ethnographic study exactly two hundred years ago.

Degérando is acute in his criticisms of previous reports of indigenous people. He singles out their lack of completeness because of the brevity of the visits on which they are based; their lack of systematisation; their concentration on individuals over social groups; the minute focus on physical details to the detriment of observations about social life; attention to the superficial appearance of the cultural phenomena of a people rather than the deeper ideational and ethical aspect.\(^10\) He criticises the tendency of explorers to judge indigenous customs by inappropriate European analogies.\(^11\) He discusses how the nature of the reception of visitors can influence observations about other peoples.\(^12\) He notes why the sudden presence of strangers might arouse less than welcoming reactions.\(^13\)

Degérando criticised previous travellers’ failure to learn indigenous languages. His suggestions for participant observation premised on knowledge of the other’s language seem especially contemporary: ‘The first means to the proper knowledge of

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\(^8\) It seems that political considerations played their part. The end of the Society coincided with the beginning of Napoleon’s imperium. See Hervé 1909: 475; Moore 1969: 47–48; Stocking 1964: 137.

\(^9\) Degérando 1969 [1800?].

\(^10\) Degérando 1969 [1800?): 66.


\(^12\) Degérando 1969 [1800?): 68.

\(^13\) Degérando 1969 [1800?): 68.
Savages, is to become after a fashion like them: and it is by learning their language that we shall become their fellow citizens.\textsuperscript{14} But the complexity of the linguistic research he recommended\textsuperscript{15} was impossible to carry out during voyages of exploration that only stopped on the coast for short periods. The curse of linguistic incomprehension had profound effects on nineteenth century anthropology: how could it purport to rank and classify non-European people if its practitioners could not even converse with them?

The guide to explorers is arranged under headings as a series of questions. These questions are numerous but mostly fit into what are now conventional categories to describe social organisation: the family, political organisation, economic, legal and religious institutions. But the priority and prominence given to the analysis of ideas is quite striking, reflecting the influence of the new discipline of Ideology.\textsuperscript{16}

Baudin received two other sets of instructions from the Society, one about physical anthropology by the naturalist Baron Cuvier, and the other by Jauffret setting out his advice for collecting objects for a proposed museum of mankind. The different emphases of Degérando's and Cuvier's memoirs are held to symbolise the transition from an Enlightenment humanism to the scientifically grounded physical anthropology that predominated in the nineteenth century.\textsuperscript{17} Jauffret's thoughts on a museum,\textsuperscript{18} although not acted upon at the time, herald another essential strand of French anthropology — the museological — which embraced both the physical and the social.\textsuperscript{19} His brief ‘Considerations’ covers the gamut of material evidence about human existence from skeletons to implements, weapons, clothing, art, and religion.

Cuvier’s memoir\textsuperscript{20} is an instruction to collect skeletal material so that anatomists may pursue their studies into racial difference. It is noteworthy that Cuvier already uses the term ‘race’ in his title. Where Degérando’s interest lies foremost in the symbolic and communicative side of human behaviour, and he assumes a common link between all human beings despite different levels of material progress and institutional development, Cuvier is interested in what information human bodies can deliver to scientists. He sought data about the bodies of remote human groups in the form of ‘true’ pictorial representations by expedition artists, and skulls and skeletons gathered at any opportunity.

**Baudin’s expedition**

Of all the French voyages that visited Australia, Baudin’s ill-starred expedition has received the most attention. His mission was to complete the mapping of the coastline of New Holland, and to study the sciences and the arts.\textsuperscript{21} The Géographe and the Natu-
raliste, aptly named for this ambitious scientific endeavour, set off from Le Havre in October 1800. The Géographe limped back to France in May 1804 without its captain. He had died, probably of tuberculosis, in the Ile de France. It fell to François Péron, who had clashed with Baudin throughout the expedition, to produce the official account of the voyage. Péron in turn died from tuberculosis in 1810 having completed the first volume of the Voyage. Louis de Freycinet, future commander of the next French expedition, completed the task.

Péron was a medical student who had followed courses at the Muséum d’Histoire naturelle and was a student of Cuvier’s. He was ambitious and bumptious and had an insatiable appetite for scientific information of all kinds. Péron too had prepared a memoir for the expedition in the hope of being recruited. It was entitled: ‘Observations on anthropology or the natural history of man, the need to look to the advancement of this science, and the importance of the inclusion on the fleet of Captain Baudin of one or several naturalists, given special responsibility for undertaking investigations on this subject’.

In defining anthropology as the natural history of man, Péron’s title makes it clear that his conception of an anthropologist’s task was closer to Cuvier’s idea of the study of human beings than to Degérando’s. In considering Péron’s harsh racial judgements, which resurface throughout his official account, we need to remember that he was familiar with the anatomist Johan Blumenbach’s scheme of racial classification according to five distinct physical categories. The memoir exhibits Péron’s medical interests and is constructed on an opposition between savage and civilised peoples in relation to their state of health. Péron declares savages, described in extremely racially derogatory terms, to be healthier than city dwellers. He concludes with two questions which suggest a hypothesis about the inverse relationship between moral and physical perfection. He attributes physical perfection to the savage and moral perfection to the civilised man. The physical perfection of the savage, he surmises, excludes moral as well as physical sensitivity — the savage will be brutalised in every sense:

1. Does not moral perfection stand in an inverse relationship to physical perfection?
2. Does not this physical perfection exclude not only moral sensitivity, but even physical sensitivity?

Péron concludes his memoir with a short address to the professors of the School of Medicine asking them to make representations to the Institut national to enlist ‘one or several young students of medicine with special responsibility under the title of anthropologists’, to make observations that will advance medical knowledge. This is one of the earliest recorded uses of the term ‘anthropologist’, but its conception is firmly grounded in medical science rather than a drive to acquire ethnographic information.

21. See Faivre (1953: 109–113) for the argument that Baudin’s mission was also covertly political. Certainly Péron carried out extensive reconnaissance activities while the expedition was in Port Jackson for several months.
Péron's anthropological field report from Maria Island

Péron did find a place on the expedition at the last minute, as a zoologist. What kind of anthropologist did he turn out to be? A number of historians who have examined the Baudin voyage material have formed a poor opinion of Péron's contribution to the new field of learning that he wanted to embrace. They compare him unfavourably to Baudin who, as captain, was not responsible for making anthropological observations but did so incidentally. They see Péron as judgmental, ethnocentric, prone to fanciful speculation and negligent about recording basic and obvious information. Péron's formal piece of anthropological reporting was produced during the voyage at the request of Baudin. These anthropological observations from Maria Island in Tasmania are the earliest commissioned anthropological fieldwork report. It was based on a short stay on Maria Island from 19 February until 27 February 1802. The manuscript of the report is held at the Muséum d'Histoire naturelle at Le Havre.

To assess Péron from the perspective of a now well established human science is unrealistic. It is more profitable, and fairer on Péron, to look at what his report reveals about the shifting sands of cross-cultural contact and the ambivalent feelings and attitudes it can engender. Even so, attempting an historical interpretation of the report is difficult and mimics the kinds of intellectual problems that Péron faced in trying to interpret the behaviour of the Tasmanians. How can we understand Péron? How can we cast our thinking about human difference and behaviour back into a late eighteenth century mould? How can we situate ourselves in Péron's place on the Géographe with his particular disposition, life experience, education and beliefs? How can we construct a reasonable interpretation on the basis of scant and incomplete information?

Baudin asked Péron to prepare a report on the inhabitants of Maria Island, the Tyreddeme people, because part of his instructions stipulated that observations were to be made about indigenous people in the places visited. We can also assume that he was mindful of Degérando's memoir as a fellow Observer, and indeed as one of the explorers, with Levaillant, for whom it was drafted. The expedition spent almost two months in southeastern Tasmania and its stay there offered the French scientists the greatest opportunity yet to make sustained anthropological observations. But the report is incomplete. We do not know if it was the final version or a draft. Fourteen of its 49 pages are missing. It only exists in published form in English translation. Péron's official account of the voyage complements the report but that account was written after the return of the expedition, at the very least more than two years after the sojourn at Maria Island. While the report was addressed to Baudin, the Voyage was written for a wide audience that included Péron's scientific patrons and peers in Paris. Other vital papers belonging to Péron have been lost, his shipboard journal being the most crucial of the missing items. The information upon which historians might judge his anthropology is incomplete, just as the conditions under which Péron attempted to do

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29. I have used the band name given by Lyndall Ryan for this district (1981: 16).
fieldwork, constrained by shortage of time and differences of language, culture and experience were inadequate to his task.

The report is nonetheless fascinating as a document both about Péron himself and about the encounters between his party and the Tyreddeme people. If it was meant to have been modelled on Degérando’s blueprint for collecting anthropological information, it fell far short. Péron does not refer to Degérando, but his remarks indicate that he was perceptive enough to see that what Degérando called for could not be achieved. In introducing his subject Péron reflects on the demands of ethnographic fieldwork and his own failings in this respect. All his comments to Baudin in these first pages suggest a substantial degree of reflection about what, ideally, anthropological practice might be. It is frustrating that two handwritten pages that close the introduction are missing.

Péron starts by explaining why the study of ‘Natural Man’, now presented to his eyes in the form of these inhabitants of Maria Island, is so important:

Never perhaps has so immense a quarry been opened up for philosophy. Everything is curious in such a being, everything interesting: his antiquity, his origin, the changes in his affairs and his traditions in this regard, his customs, his language, his feelings, his ideas, his physical constitution, his increase in numbers, his infirmities, his longevity, his relationship to the climate, etc., etc., etc. This is the story of Nature and all mankind. Faithful trustee for the fundamental rights of the human species, he preserves them intact in their basic completeness.33

The savage/civilised dichotomy is an Enlightenment theme, a subject close to the hearts of the Observers, and of passionate concern to Péron.34 All of his comments about the differences between Aborigine and French society are a reflection of it. Baudin is now praised for his more objective accounts of Aborigines, but as a less partisan observer — he had no thesis to prove or disprove about savage society — he did not have the same ideological investment in his cross-cultural experiences as Péron.

Péron goes on to state the difficulties facing the observer who undertakes anthropological study. These are: ‘The want of time and favourable opportunity, the prejudices of the natives, their distrust, their fears, their threats, even the dangers.’35 Péron lacked the self-reflexivity to see his own observer’s prejudices, distrust. But given the sense of fear he expressed later in the report when the Tyreddeme men acted in ways that he found menacing and unpredictable, his statement here can be interpreted as implying this reversal as well.

The qualities needed by the fieldworker, whose lack is a ‘formidable obstacle’, are: ‘a habit of observation, a rigour of judgment, a delicacy of feeling, a maturity of thought which only too rarely are to be found united with the diversity of knowledge which an interest in the subject demands’. The conditions that the fieldworker must establish to be successful are ones that Péron felt were beyond his ability to achieve:

33. Péron 1983: 82.
34. Jones 1992 develops this theme in relation to the evolution of Péron’s thinking in the course of the expedition.
I did not therefore think it my duty to try to establish with the natives that multiplicity of associations and that continuity of communication which are indispensable if one is to obtain coherent and interesting results. It is difficult to think of a more succinct description of conditions under which anthropological interaction might flourish than establishing a ‘multiplicity of associations’ and a ‘continuity of communication’.

Finally Péron refers to the degree of ethnographic engagement required:

I have always been strongly convinced that an undertaking of this kind was so difficult that it must engross every faculty and the whole time of anyone who wanted to devote himself to it in a special way, and that this was the only way of doing it properly.

This is reminiscent of Degérando’s comments about becoming like one’s informants, a sense of the need for total immersion in the host culture if not quite total identification with it. Péron goes on to excuse himself here due to pressure of other work. He was one of five zoologists originally recruited for the voyage, but two left the expedition at the Ile de France with other disaffected scientists, and two died subsequently. Péron was left with responsibility for the zoological observations and collections. Aided by Lesueur he performed his duties superbly.

The substance of the report contains a narrative of what happened in the encounters with the Maria Island Aborigines and reflections on why it happened, speculation about differences between civilised and savage man, and other brief pieces of information and description of how it was gathered. The subtitle of the report suggests that the most detailed descriptions were about burial structures found independently by Péron and the botanist Leschenault. Here again pages are missing.

Péron relates the meeting between his small shore party and a group of fourteen Aborigines who invite them to sit down at their fire. He starts with a subject that, as a young man on a long sea voyage who had recently had his marriage proposal rejected by the woman he loved, undoubtedly preoccupied him.

But it was also one on which he would have been expected to collect data, namely the ‘frequency and continuity of desire’. On rather flimsy evidence — the Aborigines’ delighted and astonished reactions on seeing the erection of a young sailor whom they had insisted on undressing — Péron concludes that sexual desire is much less frequent in ‘natural man’ because of the rigours of life in the state of nature.

Physical descriptions follow, then a description of how rapport was established between the two groups of men with the artist Petit and Rouget performing tricks. Petit draws one of the men while Péron gathers words for his vocabulary, building on that of

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43. Péron 1983: 84.
Labillardière. At this point things are going well and Péron gains a favourable impression of the Tyreddeme men. With echoes of the d’Entrecasteaux expedition encounters, he writes: ‘It was then that our interview became truly affecting. Intermingled around the remains of their fire, we all seemed equally pleased with one another.’ In collecting words Péron finds the men both ‘very intelligent’ and good-natured in teaching him the correct pronunciation of their language. The vocabulary arouses another disquisition on a sexual theme why the Van Diemeners have no word for kissing and caressing and seem unaware of these gestures. Péron embellishes the themes of the mechanism of sensation and the benefits of civilisation.

The indigenous response to the giving of trinkets frequently puzzled explorers. Péron saw his own rules of reciprocity confounded by the Tasmanians — his prestations were not rewarded with thanks but ingratitude and suspicion. The explanation that for him accorded with this unexpected behaviour was not a cultural one — there was no Mauss to guide him about the cultural ramifications of gift giving — but an environmental one. The philosopher Helvetius proposed, he says, that ‘ferocity and ingratitude’ are associated with a way of life dictated by ‘physical needs’ while ‘humanity and gratitude are the result of social organisation and are the happy result of civilisation.’

Rousseau is an ever present but unnamed intellectual adversary in Péron’s reflections on civilisation’s advantages over the state of nature.

When the Naturaliste is sighted offshore the pleasant encounter quickly turns tense. The Van Diemeners become restless and suspicious. One man seems to demand Péron’s jacket. Péron in turn points at Rouget’s gun and says the word mata meaning ‘dead’. Another man pulls Péron’s earring from his ear. This is not an opportune moment to carry out anatomical measurements but Péron gets out his dynamometer, a device invented by Regnier to measure the strength of the limbs in populations in France. The device arouses great interest but the elder of the group is now highly wary and speaks in such a way that the others do not touch it again. Péron deduces that the old man had quickly grasped the purpose of the instrument and did not want the information used against his men. More likely he was suspicious of it from his knowledge of the power of firearms, another European instrument. Péron then resolves never again to make the purpose of the dynamometer clear when using it and instead make allowance for the fact that the subjects do not know what they are doing when he is testing them. If he realises that this would weaken any data obtained he does not say so. The whole incident generates a sustained outburst that eloquently expresses the difficulty of achieving cross-cultural understanding in the context of a voyage of exploration:

Oh! how difficult it is to overcome their bias and prejudices against us! Time alone could produce this result, and time is precisely what we lack most. We are seeing these men at a time when all the faculties of their being are magnified. Our ships, the noise of our guns and their terrible effect, the colour of our skin, our clothing, our form, our gifts, everything we possess, everything that surrounds us, our gait, our action, all are such marvels to them. Moreover they do not know what our

44. Péron 1983: 86.
intentions may be towards them or what perhaps is the object of our visit, and they can form no idea of these matters. They can only think that our intentions are hostile. Our presents, our kindness towards them, our protestation of friendship, all are suspect for them. They seek to interpret our looks. They observe us closely. Everything they see us do they suppose to be something mysterious, and always their suspicions of us are unfavourable. They redouble their vigilance against us, and they surround themselves with sentries in advanced positions who, from the tops of hills and even high in very tall trees, keep a watch on all that takes place in the vicinity. Every boat they see coming towards their shore excites in them new fears and redoubles their suspicions and distrust. And how, amidst all the sensations which agitate them by turns, to distinguish those which belong more particularly to their natural disposition? In admiration and surprise they appear stupid; insane in the expression of their joy, they are austere and taciturn when suspicious and frightened; savage when confident and threatening, they are fierce in anger and in its expression. But perhaps each of these states is normal for them, whence it follows that the characteristics of their physiognomy are extremely difficult to determine. When one wishes to study these with exactness, it is of particular interest to consider the influence of all the peculiar circumstances which modify their mental state and the nature of their feelings with regard to the observer. The most trivial events must be taken into account. What is of no importance to us is exceedingly important to them. The most innocent act in our eyes is often an act of open hostility in theirs. The use I wanted to make of the dynamometer furnishes a prime example of this....

Péron’s tone in this passage, at once disturbed and culturally sensitised, and the conclusions he reaches about Tasmanian behaviour, are very different from those of his far better known Voyage written with the security provided by distance in time and his return to familiar surroundings. This is the corresponding passage in the Voyage:

I have given all the particulars of this long interview with the natives, that the reader may be the better enabled to judge, how many difficulties and dangers are experienced by voyagers in their communications with the people belonging to these savage nations, and how impossible it is to conquer the natural ferocity of their character, and their prejudice against us.

The relativisation of perception is gone. Péron’s alertness to the Aborigines’ fears and doubts, together with the oblique expression of his own, has evaporated. The mystery of the ‘natural disposition’ under the stress induced by the presence of an alien observer is now translated into ‘the natural ferocity of their character’. The dynamometer experiment had collapsed but in the Voyage he confidently sets out his results that show British subjects as the strongest of his test groups and Tasmanians the weakest. And he uses the data he had obtained to refute the ‘dangerous opinion’ that the physical degeneration of man is in proportion to his state of civilisation.

Having placated the Aborigines with some more gifts, the French make a second ill-advised move. Petit and Péron make exchanges in order to obtain spears and a waddy. Petit gets his spear but Péron only manages to obtain a waddy for some buttons and makes signs that he wants the spear as well. When the man reacts by brandishing.

49. Péron 1975 [1809]: 223.
the weapon and the others raise theirs as well, Péron realises how misjudged this action was. The French have no recourse but to retreat and return to their boat, Rouget bringing up the rear with his gun. The Aborigines follow them until they see more boats from the Naturaliste and then take off into the forest. Péron says that he is grieved by their disappearance, he had hoped that another meeting might have quelled their fears. There is more than a hint in this that he wanted to sustain dialogue not for professional reasons but because he was already personally engaged by the encounter.

This appears to complete the narrative of the ‘interview’. A quarter of the report is then missing. Some of those pages are devoted to a description of burial structures found by Péron and independently by Leschenault, as the extant pages of the report resume with closing remarks on this subject. Péron concludes with some brief information about the possible population of the island, the inhabitants’ age range, discussion of the similarity between them and the mainland people, and their physiques, throwing ability and agility.

Péron’s narrative of the time the French spent in Van Diemen’s Land is also available in English. Péron writes with awareness that his account should be an engaging narrative, and he had himself been an avid reader of voyage accounts. He is always enthusiastic, at times rapturous, about natural beauty and natural phenomena. In his descriptions of Aborigines he is given to the use of superlative statements about blackness, ugliness, brutishness, primitiveness and perfidy. It is not to make excuses for Péron to point out that the finished reflection about the moral and physical state of Tasmanian Aborigines in the voyage narrative that reads so offensively today does not square with the hesitation, bewilderment and fearfulness — and also desire for communication — that can be detected in the report written close to the encounters. His first reaction to Tasmanian actions and behaviour — those of men like him, but men whose meanings he could not unambiguously decipher — has been ironed out in the finished Voyage.

Péron’s legacy to his contemporary French readers in promoting a particular view of New Holland and Tasmanian societies can be seen in Deleuze’s éloge published at the end of the official account. This is what Deleuze has taken from Péron’s pages of description:

The portrait of the peoples scattered over New Holland and of those who inhabit Van Diemen’s Land acquaints us with two races of savages of dreadful ferocity, and presents to us the bottom rung of misery and of degradation of the human species.

The preceding discussion of his Maria Island report has shown that while this telescoped summary matched the views that Péron later arrived at back home it does not represent his changing states of mind and belief in Tasmania. There he wanted to

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53. To date only one of the two volumes of the narrative contained in the Voyage have been published in translation (Péron 1975 [1809]). A deeper understanding of Péron’s text requires a contemporary annotated translation.
engage with Aborigines as he describes in the early part of the Tasmanian narrative in the Voyage. When he did not he was disappointed at the failure in cross-cultural communication. Nor does it capture the contradiction of his attitudes. The Tasmanians of the Voyage are fickle, ugly and physically weak, yet particular Aborigines and situations had impressed Péron greatly: the charm and vivacity of Ouré-Ouré,\(^56\) the intelligence and language skills of his language informants,\(^57\) the power of an old man to command obedience by presence and words alone, the mischievous playfulness of the children,\(^58\) the expressive features and pleasing manner of one young man whose curiosity in examining their longboat particularly struck him.\(^59\) It is hard to see any of these individuals occupying Deleuze’s ‘bottom rung of misery and degradation of the human species’. Deleuze had not been a careful reader of Péron’s account.

It is ironic given Péron’s own desire to be an anthropologist that the core of what constitutes anthropological understanding, namely the communication of meanings across cultures, was, inevitably, so imperfect in Van Diemen’s Land. Péron was conscious that the Tasmanians did not understand the meaning that certain gestures had for him as a Frenchman.\(^60\) He seemed less alert to the possibility that there was a web of Tasmanian cultural rules that remained invisible to him despite the emphasis in Degérando’s memoir on signs and language. More simply, although Péron had attempted to gain his passage as an anthropologist, his expedition narrative and the diverse memoirs he produced in the course of the voyage\(^61\) reveal how the things that fascinated him most were natural not cultural phenomena. His training in natural history and his appointment as a zoologist were of course entirely consonant with this, but his interest was much more than merely professional. The phenomena in the new seas and lands he traversed constantly aroused his wonder and delight. And these were phenomena that, however wonderful, could be grasped intellectually. He could observe plants and animals and record and collect specimens and have them drawn. Substantial results could be and were achieved without the time needed to establish ‘a continuity of communication’ with those who were culturally different.

Yet Péron planned, after he had completed the voyage narrative, to produce a study of different human groups with whom he had first-hand acquaintance, the New Hollanders, Tasmanians and Timorese, and he planned more travels to supplement this with descriptions of other groups. It was to be called Histoire philosophique des divers peu-

\(^{56}\) Péron 1975 [1809]: 175.

\(^{57}\) Péron (1983: 87) describes the vocabulary collecting: ‘In general, they seemed to me to be very intelligent and they easily grasped the meaning of all my gestures and seemed to understand both their object and their purpose. They repeated willingly the words which I had not been able to grasp readily on the first attempt, and they laughed heartily when, attempting to repeat them myself, I made mistakes or pronounced them badly’.

\(^{58}\) This prompted the reflection, unexceptional for his time, that women and children are similar everywhere: ‘they are less affected by the influence of climates, physical causes, or the improvement of society’ (Péron 1975 [1809]: 179).

\(^{59}\) Péron 1975 [1809]: 173–74.

\(^{60}\) In relation to his first meeting with the Tasmanians, for example, Péron describes the reaction of one of the men to being embraced: ‘M. Freycinet having embraced him, I followed his example, but the air of indifference with which he received this testimony of good will and friendship, made us easily perceive that to him it had no meaning’ (Péron 1975 [1809]: 173).

\(^{61}\) See Wallace 1984: 168–69, for a listing of these.
This ambitious undertaking was surely the only comparative study in Péron’s time to propose basing its data on the fieldwork of its author.

Even though his scientific mentors — men such as Cuvier — were leading anthropology towards a racially-based interpretation of human difference, it is interesting that Péron had still intended to study les rapports moraux in tandem with les rapports physiques, the cultural with the physical. But if we follow the transition in his views from those he expressed in his Maria Island report — to which his personal diary would have added more insights — to those we find in the finished narrative of the Voyage, it seems most likely that Péron would only have strengthened the kind of racial classification and evaluation that he was beginning to establish with his dynamometer experiments. As it is the Voyage, largely unsympathetic and at times hostile to Australian Aborigines, set the tone for future French voyagers’ accounts of Aboriginal groups. These accounts and the secondary literature they generated later became part of the intellectual climate in which physical anthropology flourished in France in the second half of the nineteenth century. The Tasmanians, followed by the Australian Aborigines, were typically placed at the bottom of French anthropology’s racial hierarchies.

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The Tiwi and the British: an ill-fated outpost

John Morris

Much has been published about the early nineteenth century settlement of Fort Dundas on Melville Island, the largest of the Tiwi Islands. In the main, the authors have argued about the reason for the British attempt to colonise this part of Northern Australia, the political or economic aspects of the settlement’s disastrous history or the circumstances of convict labour around the fort. The relationship between the Indigenous people of the islands and the Europeans in the settlement has attracted less historical research and what has been written is somewhat limited. This paper aims to explore, on the available evidence, the attempts to bring about peace between the Tiwi and the colonisers. Ultimately the result of those attempts was one of the factors contributing to the demise of the settlement. It must be emphasised that while the British presence in the islands remains in the Tiwi memory, in my observation that memory is limited to specific incidents and matters relating to that era. The evidence about the relationship between the British and the Tiwi is therefore overwhelmingly restricted to European sources.

The people of the Tiwi Islands experienced an intermittent exposure to foreign cultures from Asia and Europe, possibly from the seventeenth century. By the early 1820s these contacts had little impact on the Islanders. Apart from a desire for metal tools, the Tiwi developed an awareness of the material possessions of the visitors, a limited understanding of firearms, and had acquired a vocabulary of a few Portuguese words. Possibly by the 1820s, also, the Islanders had incorporated a small number of Indonesian words into their language. On the whole, however, the indigenous culture remained undisturbed, with the Tiwi displaying a mixture of fear and aggression towards the strange visitors who spent brief periods in the island.

Aggression was displayed towards the expedition of Phillip Parker King, the first Australian-born naval officer, as he conducted a survey of the islands in 1818. For the first time, some knowledge of the Tiwi Islands, located off the north west coast of the Northern Territory, came to the notice of the British and New South Wales governments. Within a few years the expansion of Dutch commercial and military interests in East India Archipelago led to a British interest in the northern coast of New Holland.

4. Morris 1999: 54
(later the Northern Territory). The original advocate for the establishment of a British outpost on the northern coastline was William Barnes, who traded between Sydney and the Moluccas. Writing to the British Secretary for War and Colonies in 1823 he argued for the need to open trade with the Macassans who sailed to Arnhem Land, in particular, to collect trepang. Urged by the East India Trade Committee, the government agreed to the establishment of a military and trading post on 'the North West extreme of New Holland'.

Prior to 1824 most of the documented visits to the Tiwi Islands by outsiders were of a short duration. The longest stay, by Dutch explorers, had lasted for several months. The expansion of British settlement to the north coast of the continent was to give the Tiwi their closest and most prolonged contact with representatives of another culture until the twentieth century. This period in their history impacted on the Tiwi to the extent that some incidents from it are remembered through at least one song, mime, dance and a limited oral history. They also have access to a series of booklets about the fort written for, but not by, the Tiwi.

In New South Wales and Van Diemens Land the newspapers offered regular reports on the frontier conflict in those colonies in the 1820s. On the other hand, the new military station on Melville Island and the resulting friction between the British and the Tiwi received minimal coverage in the colonial press when infrequent vessels reached Sydney from the new and most remote frontier in New Holland. Unlike the discussions which preceded the foundation of South Australia a few years later, proposals for the north coast settlement gave little, if any, consideration to the rights and welfare of the local Aboriginal population. Policies relating to protectors of Aborigines, ineffectual as they proved to be, would not be implemented for another twelve years. The lifetime of Fort Dundas was to be an era of confrontation, mistrust and conflict.

This collision of cultures gave birth to misleading and exaggerated comments about the Tiwi response to the British occupation of their land, as evidenced in both academic and popular writings. The authors of such works added to the mystique surrounding the Tiwi. The record suggests that, restricted by customary law and poli-

5. Cameron 1985: 95. The reasons for the British interest in the area have been discussed by a number of authors, including Powell, 1988: 47; Harris 1986: 119; Cameron 1985: 88-99; Allen 1969: 293; Wilson (1835) 1968: 123; McIntosh 1958: 409; Howard 1933: 21–91; Wildey 1876: 81. Bathurst 1824: 227–29 sets out the objects in forming the settlement. Sydney Gazette 5/8/1824 reported that the object 'principally is, to open and preserve an intercourse between the Malay Coast, so as to encourage and facilitate the spice trade.' Darling 1828: 796, stated that Fort Dundas and Fort Wellington, established in 1827 on the Cobourg Peninsula, were a means of keeping the French out of New Holland.

6. As mentioned later in this paper, I was only able to collect one oral story relating to Fort Dun-
das. I did, however, observe miming and a dance about an incident in that period of the Tiwi history.


8. The Sydney Gazette reported on the first Wiradjuri War from 8/1 1824 to 30/12 1824, in addition to other frontier conflicts in other years. Gammage 1983: 3-17, refers to the Wiradjuri War 1838-40. The ‘first Wiradjuri War’ therefore seems to be an appropriate name for the 1824 conflict involving the same indigenous language group. Turnbull 1948: 49ff incorporates a number of newspaper reports on the Tasmanian Black War.
tics, the Islanders retaliated to the European presence as circumstances permitted. Furthermore, unlike some Aboriginal groups whose land was usurped by the creation of remote European outposts, the Tiwi demonstrated no inclination whatsoever to becoming subservient fringe-dwellers at the new settlement. In February 1824 the Colonial Office despatched instructions to the Admiralty for the occupation of the new territory. Captain Gordon Bremer, R.N., was to take possession of Bathurst and Melville Islands (the major part of the Tiwi group) along with the Cobourg Peninsula on the adjacent mainland of New Holland, subject to the region being unoccupied by any people except ‘... the Natives of those or any of the other Eastern Islands’ (presumably, the eastern part of the Indonesian Archipelago). In the event of the region being occupied by another force, the Liverpool River on the coast of north-central Arnhem Land was to be possessed and settled. If the region was unoccupied, a site on Apsley Strait, which divides Bathurst and Melville Islands, was to be chosen for the new settlement. A second station was to be established in Port Essington, on the Cobourg Peninsula, if the locality was suitable. Bremer was to seek additional troops in New South Wales to ‘... secure [the settlement] from any hostile attack on the part of the Natives, who are understood to be of a ferocious disposition.’ Due to the need for troops on New South Wales’ volatile frontier, Governor Brisbane could release only 30 officers and men to augment the small party of marines sent out with Bremer. As a result, Bremer decided to occupy Melville Island only, considering it to be imprudent to divide such a small force. After taking possession of ‘the North Coast of New Holland’ at Port Essington, Bremer anchored in Port Cockburn, at the northern end of Apsley Strait on 26 September 1824. His fleet consisted of HMS Tamar, the transport Countess of Harcourt and the historic colonial schooner Lady Nelson. Within three days the islands had been claimed and King’s Cove, on Melville Island, chosen for the new outpost. A fort was commenced at Point Barlow on one side of the cove and a garden started at Garden Point on the opposite side. The Indigenous name for Point Barlow, named after Captain Maurice Barlow, is Punata, while Garden Point is Pularumpi. The site is located in Murnupi, the territory or ‘country’ of the Murnupula, one of the Tiwi bands. On 24 October the incomplete structure was named Fort Dundas, after the Head of the Board of Admiralty. The accompanying cannon fire must have been mystifying to any Islanders within hearing distance, although no oral history about the incident has apparently survived. It is suggested, however, that it was attributed to Pumwanyinga, the voice of thunder.

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11. Bathurst 1824: 759–760; Sydney Gazette 5/8/1824, reported the locality of the ‘New Settlement that is to be established on the North-west part of our island.’
As the toil on the new settlement proceeded, so, too, did exploration of the adjacent country and surveying of the strait. Hunters searched for game for food. Reports from the time provide a picture of the first weeks of the occupation of the islands from a European perspective. On the other hand, it is not possible to ascertain whether any Islanders observed the arrival of the British ships and the activities of the murrintawi (white people) in the early days of the settlement. The Tiwi perform a dance mimicking the arrival of a vessel at Fort Dundas and men rowing ashore. Although, in the 1960s, this was said to portray the arrival of the first vessels at Punata, it is not possible to accurately say whether it is a result of Islanders viewing Bremer’s arrival in Apsley Strait or it actually grew out of an observation of ships arriving at the fort at a later date. Klaatsch, who observed the dance in 1906, briefly comments that the dancers adopted the antics of the sailors. He does, however, agree with Major Campbell, the third commandant at Fort Dundas, that the Tiwi are great mimics. Grau, who recorded the dance in 1982, called it ‘the warship dance’, correctly noting it as a men’s dance.

Smoke from ‘native fires’ was sighted when Bremer’s convoy sailed into the strait on 26 September. The fires, on both Bathurst and Melville Islands, appeared to be isolated from each other, but over the succeeding weeks they became brighter, moving towards the new station. While Lieutenant J.S. Roe considered the fires to be a means of signalling, in the view of Purser Henry Ennis, ‘... the natives were endeavouring to surround us in a body.’ The fires were obviously burning before the arrival of the British vessels. It is possible, if not probable, that the Tiwi were practising the traditional burning of bushland (kimirrakini) as part of the hunting process and to ensure the regrowth of the vegetation in the coming wet season (jamutakari). It is also possible that some of the fires got out of control.

Various signs of the Islanders were noted by the British but no actual sightings of the people themselves occurred for some weeks. A ‘coloured’ convict, Lorraine, may have come into contact with the Tiwi, but this is not certain. Lorraine and an army sergeant ate toxic fruit from a sago palm while hunting for game, resulting in their becoming seriously ill. When they did not return to camp a search located the soldier but Lorraine and the sergeant’s dog were not seen again. The Tiwi knew of Asian men, in particular Indonesians, but how they perceived Lorraine and other ‘black convicts’ is not known. This raises several other questions. Tiwi custom holds that the Islanders originally believed the murrintawi (people with white skins) were karluwi (ghosts or spirits). After intermittent inter-cultural contact over several centuries, did the Tiwi consider the British at Fort Dundas to be spirit people? Their attacks upon Dutch and British seafarers in the past, together with the treatment they possibly received at the hands of Portuguese slave-raiders, suggests that the Tiwi had realised that Europeans were humans like themselves. James raises a further question when

22. Lorraine was one of three ‘coloured convicts’ at Fort Dundas in its first months. Marshall (1991: 34–35) points out that 13 ‘black convicts’ formed part of the labour force during the life of the settlement.
she wonders what the Tiwi thought of the European women in the fort. As far as records indicate, the first European women in the Tiwi Islands were a small number of wives who lived in the settlement at various times.

It must be acknowledged that, given the territorial structure of the Tiwi bands, many people who did not move close to the coastlines of the islands would not have actually seen Europeans in the past. Furthermore, since exploration parties from the fort apparently did not move far into the interior of either of the major islands there would have been Tiwi, especially women, who did not observe the British for some time, if at all. As it was, the Tiwi had obviously learnt to treat European visitors, and their firearms, with suspicion, if not with a degree of fear. Whether the Tiwi failed to make early contact with the Europeans in the new settlement due to their being away from the area or whether they chose to do so for social or historical reasons is difficult to say.

The first recorded meetings between the colonisers and Tiwi people occurred on 25 October 1824, with two separate incidents on the one day. Exploring a small river on Bathurst Island, across the strait from the settlement, Bremer came into contact with a party of ten Tiwi men. There is no previous documented visit by Europeans to that part of the island, Malau (Malawu), the ‘country’ of the Malauila (Malawila) band. The Islanders demonstrated aggressiveness before making signs of peace. They were clearly agitated and bewildered, even when offered presents by Bremer’s party. Bremer named the river Intercourse River and the area where the confrontation occurred, Intercourse Point. The bewilderment of the Malauila can be attributed to the unexpected nature of the meeting.

On Melville Island, and close to the settlement, on the same day two convicts were seized but not injured. The Tiwi, probably Murnupula, retreated when troops appeared on the scene, taking the convicts’ axes with them. In Bremer’s opinion, the Islanders had been watching the convicts for some time and were aware of the value of metal tools. The aggressiveness of the Tiwi at first contact contrasted sharply with the cooperation of the Iwaidja and the British at the Victoria settlement on the Cobourg Peninsula nearly fifteen years later. Given the customary form of land tenure it is questionable whether the Aborigines recognised the seizure of tools as compensation for the land, as has been suggested. The Tiwi did not claim compensation for the

23. Earl 1853: 210 was told of the slave-raids while in Timor about 1840. Campbell 1834: 155–56 claimed that a term by a Tiwi woman when calling to King in 1818 was a Portuguese one. Harris 1986: 11 argued that Campbell failed to recognise other words he heard the Tiwi using were also of Portuguese origin. Campbell 1834: 155 felt that a fear of hanging by the Tiwi could have resulted from such slave-raids. These claims are open to debate.
25. Cannon 1987: 112, takes the view that ‘the natives, at first shy, became aggressive’, suggesting that the failure of the British to see the Tiwi for some time meant shyness on the part of the Islanders.
27. Hill 1951: 44, in writing about the incident, inaccurately described the Tiwi as ‘...holding the ten-foot spears with Egyptian markings, five feet of sharpened barbs, and being ‘shock-headed’ with ‘nose bones a foot long.’
29. Austin 1992: 10, suggests that cooperation existed between the Tiwi and the British in the early days of the settlement. The evidence offers a different view.
movement of buffalo shooters into Melville Island seventy years later or for the land at Nguiu occupied by a mission station from 1911. More realistically, the Tiwi saw metal tools not only as weapons but also as a means of producing their solid grave posts and heavy barbed spears in a simpler and more refined manner. To the British in their isolation, the theft of tools and other items was a serious loss, whereas under Tiwi custom sharing of possessions was an obligation. As in the frontier conflict on the mainland, activities considered by Aborigines to be legitimate acts of defence and war were held by the Europeans to be crimes. Colonial authority was seen as paramount, and no thought was given as to how the ‘natives’ viewed the movement of an outside power into their land. In such circumstances, attempts at reconciliation between the Tiwi and the British were not pursued as they could have been. Bremer attempted to either establish peace with the Tiwi or to bring them into voluntary submission. A vital aspect was missing from Bremer’s attempts, however. This was some act of acknowledgment of the Tiwi’s traditional ownership of the land. Given the British policy of terra nullius in settling Eastern Australia, however, it is not realistic to expect that customary Indigenous tenure would be recognised on the north coast of the continent. A British reliance on power and coercion, to some extent, could only bring on inter-racial confrontation.

If the Tiwi had observed the claiming of the islands by the British, the ceremonies would have meant nothing to them. On the other hand, the appropriation of local resources by the newcomers would have been fully understood by them. The cutting of timber and the quarrying of stone for building purposes, hunting of wallabies and the gathering of marine foods, and the drawing of water from John’s River and various creeks, and possibly the clearing of land for the fort and the garden must have affected the thinking of the Tiwi towards the British. Gradually, too, the Islanders must have realised that these Europeans were not like earlier visitors, in that their numbers were much larger and they showed no sign of departing. Instead, for the first time, the Tiwi were confronted with European structures on their land. With the exception of skirmish raids on its outskirts the Tiwi failed to voluntarily enter the settlement throughout its existence.

The first effort to encourage Islanders to visit the settlement occurred on 25 October 1824. Bremer and Barlow met a party of 18 to 20 Tiwi men in the bush soon after the seizing of the two convicts. Passing their firearms to the rear, the officers made signs of peace. The Tiwi threw down their spears and came forward to negotiate. They threw away small gifts and, using sign language, requested axes. They were given four, but refused to enter the settlement despite the promise of more axes if they did so.

Mistrust and enmity were to continue, despite some effort by the British to placate the Islanders. Tiwi women were not seen near the fort and were rarely sighted in the bush by Europeans. There is no documented case of women being misused by the colonisers. There is little possibility, therefore, that such misuse was a cause for the enmity. Unlike mainland Aborigines, the Tiwi have no secret ceremonial grounds. Again, although the islands contain sites of a religious nature none of these are secret. Trespass

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on religious sites could not have led to the confrontation. Apart from the desire for axes, hatchets and other tools, the growing realisation that the intruders planned to remain in the islands appears to be a major reason for the inter-racial aggression that persisted. On the other hand, Reynolds claims that frontier ‘... conflict seems to have arisen more frequently from competing use of land rather than trespass as such.’\(^{32}\) If this was the situation at Fort Dundas, the seizure or spearing of domestic stock by the Tiwi was possibly part of a perceived struggle for food resources. It must be acknowledged, however, that stock numbers at the settlement were relatively small, and in comparison with similar incidents by Aboriginal groups on the mainland Tiwi activity in this area was somewhat limited. For the settlement’s occupants the loss of any number of stock, no matter how low, was a serious matter, being seen by them as ‘some inane depravity’ on the part of the Tiwi.\(^{33}\)

T B Wilson was more tolerant than many other colonists but his language is indicative of the British view of the Tiwi:

> it is well known to every person who has had the slightest intercourse with savages, that they are invariably addicted to thieving. It is, therefore, not to be denied, that the natives committed many petty thefts; but the policy of being unnecessarily annoyed threat thereat (sic), and the humanity of putting them to death for such offences, may be safely called in question.\(^{34}\)

The theft of tools and stock aside, the Tiwi response to the British presence was not stepped up to any great degree. Their response was, in fact, restricted by several factors, including their social structure and the fact that, as far as history records, they had never experienced the necessity to launch an attack of any significance upon an enemy of strength. They were aware, too, of the power of firearms but possessed none themselves. Attacks upon the British were of a hit and run nature.\(^{35}\) With the size of raiding parties socially controlled, the Tiwi did not have the manpower, let alone the weapons, to attack the fort unless its garrison was severely depleted by illness.\(^{36}\) Nor did their methods of fighting encourage them to besiege the settlement.\(^{37}\) Nevertheless, their efforts, as we shall see, did have an effect upon the settlement, ‘... the density of the forests (enabling) the natives to make their attacks with comparative impunity.’\(^{38}\)

In 1824, Governor Brisbane proposed the issue of ‘a few fowling Pieces and Tomahawks’ to the ‘Chiefs’ in New South Wales and the various islands out from Australia.\(^{39}\) Fortunately, in the case of the Tiwi, the proposal did not eventuate. Such weapons, though few in number, could have been turned on the British garrison. Surprisingly, there is no report of attempts by the Tiwi to seize firearms and ammunition from the colonisers, and to use these in the conflict as occurred in Tasmania, Victoria and the Kimberleys.

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32. Reynolds 1978: 56.
35. Robinson and York 1977: 94, for instance, claim that ‘...faced with the realities of this growing threat the Aborigines stepped up their struggle’, but do not explain how this was done.
36. Grassby and Hill 1988: 16, claim that the fort was attacked by the Tiwi.
37. Lockwood 1968: 9, held that ‘... the modern fort, armed with powder and shot, ... became besieged by primitive men whose weapons were cut from the bush.’
38. Earl n.d. [1856]: 5
Following a further incident on 27 November, an order was issued by Bremer that firearms were only to be used against the Tiwi in a case of necessity. In this same confrontation, in which a light-skinned man, possibly of Indonesian origin, was observed with the Islanders. Despite Bremer’s effort the aggression continued. In Roe’s opinion the Islanders were ‘... a much finer race of Beings than those in the neighbourhood of Sydney, but very suspicious.’ Roe reported further that the Tiwi began open depredations on every one they met, taking the axes and knives and sickles of those men who were in the woods preparing materials for building, and poising their spears on the least symptom of resistance.

‘Hostile proceedings having thus commenced’, instructions were issued that no individual was to go outside the settlement alone and all were to be armed when going into the bush. Soldiers were to guard the convict workers. Nevertheless, the conflict continued, despite the firing of warning shots and the shooting of a ‘chief’ and the possible wounding of three other Tiwi during simultaneous assaults upon three small and separate groups of marines and convicts in the early part of 30 October 1824. Several estimates have been offered for the number of Tiwi in the attacks, ranging from 60 to 100 warriors. The targets of the raids included haymakers at Garden Point and a water-collecting party. In spite of the hostilities Bremer was impressed with the speed of the Tiwi, their accuracy with the murukwuungu (the rounded and pointed throwing stick), and aspects of their culture such as coverings sighted on several women and the large grave posts. However, in view of ‘much hostility expected from the Natives’ and the ‘treachery’ of the Malays (Indonesians) who were expected to visit the settlement to trade, he realised the need to make the fort as strong as possible.

The fort, though small, was solidly built, being 225 feet (68.60 metres) in length and 150 feet (45.74 metres) in width. The stockade surrounding it was built of large logs laid longways ‘in layers five feet thick at the base’ on a foundation of rock. Measuring six feet (1.8 metres) in height, it topped a dry moat or ditch 10 feet (3.07 metres deep and 15 feet (4.5 metres) wide, requiring a climb of 16 feet (4.87 metres) from the floor of the ditch to the top of the stockade. Six cannon sat on the stockade, while a field gun was located inside the gate, facing the earthen bridge over the moat. The officer’s quarters and the magazine were constructed within the fort, with space for permanent military barracks. Standing in a rough semicircle around the sides and the rear of the fort and further to the east were housing for the soldier convicts and free settlers, a well, a hospital, commissariat store, wharf and other structures.

When Bremer departed on 13 November 1824, Captain Barlow, the new commandant, was in charge of a population of about 120 persons. In addition to a garrison of two lieuten-
ants, a military surgeon, 30 marines and 22 soldiers of the 3rd regiment, the community comprised five free male settlers, four women, four children, about 47 convicts, and the captain and 12 seamen of the Lady Nelson, which was attached to the fort.\textsuperscript{47}

For the brief time that he was at the settlement Bremer demonstrated restraint in his contact with the Tiwi, offering them presents, which they rejected unless these were metal tools. He was interested enough to record a description of the physical appearance and body art of the Tiwi men he observed.\textsuperscript{48} Although Barlow spoke of being unwilling to retaliate against the Islanders and of entertaining hopes of establishing a friendly relationship with them by treating them kindly, there is no ready evidence to indicate how far he went towards carrying out his proposals.

One of the free settlers on Melville Island was trader William Barnes, the instigator of the settlement. On the subject of trade, at no time did the British attempt to trade with the Tiwi. Roe felt that the Islanders had nothing to barter except their weapons.\textsuperscript{49} In theory, apart from food items, they could have offered canoes, timber and bark for construction, wallaby and possum skins for bedding, footwear and covers, and pandanus leaves for weaving into mats, rain-covers, hats, baskets and belts. Trade would have required peaceful relations, something that failed to eventuate.

The Tiwi did not pursue their ‘war of attrition’ towards the British for the whole of each year.\textsuperscript{50} As Crosby states, there was ‘… a discontinuous campaign of harassment against the settlers.’\textsuperscript{51} For one thing, any movements against the settlement during the wet season (jamutakari) would have been affected by the climatic conditions pertaining to that period. On a cultural level, taking into consideration the customary activities calendar and the associated obligations of the Islanders, the reasons for the irregularity of the raids are relatively clear. These included initiations and Kulama (yam increase) ceremonies in the early part of each year, with duels and small funerals possible events at the end of the jamutakari or wet season and the early part of the dry season (kimirraknarl). The kimirrakinari was also the time for families to move into other ‘countries’ and to take part in pukumani (mourning rites) for any ‘big men’ who had died. Where social laws had been broken, feuds also followed during this time. Overall, then, regular customary activities ensured that many or all of the Tiwi were not in the neighbourhood of the settlement for weeks, if not months, at a time.\textsuperscript{52}

When hostilities resumed, from the cover of the bush the Tiwi hurled spears into buildings on the perimeter of the settlement and into the sawpits about one mile (1.6 km) from the fort. Such actions helped to restrict the exploration of the islands to the

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\textsuperscript{47} Campbell 1834: 132; Roe 1824b. There is a discrepancy about the number of convicts assigned to Fort Dundas in 1824. Since the convicts had been originally transported to New South Wales and, in 1824, Governor Brisbane had no authority to force convicts to go to Melville Island, volunteers had to be called for from prisoners whose terms had nearly expired. See Marshall 1991: 32, 34.

\textsuperscript{48} Klaatsch 1907: 585.

\textsuperscript{49} Roe 1824a: 5.

\textsuperscript{50} Robinson and York 1977: 94 use the term ‘war of attrition’.

\textsuperscript{51} Crosby 1978: 2.

\textsuperscript{52} Knight 1992: 6–7, was not entirely correct in his claim that ‘…the Tiwi were unimpressed by the visitors and encouraged their departure by frequent attacks and by stealing everything not locked away.’
coastal areas. This led to a misunderstanding of the Tiwi by Barlow who supposed their population to be limited, and the main part of their diet to be fish as the ‘kangaroos’ were thought to be scarce and small in size. The ‘kangaroos’ were in reality wallabies, just one part of the Tiwi diet.

A serious barrier to British efforts to placate the Tiwi was the language difference. Unlike other parts of Australia, pidgin-English was not a choice, the only alternative to English being Tiwi and a small number of Malay and, allegedly, Portuguese words adopted by the Islanders. The fact that no contact language developed at the fort demonstrated the state of enmity between the two cultural groups. Barlow hoped to learn the Tiwi language from a ‘lad’ with Malay features captured in 1825. This failed when the prisoner escaped after three or four days in the settlement.

The Melville Island station went through a number of privations, one of the worst being the capture of the vessels Lady Nelson and Stedcombe by ‘Malay’ pirates in 1825, while enroute to Timor and the East Indies to purchase buffalo and food for the settlement. Only one crew member from the two vessels survived the attacks. Joseph Forbes (‘Timor Joe’) was rescued from slavery on Timor Laut on 31 March 1839.

Barlow’s replacement by Brevet Major John Campbell on 19 September 1826, led to an active, if unsuccessful, attempt to placate the Islanders. Whether he recognised and appreciated the causes for the Tiwi aggressiveness cannot be clarified. On the other hand, although Roe, for one, briefly wrote of his perceptions of the Islanders, Campbell was the first Englishman to record his observations of them at any length. These, although valuable to the anthropologist or ethnohistorian, are somewhat ethnocentric. He also wrote of the Tiwi as the enemy, ‘treacherous and cunning’, with a ‘treacherous and hostile disposition’ and being ‘in a state of barbarous ignorance’. The only two Tiwi women sighted in four years he described as ‘... old and ugly, and their only garment was short narrow apron of plaited grass’. He did draw up regulations in October 1826, designed in part to protect the Tiwi from the effects of alcohol and from insult or injury, although the Islanders had no knowledge of the regulations. Firearms were not to be used against the Islanders unless the safety of Europeans was threatened. In New South Wales no effective action had been taken by the authorities to combat the consumption of alcohol, which had already become a serious social problem for some Aborigines. Similarly, the colonial administration had failed to protect the Aborigines in New South Wales and Tasmania from indiscriminate shooting by colonists who regarded such action as a legitimate part of the defence of their properties. Fortunately, the centralised and isolated nature of the Melville Island settlement ensured that the regulations were generally obeyed. In 1827, the confrontation widened but not to the extent suggested by some authors.

53. Campbell 1826: 666.
58. Campbell 1827: 823; Campbell 1826: 673, 681.
59. Campbell 1826: 671, 676.
The Tiwi launched a campaign of destruction, avoiding sentries posted at strategic locations around the settlement to fire haystacks, spear pigs and sheep, demolish fences and even to steal washing from the hospital clothes-line. A bull was driven away, and six men narrowly missed being speared in August and September. ‘Extraordinary vigilance’ was required in guarding against attacks by the Tiwi. Robinson and York are partly correct when they say that, ‘... weekly, often daily, attacks were made upon the aggressor forces which, by this stage, were totally harassed and bedraggled.' Campbell reported that the Tiwi ‘... committed some daring depredations both by day light and during the night’, so that even close to the settlement the convict workmen were ‘... kept in a constant state of alarm.’ Upon occasions the Islanders allowed Europeans to pass unmolested through their extended lines. Nevertheless, they remained ‘... until the last day distrustful, if not determinedly hostile.’ It is not clear whether the Tiwi wore facial and body paintings at all times when confronting the British, but Campbell considered that this produced an ‘even hideous appearance’ for a people who were ‘revengeful, prone to stealing and in their attempts to commit depredations show excessive cunning, dexterity, arrangement, enterprise and courage.’ He declined to take revenge on the Tiwi for their hostility. He captured a canoe over 6 metres long when pursuing a group of Tiwi on Apsley Strait. But he later ordered that a village, abandoned as it was approached by soldiers, was not to be plundered or damaged.

Still the Islanders responded in a hostile manner. Lockwood observed that ‘the Aborigines were almost out of hand, making weekly if not daily attacks upon the inhabitants’ and ‘the convicts were little more than beasts of burden ... always in fear of attacks by the Aborigines.’ This gives a level of credence to Spillett’s statement that ‘the men feared to leave the stockade, and would only do so in company and well armed.’ Two men did go out without carrying arms and quickly met their death. The incident, which forms an important part of Tiwi oral history, had its genesis in the last week of September 1827. Campbell reported, with the British attitude of the time,

A few days ago I intercepted a party of these audacious Blacks going to attack some Men sawing timber; one of them was made prisoner, and is now doing well in Hospital, where he was sent on account of some wounds he received by his Stubborn resistance when taken; I intended detaining him, and shall endeavour to make him of some use to us.

The man, Tampu (Tambu) Tipungwuti, described by Campbell as ‘... one of these savages’, was held prisoner for several weeks, allowing Campbell to learn a little about

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60. Robinson and York 1977: 94, claim that ‘... by 1827, the tide of Battle was moving rapidly in [the Tiwi’s] favour, with the colonialists confined to the Fort and its immediate surrounds’. Grassby and Hill 1988: 61, allege that the Tiwi used sophisticated military tactics to put the fort under siege.
61. Campbell 1827: 700.
63. Campbell 1827: 700.
64. Campbell 1834: 154.
65. Campbell 1834: 153. Tiwi facial art is highly praised, being unique in Indigenous Australia.
66. Campbell 1834: 157; Campbell 1827: 808.
69. Campbell 1827: 700.
him.\textsuperscript{70} The Tiwi account of the episode is more dramatic. A group of Tiwi were on their way to obtain fresh water, presumably from John's River, a creek. They met and clashed with a party of soldiers escorting a water party also going to the creek. Keripu, a small boy, was wounded in the affray, and Tampu, a 'big man' or leader, was captured. Following treatment in the hospital, Tampu was held in chains in a dry well.\textsuperscript{71} One day, Islanders hiding nearby saw Tampu marched at bayonet point to a funeral. That evening two Englishmen were speared to death as revenge for Tampu's capture. Tampu then escaped by canoe to Malau (Malawu) on Bathurst Island. One oral history account states that Tampu was strong enough to break the chains and escape. In another account he refused to eat until he was thin enough to slip out of the chains.\textsuperscript{72} The re-enactment of Tampu, bent over and shuffling in chains, was observed on several occasions, in the 1960s, as part of the telling of his story.

During the absence of Campbell at the new outpost of Fort Wellington, on the Cobourg Peninsula, Sophia Hicks, the young wife of Lieutenant William Hicks, R N, passed away. Hicks was the master of the vessel Mary Elizabeth. Mrs Hicks was buried on 2 November 1827, storekeeper John Green and Dr John Gold being among the mourners.\textsuperscript{73} There is no mention in the reports of Tampu attending the funeral. That evening, near sunset, Gold and Green left the fort to go for a walk. Despite a warning, they went unarmed. Soon afterwards they were brutally killed by the Tiwi, leaving the settlement without a doctor. While Green's body was located immediately after the attack, Gold's remains were not found until next morning. The injuries incurred by the doctor, in particular, were so serious that in his official summing up at the enquiry into the deaths, Lieutenant Hicks stated that '... from every circumstance I should fear he died very hard.'\textsuperscript{74} Reporting on the enquiry into the deaths, Campbell declared:

> From the many instances of the conduct of the Natives, in showing a determination to do violence, and from their well known treacherous and hostile disposition, I had every caution to protect every individual of the Settlement against receiving any injury.\textsuperscript{75}

While some accounts of the incident are inaccurate, credence can be given to Powell's view that '... over all lay creeping fear of the black man' and to Harris' comment that the relationship between the two cultures '... was always tense and sometimes violent.'\textsuperscript{76}

In April 1828, not seeing the deaths of Green and Gold as acts of war, Campbell still awaited an opportunity to demonstrate to the Tiwi that murder must be avenged.\textsuperscript{77}

\textsuperscript{70} Campbell 1834: 158
\textsuperscript{71} The well, not far from the fort, was pointed out to me in 1960.
\textsuperscript{72} Lefort 1985: 12; Summerhayes 1961: 16; Pilling 1957: 303-4. Tampu's story was told to me on several occasions during the 1960s.
\textsuperscript{73} Dowsett 1828: 709.
\textsuperscript{74} Dowsett 1828: 709-10; Campbell 1827: 701-5. Some popular and academic accounts give inaccurate versions of the incident. See Morris 1971: 23. Possession of the site of Fort Wellington occurred on 18 June, 1827.
\textsuperscript{75} Campbell 1827: 822.
\textsuperscript{77} Campbell 1828: 713.
His view was typical of that common on the Australian frontier. European deaths at the hands of Aborigines were seen as murders, while the pre-meditated shooting of Indigenous by Europeans was considered by many colonists to be legitimate. In a matter of months, Campbell’s attitude had changed from that of late 1826. Then, he had declined to take punitive action against the Tiwi following the spearing of a convict Julius Campbell, on the grounds that the Islanders were ‘in a state of barbarous ignorance.’ Instead, he proposed to capture a ‘chief’ or several young lads and teach them English as a form of communication. As it was, following the killings of Gold and Green, no further affrays occurred until May of the following year. In the meantime, Governor Darling expressed his fear for the occupants of both Forts Dundas and Wellington at the hands of the Tiwi and the Iwaidja respectively in the event of extensive sickness striking both outposts. Campbell’s term as settlement commander ended on 18 May 1828, without the Tiwi being pacified. One of his last actions as commander was to order details of soldiers to pursue and capture a group of Tiwi seen near the settlement. A five-hour pursuit by the soldiers proved to be futile.

In describing the Tiwi, Campbell was observant, as Klaatsch notes. It is clear, however, that these observations were made from a European perspective of the time.

Hartley enforced the regulations about the use of firearms. In another example, Parsons concluded that ‘the settlers experienced great difficulties with the natives, who were...’
hostile and aggressive, and whose spears were too much for the firearms of those days.\textsuperscript{86}

On the other hand, the available documentation does not suggest that Hartley showed any respect for the Tiwi or made any serious effort to communicate with them. He was undoubtedly relieved when on 1 November 1828, the Secretary of State for the Colonies confirmed that the settlement was to be transferred to Fort Wellington.\textsuperscript{87} The transfer took place in February and March 1829, in the barque Lucy Anne. In June, Hartley reported that he and the ‘settlers’ (presumably the few free settlers) had arrived in Sydney.\textsuperscript{88} Earl tells us that ‘… all the authorities agree that Fort Dundas, Melville Island, was in 1829 abandoned without regret by its garrison to the treacherous natives.\textsuperscript{89}

The reasons for the failure of the settlement have been discussed by various authors. According to one source, ‘the hostility of the Tiwi was such that (Fort Dundas) was abandoned in 1828 (sic) after an incident in which the assistant colonial surgeon and the commissary storekeeper were killed.’\textsuperscript{90} Undoubtedly, the hostility of the Tiwi was one factor. Gee, writing in 1926, said that ‘the determined and successful hostility of the blacks throughout this occupation is remarkable, and was one of the factors in deciding on the abandonment.’\textsuperscript{91} While the view that the ferocity of the Tiwi was the sole reason for the fort being abandoned is widespread, the power of the Islanders is exaggerated in a number of instances. Krastins claims that ‘… the Tiwi made the Europeans prisoners inside the walls of their own Fort.’\textsuperscript{92} The situation for the settlement’s population was very uncomfortable, but many troops were not massacred, as Krastins suggests. This strain of thought about siege and fear is put forward by other writers, including a Chief Protector of Aborigines.\textsuperscript{93} Very occasionally there is an acknowledgment of the Tiwi’s use of guerilla tactics rather than organised warfare, even if this acknowledgment is romanticised.\textsuperscript{94}

To what extent the British actually feared the Tiwi is difficult to estimate. It was strong enough to require some convicts to be armed when working outside of the settlement. But, in no way can we agree with the conclusion that

By their fierce resistance, and the clever application of military tactics, the Aboriginal patriots made Fort Dundas a living hell for the aggressors who began to plead with their colonial masters to be taken away from ‘this vile island’. In 1829, Fort Dundas was ‘abandoned’, or more correctly, the British invaders were driven off,

\textsuperscript{85} Wilson [1835] 1968: 125, in contrast, stated that many Tiwi were shot in a very unwarrantable manner.
\textsuperscript{86} Parsons 1907: 5.
\textsuperscript{87} Murray 1828: 521. Murray 1828: 214–15, the initial decision to abandon Melville Island was made in May 1828. A part from confrontation with the Tiwi, Hartley had to confront convict unrest, public disorder, a shortage of food supplies and useless cannon in the fort.
\textsuperscript{88} Hartley 1829: 765. Several writers have given incorrect years for the abandoning of Fort Dundas, these ranging from 1827 to 1840.
\textsuperscript{89} Quoted in Searcy 1909: 225.
\textsuperscript{90} Horton 1994: 1076
\textsuperscript{91} Gee 1926: 45.
\textsuperscript{92} Krastins 1972: 33.
\textsuperscript{93} Cook 1927: 27. See also Roberts 1981: 6; Hill 1951: 43–46, 38–49.
\textsuperscript{94} The Age 12/1/1911: 7, commented that ‘… the natives so pestered the immobile force of soldiers by ambushing them when they moved out of camp that the attempt to settle on the island was abandoned, and the settlement was transferred to Port Essington (sic)’. 
their tails between their legs, after their inglorious and thorough defeat.\textsuperscript{95} More realistic is Jarratt’s comment that ‘for some time, the failure of Fort Dundas was put down to ‘hostile Tiwis’ but there is little evidence to support such claims.\textsuperscript{96}

The reaction of the Tiwi to the British presence is undoubtedly one of the reasons for the closure of the post. There was deep concern both locally and at government level for the safety of the settlement’s occupants. Likewise, the inter-cultural relationship at Fort Wellington was one of concern until Captain Collett Barker took command and brought peace to the settlement. In truth, deaths and injuries on both sides were relatively few in number.\textsuperscript{97} Livestock and other property were the major victims of the conflict. The order restricting the use of firearms helped to avoid the large-scale indiscriminate shooting of Aborigines as occurred elsewhere in the Australian colonies.\textsuperscript{98}

The hostility of the Tiwi aside, a reading of the correspondence written by the various commanders of the fort clearly demonstrates that the main reasons behind the decision to abandon the Melville Island station were economic and geographic. The settlement was off the main shipping line between the Indonesian Archipelago and the eastern Australia, the expected trade with the Macassan trepangers from Indonesia did not eventuate, and the soil and climatic conditions were considered to be too poor for agriculture. To these disadvantages must be added those of isolation, difficulties in supplying the settlement from Sydney, Timor and the East Indies, damage to the settlement by tropical conditions, and navigation difficulties.\textsuperscript{99}

The emphasis of this paper, however, is the relationship between the Tiwi and the British. Apart from regulations to protect the Islanders from indiscriminate shootings and the effects of alcohol, and the distribution of a few presents, including tomahawks and axes, in an effective sense little appears to have been done to bring about peace with the Tiwi. Although Krastin sees Campbell’s attempt to secure and use a Tiwi man as an intermediary, this was one of the few practical attempts to bring about some inter-cultural understanding.\textsuperscript{100} Realistically, however, given the circumstances could peace have been achieved?

While in Wilson’s opinion the ‘... civilized party was far from being blameless’, Earl argues that ‘... from the general disposition of the natives, it is scarcely probable that a friendly intercourse could ever have been established between them (the Tiwi) and their visitors’.\textsuperscript{101} As to the failed relationship between the two people, Gee wrote that the British

were on bad terms with the natives from the start, and I do not think I am expressing too strongly when I say that it seems to me that by their want of tact, their

\textsuperscript{95} Robinson and York 1977: 94.
\textsuperscript{96} Jarratt 1992: 135.
\textsuperscript{97} Wilson (1853) 1968: 153, incorrectly claimed that no record was kept of the number of such fatalities, suggested that ‘four or five’ Europeans were killed. Meston 1914, wrote that seven Europeans had been speared.
\textsuperscript{98} Allen 1969: 302, points out that Fort Dundas had been ‘... witness to bloody skirmishes with loss of life on both sides’.
\textsuperscript{99} Howard 1933: 84–85; Gee 1926: 52; Murray 1828: 214–15.
\textsuperscript{100} Krastins 1972: 32.
\textsuperscript{101} Wilson, (1835)1968: 124–25; Earl 1856: 8.
timidity and their brutality (brutality probably caused by timidity) they aroused the bitter hostility which continues in these natives to this day.\textsuperscript{102}

The British presence in the islands did not permanently affect the Tiwi. But to what extent do the Islanders remember that period in their history? In Mountford's view, 'it seems incredible that the detailed knowledge of such a brief settlement could have persisted for so long in the tribal memory.'\textsuperscript{103} His view is based on 'stories' he heard of men who wore red clothes with shiny buttons (the soldiers), and who made loud noises (the cannon), and of men in dark clothes (the convicts) who did the work.\textsuperscript{104} The extent and detail of the stories are not clarified. Harney recounts a song telling the story of the buffalo brought to Melville Island for use in the settlement.\textsuperscript{105} On the matter of conflict, a dance portraying an affray between the British and the Tiwi was photographed by Edward (Ryko) Reichenbach at Malay Bay, on the mainland, in about 1916.\textsuperscript{106} Unless there was an incident that was not reported by the British, the dance was possibly based on several affrays with the garrison. We must remember, too, the dance about the arrival of the British vessel at Melville Island. Personally, the only oral story related to me, on Bathurst Island, in the 1960s was that of Tampu. Perhaps by that time, the oral history of the Fort Dundas era, as distinct from the dances and the song, was giving way to other memories. The memory appears to be a limited one. Yet today the Tiwi celebrate the Fort Dundas era without any criticism of the British, and as an important epoch in their history.\textsuperscript{107}

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\textsuperscript{102} Gee 1926: 52.

\textsuperscript{103} Gee 1926: 52.

\textsuperscript{104} Mountford 1956: 419. Mountford collected this data at Snake Bay, on Melville Island, in 1954.

\textsuperscript{105} Harney 1957: 91. This song was apparently heard by Harney on Melville Island in the 1940s.

\textsuperscript{106} Poignant 1996: 24-28, 34-37. A group of Tiwi were employed by buffalo shooter Joe Cooper on the mainland at the time. Knowledge of this dance would appear to have faded out in the islands.

\textsuperscript{107} Northern Territory News 20' 9' 1974: 13, the Tiwi welcomed 'all visitors to Garden Point to celebrate the 150\textsuperscript{25} anniversary of Fort Dundas'.


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An invitation to contribute to a forthcoming series of articles on ‘Aboriginal historiography’


Current debates on the stolen generations, Indigenous labour relations, reconciliation and whether or not ‘genocide’ is an appropriate concept to employ in Australia have led to public discussion of contested approaches to historical interpretation. The Board wishes to encourage a deeper exploration of these historiographical concerns, and that of other historiographical issues.

The Editorial Board invites contributions of articles to this Aboriginal historiography series. Suggested topics are set out below. The list is not exhaustive.

Intending contributors should contact the Editor, Ingereth Macfarlane or Deputy Editor, Ian Howie-Willis at Aboriginal History, History, School of Humanities, Australian National University, Canberra ACT 0200, Australia. Email addresses: Ingereth.macfarlane@anu.edu.au or ian.willis@anu.edu.au.

Suggested topics

- Definitions: What is ‘Aboriginal history’ — something unique, a subset of Australian history, or of the history of indigenous peoples generally, or of colonial and post-colonial societies?
- Is it possible to produce a typology of ‘schools’ of Aboriginal historiography? If so, what would it be, and which historians could be assigned to its various types? Such a typology would consider certain ‘-isms’ and Aboriginal historiography: for instance, what have been the perspectives of classical empiricism, neo-Marxism, post-modernism, neo-conservatism etc on Aboriginal History?
- An early dominance of anthropology and anthropologists, seen for instance in the 1964 Australian Institute of Aboriginal Studies Act, which defined ‘Aboriginal Studies’ as ‘anthropological research’. (The 1989 AIATSIS Act amended the definition to read ‘the study of Aboriginal and Torres Strait Islander culture, history and society’.)
- ‘Aboriginal history’: an evolving discipline? To what extent is Bain Attwood’s notion of ‘three waves’ of Aboriginal historical writing accurate? (His ‘first wave’ was represented by Charles Rowley in the 1960s, the ‘second’ by Henry Reynolds and others in the 1970s-80s and the ‘third’ by the Aborigines who began publishing history in the 1980s-90s.) Is this typology generally accurate or is the reality more complex?
• Are there dominant figures? If so, who are they, what topics are they researching and writing, and what are they saying? If there are dominant figures, is there a group of lesser known figures; who are they, what are their interests?

• What is the current state of teaching of Aboriginal history?

• What are the inter-disciplinary connections contributing to the production of Aboriginal history: anthropology, linguistics, archaeology, political science, sociology, economics, geography, environmental studies, legal studies, fine arts, media studies and so on? Is Aboriginal history an omnibus term or does it have its own disciplinary integrity and methodologies?

• The preceding point leads to the question, ‘Who are entitled to call themselves ‘Aboriginal historians’ — anyone who is interested in the subject and does some research/publication, or is some qualification necessary?

• The ‘new conservatism’ and its views of Aboriginal history: who are the neo-conservatives, what topics are they interested in and are they saying? Is the neo-conservative thrust led by non-historians — journalists, political scientists — or do historians contribute to it?

• Does Aboriginal history have its own myths? If so, what are they? Do they include matters such as spirituality, sovereignty, assimilation, massacres, stolen generations, discrimination and the immutability of land-ownership?

• Who is allowed to say what? Are there some topics that are taboo for historians of Aboriginal people, eg substance abuse, communal violence, rape, intra-group rivalries and dissension? If so, may anyone write about them?

• The contribution of Indigenous historians: who are they, what are their interests and what are they saying? What effect are they having on non-Indigenous scholars? What effect might they be expected to have in the future?

• Who constitutes the next generation of historians of Aboriginal people — the people who, for instance, are now researching for post-graduate degrees and might be expected to be the pace-setters of the future? What are their interests and what are they likely to say?

• What happened to the historians of Aborigines who emerged during the 1970s and 80s? Are they still in Aboriginal history or have they broadened their scope or moved into other fields?

• Has our journal Aboriginal History changed over the quarter-century since it first appeared? If so, how? Who were our earlier authors, our mid-life ones and our later ones? What were they all writing about? Has our focus changed as the authors have? What other journals have made significant contributions to advancing Aboriginal history? Have we anything to learn from them, or they from us?

• The Australian Institute of Aboriginal and Torres Strait Islander Studies and its role in Aboriginal history. Has AIATSIS managed to overcome its early bias towards anthropology (and anthropologists) to promote research and writing in history?

• Historians in the public arena. Are historians activists, or advocates, in either advancing or retarding Indigenous people’s causes.
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Obituary
Kenneth Locke Hale (1934–2001)

Kenneth Locke Hale died on 8 October 2001. He has left to Australia an outstanding bequest through his contribution to the study of Australian Aboriginal languages and the social and intellectual life of their speakers. His contribution is multi-faceted. It consists of language documentation, description and analysis; major breakthroughs in the reconstruction of the prehistory of Australian languages; new theoretical insights into the grammar of Australian languages and ultimately of human language in general. Throughout his career, Hale trained and encouraged young linguists, including Aboriginal language speakers, to study Australian languages; he supported Aboriginal language maintenance and bilingual education programs in Aboriginal communities and he applied the results of his linguistic research to the cause of the restoration of traditionally held lands to Aboriginal peoples.

With his wife, Sally, and their infant son, Whit, Ken made his first field trip to Australia in 1959–61 and a second in 1966–67, with five later, short, task-specific visits. In these few years he documented about 70 Australian languages spoken in the Northern Territory, Western Australia, the Port Augusta region of South Australia and northern Queensland. His recordings and remarkably accurate transcriptions, as well as other field note materials, have been the basis, not just for his own publications on Australian languages, but also for the work of hundreds of other scholars. Hale's remarkable legacy of Australian language documentation deposited in AIATSIS (Australian Institute of Aboriginal and Torres Strait Islander Studies) in Canberra, on open access, constitutes one of Australia's largely unrecognized cultural and intellectual treasures.

Reviewing Hale's work on Australian languages, one sees a brilliant instantiation of the main intellectual developments and concerns which marked the field of linguistics during the 20th century. Following his appointment to the Department of Linguistics at the Massachusetts Institute of Technology (MIT) in 1967, Hale increasingly became one of the most influential figures — often operating behind the scenes — in the elaboration of linguistic theory, although he may not have pictured himself in this role.

Naturally, Hale's output reflects aspects of a distinctively north American linguistic tradition within the wider discipline of linguistics. After receiving his first degree from the University of Arizona, Hale embarked on postgraduate studies in linguistics at Indiana University where he wrote a thesis entitled A Papago Grammar under the supervision of Carl Voegelin. His linguistics education, influenced by the great American linguist-anthropologists such as Boas, Bloomfield and Sapir who had researched the indigenous languages of north America, combined rigorous training in both linguistics and anthropology. In fact it was thanks to one of his anthropology teachers that
Hale’s interest in Australia was aroused. He picked out ‘central Australia’ from a hat filled with pieces of paper assigning different regions of the world to students to research for an anthropology class. As he read the works of Spencer and Gillen and others on the peoples of central Australia he was rapt, and determined to go to Australia himself to conduct his own field research as soon as the opportunity arose. In 1959 that opportunity came in the form of a National Science Foundation postdoctoral fellowship. Hale’s early training, coupled with his own particular genius and zest for learning and understanding languages, laid the solid foundations on which he continued to build both in his empirical and theoretical investigations.

Fieldwork

It was Arthur Capell, another of the indefatigable recorders of Australian languages (as well as languages of Papua New Guinea and many Pacific Islands) who encouraged Hale to make his first trip to Australia, and who supported his attempts to get into the field and record languages. Capell’s openness, his appreciation of the linguistic richness within Australia and its fragility, and the urgency to get the languages recorded by the very best linguists — not just for the degree of accuracy of their transcriptions but for the fact they would be seeking answers to more revealing questions — contrasted with the rather closed attitude displayed by other authority figures of the time. Theirs was the chasse-gardée view that certain languages or peoples were the privileged domain of certain scholars and that it was not done to intrude — an attitude that was certainly holding back the study of these languages.

At the time of Hale’s first fieldtrip it was very difficult to have access to speakers of many Aboriginal languages, especially without a powerful patron, because so many of Aboriginal people's lives were under the control of missions, government settlements, pastoral properties and leases. Sally Hale’s reflections on their first Australian fieldtrip vividly recalls this aspect of Aboriginal life in Australia in the 1950s and 1960s. Attending the 1960 Brunette Downs races, she writes:

there was just the most incredible scene. ... there were all these station people who came from all over the Barkly Tablelands. They brought huge tents, guests, and everything; it would be the nearest thing probably to a camp race meeting in the southern United States in the 1800s. They brought Aborigines to wait on them, to cook, to put the tents up, to get firewood, to support their whole operation. Plus they brought their horses to race. ... So Ken started going around trying to meet the Aborigines that were supporting the camps, because they had really been closed to us. We weren’t allowed on their stations so this was an opportunity to get the language materials. When Ken met an Aborigine he’d shake their hand, look them in the eye, address them with respect, and ask them if he could spend some time with them to find out a little bit about their language. So at night, when their jobs were finished and they were around their own little fires, Ken would go there, and try to get a few words or find out what languages were spoken around there. ... The station owners thought we were Communists: one of them came over and told us that we really didn’t have a clue about how you should treat Aborigines.5

Despite these very real difficulties, Hale undertook a number of extraordinary field trips during 1960 to record languages in western and northern Australia (docu-

mented in Simpson et al 2001) in collaboration with other adventurous young linguists. One of these was Geoff O'Grady, another of the great students of Australian languages\(^2\) the other was Monty West who had studied linguistics with Hale at Indiana University. Being based in Alice Springs for some time, Hale was able to work on a number of central Australian languages including Arandic languages, Warlpiri, Warumungu and several Western Desert languages. He was later able to undertake in-depth research on the Lardil language of Mornington Island, where he and his family were invited by the pastor, the late Rev. Doug Belcher, and his family.

Another indefatigable linguist who devoted himself to recording Australian languages (as well as those of Papua New Guinea and the Pacific Region) with whom Hale collaborated in these early years was Stephen Wurm, who also died in October 2001. Wurm’s fieldwork complements Hale’s in that the former was particularly concerned at that time with recording the last speakers of eastern Australian languages in southern Queensland and New South Wales.

Towards the end of the 1960s more young linguists from here and abroad were going into the field in Australia, such as Gavan Breen, Barry Blake, Bob Dixon and Jeffrey Heath and the many SIL (Summer Institute) linguists. Then came the next generation, the students of Blake, Dixon, Hale and Wurm and then their students...

**Language classification**

In his earliest published work on Australian languages (1962, 1964 and 1966a) Hale was mainly concerned with how Australian languages were related to each other. By applying the comparative historical method which aims to uncover the regular sound changes which relate languages, he showed that two groups of languages, one in central Australia, the other in north Queensland, which had been viewed as phonologically aberrant and possibly unrelated to other Australian languages, were in fact closely related to the large expanse of languages spoken across the Australian continent and on many offshore islands, with the exception of the northern part of WA and the NT. Hale’s interest in understanding how Australian languages were related to each other was shared with his contemporaries such as O’Grady and Wurm, and continued a long tradition of such interest.

On the basis of previous classifications of Australian languages, especially those of Schmidt in Vienna in 1919 and Capell (1956), plus other works and his own extensive fieldwork investigations between 1950 and 1960, partly in partnership with Geoff O’Grady and Monty West, Ken Hale proposed a third major language classification. He was able to show that the apparently aberrant nature of certain languages in central Australia (which he showed belonged to a single Arandic group\(^3\)) and in Cape York (which he showed belonged in the same group as their more conservative Paman relatives\(^4\)) was due to relatively recent sound changes particularly ones affecting word initial sounds. Hale argued that most of the mainland languages and those of the western Torres Strait Islands derived from a common ancestor language he named Pama-

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2. See Tryon and Walsh 1997.
Nyungan, from pama a widespread word for ‘person’ in Cape York languages and nyunga the equivalent in southwest WA.

In collaboration with Hale, and inspired by his insights, Geoff O’Grady, along with Carl and Florence Voegelin, published the next comprehensive genetic classification of Australian languages in 1966, to which two of Hale’s papers on Paman languages were appended. O’Grady et al proposed that all the Indigenous languages for which there was documentation belonged to an Australian Phylum consisting of a number of probably related language families, one of which was Hale’s Pama-Nyungan family. This divided into a number of language groups, and within those groups, a number of subgroupings. The other languages, all situated in the northern part of WA and the NT, belonged to one of some twenty or so non-Pama-Nyungan language families.

While more recent work has shown that some particular languages claimed by O’Grady et al to be Pama-Nyungan should be reclassified as non-Pama-Nyungan (and vice versa), and doubt has been cast about some of their Pama-Nyungan subgroupings, this study will stand as a monument of scholarship, especially if it is taken not as the last word on the classification of Australian languages, but, as the authors intended, a starting point for more rigorous examination of the data and the claims made about it. While the evidence is now pointing towards a single (or at least less diverse) northern or non-Pama-Nyungan family, it is firmly on the side of Hale’s Pama-Nyungan hypothesis, although some remain skeptical.

The detailed comparative study of inflectional morphemes shows that Pama-Nyungan language forms reconstruct to very different ones from non-Pama-Nyungan language forms.

The grammar of Australian languages

Hale was the first to try to apply a Chomskyan approach to the analysis of Australian languages with his 1965 and 1967 papers on Lardil (Mornington Island language), followed by his 1970 paper on ‘The passive and ergative in language change: the Australian case’ discussing Warlpiri and Lardil. The very title of papers such as ‘Deep-surface canonical disparities in relation to analysis and change: an Australian example’ testify to the transformational grammar paradigm in which Hale’s linguistic analysis was set. However, in unpublished work on the syntax of Warlpiri written in 1967 and 1968 Hale showed that while he accepted the general thrust of Chomsky’s theoretical framework, he did not try to force Warlpiri into an ill-fitting English mould — the investigation of English being the driving force behind Chomsky’s model. In these early analyses of Warlpiri syntax, as well as in his 1973 paper ‘Person marking in Walbiri’, Hale hypothesized that the complex constituent (he dubbed it AUX recognising its similarities to the auxiliary verbs of traditional English grammar) containing modal, aspectual and tense morphemes followed by pronominal morphemes was generated in the initial position in the deep structure of the finite clause. To allow for one other constituent to appear before AUX, as in actual sentences, Hale proposed a transformational rule.

What is significant here, is that Hale was proposing a deep structure which looked fundamentally different from the standard structure proposed for the English finite

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5. see Dixon 1997 and 2000: xvi.
clause (or simple sentence (S)) at that time S --> NP VP. The phrasal categories noun phrase (NP) and verb phrase (VP) were headed by open class lexical items belonging to the noun and verb word classes — there was no provision made in Chomsky's early phrase structure model for what we now know are the building blocks of syntactic systems, the closed grammatical categories instantiated as auxiliary verbs, or as the various inflectional affixes which are found on open class items. Hale had introduced a closed class constituent into his syntactic representation of the Warlpiri finite clause as early as 1967. Eventually it was Hale's influence which lead to the introduction of the inflectional categories into the phrase structure models of mainstream generative grammar, first appearing as INFL[ection] as a locus for auxiliary verbs in English, and then progressively subdivided into a whole range of grammatical categories most famously in the work of Pollock (1989).

Other aspects of Hale's analysis were even more prescient in the light of later developments. In his 1973 paper, 'Person marking in Walbiri', Hale analysed the pronominal clitics as elements related to the determiner in the coreferential nominal expression. As Blake (2001) remarks, it was Hale who characterized the noun phrase as being headed by a determiner, long before the idea was commonly accepted following the work of Hudson 1984, Abney 1987 and others. In analyses of clitic pronouns in European languages published in the 1990s, one finds strong echos of Hale's 1973 analysis of Warlpiri clitics as determiners.

In 1976 Hale published an extremely influential paper entitled 'The adjoined relative clause in Australia'. Again this paper lucidly set out the very different properties of syntactic constructions which were referred to under the traditional grammar label of 'relative clause' in English and two central Australian languages, Warlpiri and Kaytety. In English, 'relative' clauses are embedded inside noun phrases; Hale showed that their Aboriginal language translation equivalents are not. (The Warlpiri equivalent of The man that fell asleep started to snore would be more like The man started to snore that he fell asleep.)

One of the main components of Chomsky's syntactic model was phrase structure. As increasingly more sophisticated theories about the nature of syntactic systems were elaborated in the 1970s and 1980s, it became clear to Hale that while these were able to account for a very large amount of what had been observed about languages where the ordering of the constituents of a sentence were highly constrained, eg in English, but the so-called 'free word order languages' such as Warlpiri and many other Australian languages (but not exclusively Australian ones) were not so well accounted for in terms of the current assumptions.

In a number of papers written in the late 1970s and early 1980s, the best known being his 1983 paper 'Warlpiri and the grammar of non-configurational languages', Hale proposed that the deep structure of free word order languages was like that of strict word order languages — in this way accounting for the many observed similarities between them — but that they differed in the nature of the relationship between their deep and surface structures. Whereas the relationship between the different levels of structure for the strict word order languages was definable in terms of transformations by which constituents of a sentence 'moved' to a higher position in the structure, thus preserving their configuration structure, in the case of the free word order languages, the surface structure was flat (or non-configurational) just consisting of one member of a set
of potential strings of concatenated phrases (unordered), the relationship between the
two levels of structure essentially being defined via case-marking. This radical new way
of looking at languages inaugurated a flurry of research which has made a great con-
tribution to both empirical and theoretical investigations.

Semantics and the lexicon
Around this time Hale conceived of a project to add value to several of his Australian
language field note collections. He wanted to make their contents accessible to a wider
audience including speakers of those languages. He would do this through deriving a
descriptive grammar and dictionary from the notes and publishing it. He wanted the
dictionaries to be more than simple word lists or glossaries, he wanted them to reflect as
much as possible the richness of their semantic and world knowledge connotations.
After all the lexicon provides one window onto the conceptual world of a language's
speakers. Some of the products of this project include dictionaries of Lardil (Morning-
ton Island), Ngarluma (Roebourne WA) and Warlpiri (NT).

Hale's interest in how the expression of meaning is organised in languages is
reflected in his 1986 article 'Notes on world view and semantic categories: some
Warlpiri examples' in which he makes the crucial distinction between meaning which is
inherent to linguistic systems, and meaning which is not. The latter sort of meaning
which derives from a speaker's unique (although largely shared within a speech com-
miity) experience of the world, is mostly reflected in the open class vocabulary —
particularly nominal words in Australian languages. It is the former that is embedded
in the syntax and syntactically relevant forms.

Hale's desire to get a better understanding of the relationship between linguistic
forms and the meanings they expressed led to the MIT Lexicon Project conducted from
the mid to late 1980s. This project involved many linguists and opened up serious
inquiry into the nature of the relationship between the semantic and syntactic compo-
nents of language and into the organisation of the lexicon — when we learn a word,
what is it that we come to know about that specific word as distinct from what we can
intuit (or the virtual potential knowledge we have) about how that word may be used
in a well-formed sentence on the basis of our knowledge of the language system? This
line of enquiry taken by Hale — as exemplified in his collaborative work with Jay Key-
sor — has proved to be extremely productive as linguists study more language data
from this perspective.

Anthropological linguistics
Hale's interest in anthropology and training in anthropological fieldwork techniques
and methodology contributed to the language elicitation methods he developed and
used with such brilliant results in his Australian language work. It is especially evident
when one looks at his fieldnotes for those languages such as Warlpiri on which he was
able to spend a relatively long time with a number of different speakers. From the
beginning of his language elicitation, Hale aimed to learn the language and to use it to
elicit more language. Some of the very best Warlpiri material in terms of both richness
of vocabulary and variety of grammatical structures is found in passages in which the

7 eg Hale and Keyser 1993.
Warlpiri speaker responds to Hale's questions by giving extended oral essays on a range of topics: flora, fauna, kinship, tools, shelters, emotions and so on. Hale was interested in how language was used, in the different linguistic registers used in the speech community as a function of age (e.g. how adults speak to children), sex, kin relations, ceremonial situations and obligations; the language of songs and incantations as opposed to everyday language. Without an understanding of social organisation, much of the linguistic variation cannot be explained.

Hale's curiosity about the relationship between language and social organisation in Australia is reflected in a number of important published works as well as in his fieldnotes. These include his 1966 paper which shows how the pronominal systems of languages such as Lardil and Arandic encode distinctions in the kinship relations between referents such as whether they belong to the same generation moiety or not or whether they belong to the same patrimoiety or not. His 1971 paper analyses how a 'new' language is fashioned out of the ordinary language by Warlpiri men in the context of male initiation ceremonies. Similarly his 1982 paper and his later 1997 paper coauthored with David Nash on the Mornington Islanders' Damin ceremonial language reveal the logic behind this consciously constructed ceremonial language system which so fascinated Hale. His 1975 paper 'Gaps in grammar and culture' in which he reflects on the significance of the lack of counting systems in the lexicon of Australian languages (among other 'gaps'), like his 1986 paper referred to above, reveals his acute perceptiveness about the complexity of the relationship between language and culture. Hale shows that the relationship is a very indirect one indeed, and warns against jumping to unsustainable conclusions about one on the basis of the other.

**Relations with speakers of languages studied**

Throughout his career Hale always showed great respect and concern for all the people he worked with, be they colleagues, students or language informants. He saw them all as collaborators in the quest for greater understanding of the phenomenon of human language and what language reveals about human beings. He was always encouraging of other researchers and excited by good work and robust results. Conscious that knowledge was empowering, Hale sought to put the benefits of his linguistic and anthropological research at the disposal of the speakers of the languages he researched. This is especially the case for his Australian and Amerindian research collaborators. These concerns were very clearly expressed in his 1972 paper ‘Some questions about anthropological linguistics: the role of native knowledge’.

In 1974, once more in partnership with Geoff O’Grady, Hale helped set the course for bilingual education programs in the Northern Territory under the Whitlam government in the early 1970s. In their commissioned report O’Grady and Hale set out 25 recommendations to the Australian Government about how to implement their envisioned educational reform. Hale made his language materials available to particular schools starting out on bilingual programs involving languages he had worked on. These materials were in the form of wordlists, dictionaries, language lessons, grammatical sketches, original field-

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8. Hale 1966c.
notes and recordings. At the inception of the Warlpiri bilingual program in 1973, Hale was invited by the Yuendumu community to come and instruct Warlpiri teaching assistants employed in the schools in how to write Warlpiri in a consistent orthography. He also passed on to them the fundamentals of language analysis and description.

Hale’s concern that the speakers of minority languages be given the opportunity to engage in linguistic research on their own languages was a constant in his career. From his earliest research experience Hale was pondering these issues. He was instrumental in the establishment of the School of Australian Linguistics (SAL) in Darwin in the early 1970s to train Aboriginal linguists for whom potential careers were emerging in the newly established bilingual education programs mainly in the NT. SAL later merged with the Bachelor based Institute for training Aboriginal teaching assistants and teachers which became known as Bachelor College.

Another way in which Ken used his research findings for the benefit of Aboriginal people was by showing how linguistic research could provide evidence of the sort required to prove their rights in land under the 1976 NT Land Rights Act or the more recent Native Title legislation. His pithy paper (Hale 1980) on the complementary roles of Warlpiri kirda and kurdungurlu in social organisation is a classic piece of clear anthropological writing. His 1997 paper prepared as evidence in a claim brought on behalf of the Wik peoples of Cape York presents a wonderful model of comparative historical linguistic research which produces robust findings that can serve as evidence of the relationships between people and between them and their country. In 1980 Hale served as an interpreter for the Warlpiri people’s claim over Willowra pastoral lease.

It must be recalled that Hale’s Australian language research ran in parallel with his work on native American languages and, in collaboration with his students at MIT, on languages from all over the world. Just as he was concerned to empower Australian language speakers to receive the sort of education and training that would allow them to read, write, analyse and describe their own languages, he invested much of his time and energy to assist young native American linguists to achieve what he perceived to be their intellectual potential in the field of linguistics. It was Hale’s generous and dogged support which enabled a number of them to gain their doctorates in linguistics with dissertations devoted to their first language. From the late 1980s Hale worked for many years with Rama-speaking people in Nicaragua to document their language, having first gone to Nicaragua in 1986 as a volunteer, to conduct workshops for Miskitu and Sumu language-speaking primary-school teachers embarking on the new bilingual education programs there, just as he’d helped indigenous north American and Australian teachers a decade before.

Hale has left us with so much. Some of the projects he started need to be carried to term. Much of his language documentation awaits further elaboration. What’s so important is that it is there. He taught us so much about Australian languages and about language generally. He got us asking new questions, looking at language data in new ways. Ken will want us to continue doing that.

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10. eg Hale 1965b, 1966b, 1972
Unfortunately, too many of the languages Hale documented are no longer spoken, and fewer are now being learnt by young children as their first language than when Ken came here.\textsuperscript{12} Without Ken Hale and the other intrepid linguists who went and recorded languages all over Australia in the post-war period (and before) so much of Australia’s linguistic and cultural heritage would have been lost and with it vital keys for unlocking the human prehistory of this continent. Ken felt strongly about the loss of language diversity in the modern world from both a human and linguistic standpoint, and used his tenure as President of the Linguistic Society of America (1994–5) to raise awareness of the current situation. Australia represents a striking example of this global trend which challenges linguists to respond actively and creatively.

Ken is survived by his wife, Sally, and his sons, Whit, Caleb and Ezra to whom we extend our deepest sympathy. I especially want to record my gratitude to Sally Hale who was Ken’s ever solid rock — it was very much Sally who allowed Ken to reach his potential and make the great contribution to linguistics and anthropology, and especially to Australian language studies. Sally has always been there, not just for Ken and her family, but for the great extended family of linguists and would-be linguists who were pulled into Ken’s orbit.

Before his death, Ken was presented with a number of Festschriften honouring his contribution to linguistics. One of these, Forty Years On: Ken Hale and Australian languages (2001), was devoted to acknowledging and honouring Ken’s place in the study of Australian languages and offered as a gesture of thanks to Ken for the contribution he had made to the lives of each of the contributors. This volume contains a full bibliography of Hale’s published and unpublished (but accessible through archival deposit) works on Australian languages compiled by David Nash. The bibliography of Ken Hale’s works on Australian languages and more information on tributes to Ken Hale can be found at www.anu.edu.au/linguistics/nash/aust/hale/

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Obituary

Stephen Wurm (1922–2001)

Stephen Wurm was a great linguist and a great man. He was born in Budapest, and before learning many other languages he was bilingual in Hungarian and German. He graduated PhD (Oriental languages and anthropology) in 1944 from the University of Vienna and became a specialist in Altaic languages. With this began that vital interest and respect for the endangered languages of minorities that was an inspiration throughout his life. He soon became aware of the language situation in Australia and New Guinea, and after appointments in Vienna and London he came to a research fellowship in Sydney in 1954 and then to a Senior Research Fellowship at the Australian National University in 1957. He remained in the Research School and became Professor of Linguistics.

More or less straight after his arrival he set to work on Australian languages. From 1955 on he did fieldwork on many Aboriginal languages, especially in New South Wales and Southern Queensland.

He was a highly skilled motorcyclist and travelled huge distances by motorbike, and sometimes in his Sydney days he took his older colleague Arthur Capell with him in a side-car. He travelled at a time when there were still just a few people left speaking languages that have since then become extinct. In those days outback road conditions were outrageous and heavy rain could turn the roads as well as the surrounding countryside into something that felt like porridge. At that time also one often had to deal with hostile police and suspicious landowners before one had a chance of speaking to the people one wanted to learn from. Stephen Wurm had tremendous skills in dealing with all this and in gaining respect: he was helped in those circumstances by the fact that he was a tall, impressive-looking man. He knew that as a last resort he was able to drink the most macho station-owner right under the table.

He located Aboriginal people who may have retained knowledge of their traditional languages and recorded information on tapes and in field notes written with his own abbreviations and a kind of shorthand notation. He also devised ways of packing huge amounts of linguistic information into a short space, as tapes were expensive in those days. Grace Koch has supplied us with a list of languages for which the Australian Institute of Aboriginal and Torres Strait Islander Studies has tapes from Stephen Wurm:

- Central New South Wales: Kamilaroi, Yuwaaliyaay-Yuwaalaraay, Ngiyampa, Wayilwan, a little Wiradjuri
- Western New South Wales Paakantyi (with various dialects now extinct, notably Paruntiyi, Wilyakali and Pantyikali), Malyangapa
• South-east New South Wales: Tharrawal
• North-east New South Wales: Bandjalang, Galibal, Gidhabal, Yugumbir
• South west Queensland: Karlali, Wangkumara, Yandruwantha
• Inland Queensland: Gunggari, Guwamu
• South-east Queensland: Yagara, Dungudjawu, Waka-Waka, Batjala, Dharumbal
• Cape York: Dyiuru, Mbabaram, Lamalama, Koko-Bera
• Gulf of Carpentaria Islands: Kayadilt, Lardil
• Northern Territory: Gupapuyngu

Most of what is known of some of these languages comes from Stephen Wurm’s data.

Of all the languages Waka-waka/Dundjawu was his favourite: it was the one on which he was able to spend most time. Stephen Wurm’s main subsequent work was in New Guinea and in establishing a fine research unit in Pacific languages. As a result he never had a chance to write a grammar and dictionary of any of the Australian languages. However, he made other most important contributions.

He took part in the classification of Australian languages: with Ken Hale and Geoff O’Grady he published in 1966 a full linguistic map of Australia along with an article on classification. This was updated by Michael Walsh, in Wurm and Hattori’s 1983 Language Atlas of the Pacific. This classification has provided the starting point for most later work on classification in Australian languages.

Stephen Wurm did everything possible to publicise the importance of Aboriginal languages: he wrote Encyclopaedia articles on Australian and Tasmanian languages for the Grolier Encyclopedia 1961 and Encyclopaedia Britannica 1975. In the 1960s and 1970s he wrote a number of general works on the state of knowledge of Australian languages and contributed a major article on the classification of Australian languages in Current trends in linguistics 1971. Much of this material was included in a book by Mouton under the title Languages of Australia and Tasmania in 1972. He founded the series Pacific Linguistics which was, and remains, the only place where works on Australian languages were published at an affordable price — literally hundreds of authors are indebted to him.

Although he worked mainly in New Guinea after his early Australian fieldwork, Stephen Wurm was active in the Institute of Aboriginal Studies, right to his last year was a member of the Comité International pour la linguistique UNESCO Committee. He was an important member of a number of international linguistic research associations, and was particularly influential in those dealing with endangered languages. His knowledge of so many languages, including Russian and Chinese meant that what he had to say was appreciated directly in many countries.

Above all Stephen Wurm was a very generous man. Like Ken Hale, he did everything possible to help others in their work. He made his data available to other scholars including post-graduate students. He handed over his recordings and notes on a major scale. For example:

• Wangkumara to Mary-Alyce McDonald, published jointly by PL 1979
• Paakantyi to Luise Hercus
• Malyangapa to Peter Austin
• Kamilaroi to Peter Austin
• Yandruwantha (Nyirripi dialect) to Claire Bowern
• Ngiyampa-Wayilwan to Tamsin Donaldson
• And, right up to the present, Dungudjawu to Suzanne Kite, which is about to be published with joint authorship in the Pacific Linguistics Series.

Stephen Wurm was devoted to language studies, but in a totally unselfish way. He would help others quietly behind the scenes as is clear from Michael Walsh’s account:

My most memorable early contact with Stephen Wurm took place in 1972. I was enrolled for a postgraduate research degree in Linguistics at the Australian National University and had recently been awarded a grant by the Australian Institute of Aboriginal Studies [AIAS] to undertake fieldwork on a language at Daly River. En route to the field from Canberra I decided to stop over in Sydney for the meeting of the Linguistic Society of Australia at the University of Sydney. I was awed: this was my chance to make contact with so many people that I had only encountered through their writings. I noticed that Stephen Wurm seemed to know everyone and was thoroughly at home whereas I was very much feeling my way. I was upset when I received a telegram during the conference telling me that it was not suitable for me to proceed on my intended work at Daly River. I turned to Stephen Wurm who told me that I should go to Port Keats instead and study Murrinhamtha. He brushed aside my concerns about how AIAS as my grant-giver would take this sudden switch of language and field location. Stephen indicated that he would look after this. In the event I went to Port Keats and never heard a word of complaint from AIAS. This mixture of cheerful pragmatism linked with a formidable academic network was something I was to see many times in the ensuing years. It turned out that, at the time, Stephen was a member of the AIAS Council as well as chair of the panel that considered applications for grants in linguistics. Little wonder that my switch of research site and project created no trouble.

There are no doubt many, many cases where the people involved did not even know that Stephen Wurm was helping them behind the scenes.

Stephen Wurm is survived by his wife of 55 years, Dr. Helen Groger Wurm, herself a fine anthropologist. He was a great force for the good, not only for Australian languages but for minority languages throughout the world.

Luise Hercus, ANU
Harold Koch, ANU
Michael Walsh, University of Sydney

This is our first systematic analysis of the legend of the white woman in Gippsland. The legend of a white woman, the purported survivor of a shipwreck living with Aboriginal people of Gippsland against her will, had its origin in 1840. In 1846, the rumour ignited a public furore that saw a publicly funded expedition to rescue the woman. Neither this, nor the two subsequent searches conducted by government forces in 1846 and 1847, found the elusive white woman. The evidence for her existence remains inconclusive.

It has been a powerful legend, appearing many times since in poetry and fictional accounts, the most recent being Liam Davidson’s The white woman published in 1994. Based on her doctoral research, Carr looks afresh at the white woman legend to examine the roles of historiography and storytelling in producing racial and cultural difference, and in the formulation of local, regional, and national identity (p 3).

The belief that there was a captive white woman originated with a newspaper account of an encounter of Angus McMillan and his party with an Aboriginal encampment in Gippsland. At the camp they found numerous European articles including the body of a deceased male child, wrapped in kangaroo skin bags. When the Aboriginal people were fleeing the European party, McMillan noticed that one of the women with them was ‘constantly looking behind her, at us’. They concluded that both the dead child and the woman were European, and that a ‘dreadful massacre’ must have been perpetrated.

Carr’s analysis is that the story was a ‘cultural production emerging from a particular historical period and within a particular context. McMillan’s narrative about helpless femininity held in thralldom by ‘savages’, emerging as he opened up another frontier to European settlement, was a powerful counter to pro-Aboriginal sympathies which threatened to impede the squatters’ access to, and use of, tribal lands (p 27)’. The rumour facilitated and provided a pretext for the ongoing harassment of the Ganai through the mid-1840s (p 52).

For what it’s worth, I have always taken the view of Chief Protector George Augustus Robinson, that there was no truth in the white woman legend (p 50). Nevertheless, the white woman legend has been a valued and contested cultural property for over 160 years. Its perennial appeal lies in the unresolved narrative tension emanating from the mystery of the woman’s existence (p 178). In the final chapters in this book,
Carr undertakes a discursive analysis, meticulously examining the various re-presentations of the legend.

Julie Carr's history and analysis of the white woman legend is authoritative, scholarly, and rigorous. It is highly recommended.

Ian D. Clark
University of Ballarat


This is a welcome reconsideration of the evidence for a more complex traditional social and spatial organisation of Aboriginal peoples in southwestern Victoria. Focusing on the occupation and use of mounds, fish traps, weirs and canals, permanent habitations, and clusters in some localities described as ‘villages’, Gerritsen posits three phases in the formation of sites in southwestern Victoria, especially in the Condah region: a pre-contact phase (pre-1842), a refuge phase (1843–66), and the mission phase (1867–1918) (p 5).

Gerritsen’s analysis of ethnohistorical sources is comprehensive, making use of primary sources such as the GA Robinson journals that have only recently been published in their entirety. From an analysis of the ethnohistorical and archaeological evidence, he constructs a habitation typology that recognises three classes of habitation types (temporary, more permanent, and complex), reflecting the degree of labour invested in their construction which correlates with their degree of permanency and complexity (p 24). He also develops a settlement hierarchy that applies to the more permanent and complex structures: homesteads, lodges, dispersed settlements, hamlets, and villages (p 28).

Populist interpretation surrounding southwestern Victoria has suggested that the Aboriginal peoples in this region were singular on account of their degree of sedentism. Gerritsen considers the evidence for this, and suggests that ‘multi-seasonal sedentism’ (p 37), is a concept that provides a sounder framework to understand this region. This concept implies people are sedentary for a particular season, according to their definition and delineation of seasons. Multi-season sedentism, where sedentism extends beyond one season, arises where there are rich, often multiple, food resources and/or the possession of some advantage(s) that enable a higher production and extraction efficiency of existing natural resources.

Gerritsen posits that the stony rises in the Mount Eccles area, including the Kinghorn and Allambie sites, and the eastern side of Condah Swamp and the eastern and southern parts of Lake Condah, became in the early pastoral period an unclaimed ‘island’ — the last portion of country in southwestern Victoria to be taken up by squatting runs. He argues that many of the occupation sites in this ‘island’ are attributable to the ‘refuge’ period, 1843–66, and represent a complex response to the colonist invasion. He argues this model best accounts for the short occupation history, the modern dating, and the presence of European artefacts.
It has been over a quarter of a century since the Victorian community became aware of the rich cultural sites in southwestern Victoria. Gerritsen’s analysis of the archaeology at Lake Condah and other village sites in Victoria and the origins, nature and extent of habitations and settlements in the region is welcomed. His reconsideration of settlement patterns, sedentism, and subsistence and mobility is challenging and I look forward to others’ reactions to some of the theses and models outlined above.

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Talking about Celia by Jeanie Bell, 101pp, b&w illus University of Queensland Press, 1997. $24.95

Sister girl by Jackie Huggins, 152 pp University of Queensland Press, 1998. $19.95

Herb Wharton, Eve Fesl, Bill Rosser and Joe McGinness are among the authors published in UQP’s Black Australian Writers series. Jeanie Bell’s biography of the redoubtable Celia Smith, born in Beaudesert in 1912, adds to this distinguished series. Relying heavily on oral reminiscences, and intending to avoid bureaucratic history, Bell (p xii) writes ‘I want to give readers a feel for Auntie Celia [Smith] the woman, a passionate person who did nothing in half-measures’.

Celia Smith’s life was similar in many ways to that of Oodgeroo and Jackie Huggins’ mother Auntie Rita. They each had hard and difficult childhoods, they experienced sharp racism, their sympathies were to the left, they were connected with OPAL (One People of Australia League), FCAATSI (Federal Council for the Advancement of Aborigines and Torres Strait Islanders) and QCAATSI (Queensland Council for the Advancement of Aborigines and Torres Strait Islanders), they worked with sympathetic Whites. Their homes were bastions of community values, drop-in centres and havens for those leaving or ejected from Cherbourg. Celia’s son Charles, Hazel Mace and John Newfong were among those who recounted their memories to Bell and which she includes in long verbatim paragraphs.

Probably Celia Smith’s most important political work was with FCAATSI. Bell reproduces a number of extracts from ‘Celia’s Page’ from the newsletters of the early 1970s, covering both local concerns (Aboriginals’ day-release from prison and hoped-for resignation of the Cherbourg manager Bailey) and national issues (equal wages for Northern Territory pastoral workers, the hoped-for resignation of Harry Giese and the abolition of the Queensland Aborigines Act of 1965). This is an affectionate, community-oriented book and probably by now in the home of most Brisbane Murris.

Jackie Huggins’ most recent book Sister girl contains articles first published elsewhere, but which, when brought together, focus the thoughtful opinions of one of the nation’s best known commentators on Indigenous issues. In a one-paragraph introduction to each piece, Huggins re-sets each article in its historical and thematic context.

Much of the book concerns the gender issues about which Huggins has held a strong position for many years. She writes (p 25) ‘Each time when I thought of the white feminist movement I became incensed about their exclusion of black women.’ — Abo-
Aboriginal women, she holds, have been excluded much more for their race than their
gender. It was out of organisations like OPAL and FCAATSI that Aboriginal women
gained strength and confidence. In the early 1970s — just when Auntie Celia was typ-
ing her monthly newsletter — Aboriginal women met the emerging Women’s
Liberation Movement. ‘In their enthusiasm to be anti-racist, white women simply
invited Aboriginal women to join their movement, with little apparent recognition of
the full horror of racism in Australia, nor of how it continued to damage Aboriginal
men as well as women ... In asking Aboriginal women to stand apart from Aboriginal
men, the white women’s movement was, perhaps unconsciously, repeating the
attempts made over decades to separate Aboriginal women and use them against their
communities.’ These issues have since been much discussed, of course, and to a point
resolved, but the book is a reminder not only of the issue itself, but of Huggins’ role in
articulating the position which so many Aboriginal women were feeling in the 1970s
and 1980s but could not easily put into words.

Other articles in the book include Huggins’ role as a co-Commissioner in the
Bringing Them Home enquiry, and writing her mother’s biography Auntie Rita.

All of the articles are well worth revisiting, all contain sharp and trenchant com-
ments. Why should we black women, Huggins asks, the victims of long persecution, be
continually expected to explain the experience of racism seemingly at every conference
to which we are invited — to the perpetrators of that racism? In relation to the genera-
tion of Auntie Rita and Auntie Celia, Huggins (p 105) writes:

The people of my mother’s generation display a profound lack of bitterness about
their lot, something which I find both frustrating and amazing. This trait has often
polarised old and young Aboriginals. It has encouraged many of my generation to
become active in fighting the continuing injustices against our people.

That’s a phenomenon which I have encountered many times, and which other his-
torians have noted also. Perhaps the point occurred to Jeannie Bell too, whom I have
never known to hang back if she thinks Whites need to be admonished in public debate!
That previous generation of Rita Huggins and Celia Smith, which achieved so much
from the mid 50s to the mid 70s, worked closely and co-operatively with Whites in
ways which were not available to their children of the more radical and fractured mid-
1970s to the present. But the next generation was not only more violent, it produced
thoughtful, articulate and passionate graduates like Bell and Huggins who continued
the age-old debates, not only from the streets but from seminar rooms and television
studios. Their old people should be very proud of them.

Peter Read
Australian National University

Crossed purposes: the Pintupi and Australia’s Indigenous policy, by Ralph Folds,
190pp, University of New South Wales Press, Sydney 2001 $37.95

The ‘policy of assimilation’ adopted by governments in the 1950s has had such a bad
press in the past 40 years that some find it unthinkable that contemporary, enlightened
policies and practices could have anything in common with that discredited approach.
But Ralph Folds, the author of this book, argues that ‘western ideals for indigenous peoples have never really changed’:

Under the assimilation policy governments demanded that virtually everything about indigenous people change, without looking too closely at how this would affect the societies they were so keen to manipulate. No one thought that this would be possible without creating massive social transformation in the societies they were ‘helping’. Under current policy it is assumed that the same differences will be voluntarily eliminated by indigenous Australians themselves while at the same time those involved deny that this is orchestrating cultural change (p 116).

Folds believes that the Pintupi at Walungurru (Kintore) and elsewhere are ‘strong, self-confident people’, ‘a society of fiercely independent individuals leading sustaining lives’, but that their basic values and codes of behaviour are such that they find themselves ‘in sharp disjunction at every turn with the assumptions of indigenous policy’ and the programs that are ‘aimed at banishing disadvantage’ (pp 2–4).

When he wrote this examination of how government policies and programs work in the Walungurru community, Folds had been there for 12 years as the principal of the school — surely a record term for a teacher in a Western Desert community. His account of how Pintupi society works and of how the Pintupi see government’s duty towards them relies heavily on Fred Myers’ ethnographic work; his own experiences provide him with many illustrations of the ways in which programs intended to improve life for the Pintupi come up against Pintupi imperatives and fail to produce their expected results.

Folds begins with a chapter on the ‘contact history’ of the Pintupi, a mix of information taken from written sources and from stories told by Pintupi informants. This history is relevant to Folds’ themes as far as it helps to explain the Pintupi position that, as Myers puts it, they ‘were prepared to accept the government’s willingness to “look after” them — its food, clothing, and services — as long as it did not seriously abrogate their own values’.1 This Pintupi conviction that they have a ‘social contract’ with government and their cheerful acceptance of ‘dependency’ are underlying themes of the book as Folds discusses how the Pintupi and government have been managing a relationship ‘of mutually outraged sensibilities’ (p 181).

Myers and others have published fuller, more accurate, and more balanced accounts of the early period of contact.2 Folds has relied heavily on a 1977 report on the Papunya settlement and sources even more colourful and less reliable, such as John Greenway.3 He gives no references for some misleading statements, like his mention of ‘the intense fighting that went on at Haasts Bluff’4 and his imaginative story of how the welfare branch patrols were conducted in the 1950s and 1960s.5 Blending Pintupi

3. Davis et al. 1977; Greenway 1973. Folds apparently relied on the 1977 report for the statement that ‘of the 72 new arrivals from the desert [during 1963–64], 29 were dead by August 1964, a staggering death rate of 40 per cent in the year’. The records show that 87 arrived between July 1963 and August 1964 and eight of these had died by August 1964 — a distressing figure but nearer 9% than 40%.
4. Sister Gartrell’s stories of her eight months working at Haasts Bluff in 1955 may be the basis of Folds’ view that fighting there was ‘intense’ (see Gartrell 1957).
stories of their early encounters with whites into the narrative presents serious challenges and Folds gets himself into chronological difficulties with his account of the experiences of the man, Katingura, whose handsome portrait photograph is on the cover of the book. The documentary record shows that Katingura was among the Pintupi seen by the Adelaide University expedition at Mount Liebig in August 1932 and that he was one of those listed as ‘self-supporting’ at the Haasts Bluff ration depot in October 1942. But Folds writes that this man, before he had ‘seen a white man’, came upon strange tracks and heard graders building a road ‘for the rocket range across the Western Australian border’ (p 13). This event occurred in the winter of 1960, some 30 years after Katingura had first seen white people and after he had lived at Haasts Bluff and Papunya for nearly 20 years. It must have been someone else who encountered the road-building party.

Folds’ rather confused account of the early years of contact may well reflect what some people at Walungurru now believe happened then, but it leaves out important aspects of the experience of the ‘old Pintupi’ — those who ‘came in’ before 1960. He gives the impression that the Hermannsburg mission project was an entirely secular one, concerned only to help the people survive by providing supplementary rations to induce them to keep away from cattle stations and from Alice Springs. But Pastor FW Albrecht and the Aboriginal evangelists, who mediated contact on his behalf, came with a primary evangelical purpose and were trying to persuade people to abandon their pagan beliefs and rituals. Folds also says nothing of what happened at Haasts Bluff in the 1950s when the Northern Territory administration assumed full management responsibility for the ration depot that the mission had run (at administration expense) for the first ten years. By the mid–1950s work was available for the able-bodied men for a small cash wage and rations (then including fresh beef and goat meat) — cattle work, fencing and yard-building, making roads, market gardening and, in the later years, the construction of Papunya. But, as Folds tells the story, working for wages started with the move to Papunya, a move that he portrays as sudden, traumatic, and even irrational, since he does not mention that it was the failure of the water supply at Haasts Bluff in both quality and quantity that forced the move to the abundant good water available at the Papunya bore north of the range.

The rest of the book deals with ‘the contemporary interface’ at Walungurru. Folds gives examples of how Pintupi seek to ‘maintain their chosen lifeways’, while making the best use they can of the services provided there by what he terms ‘western institutions’. Governments, and the public at large, would like to see expenditure on Aboriginal advancement produce visible and measurable improvements in levels of health, housing and education, so that disadvantage will be quickly reduced and eliminated before long. Folds argues convincingly that this ‘social justice’ project is unrealistic for Walungurru because Pintupi values are profoundly different from ours.

5. ‘After seeing the smoke of hunting fires and following footprints, patrol officers would hide their Land Rover on one side of a sandhill while their Pintupi companions walked around to the other side to their relatives, telling them about the food and inviting them to join them at the settlement’ (p 20).

6. Folds quotes a letter written by Albrecht in 1945 commenting on the administration’s plans for developing Haasts Bluff but represents his remarks as referring to the plans for Papunya, which was not conceived until another 10 years had passed (p 17, citing Henson 1992: 171).
Though they have been constantly adapting to changed conditions, they are unable and unwilling to change their basic values rapidly and radically.

A central proposition of the book is that community 'self-management' is fundamentally in conflict with Pintupi values. 'Self-determination' and 'self-management' have commonly been treated as equivalent terms as used in relation to Aboriginal affairs. 'Self-management' was the term used by those drafting policies for the Coalition parties in 1975 as a substitute for the Labor slogan of 'self-determination', which seemed to imply some possible challenge to sovereignty. Folds, however, without offering his definitions, states that they are 'oppositional goals'. It seems that for him 'real self-determination' means Pintupi negotiating to obtain the sort of help from government that they want, while 'self-management' entails their taking on administrative responsibilities that they are unable to fulfill to the satisfaction of government without denying their own values and cultural obligations — and/or blaming 'whitefella bosses' for their failure to do the right thing by their relations:

A Pintupi interpretation of 'community ownership' is each individual having a personal stake in institutional assets, which leads individuals and their families to feel they should have access to the resources, at any time, according to their own individual needs (p 83).

The high value put on individual autonomy and the essential need to look after one's own family first and last prevent their acting in the unselfish and disinterested ways that are expected of those managing community organisations. It seems hard to escape the conclusion that the imposition of 'self-management' on communities like Walungurru does not help them and should be reviewed. Indeed, if the goal is 'social justice', it seems unfair to burden Pintupi with responsibilities that few of the rest of us carry for managing (and employing other people to manage) the provision of community services.

Folds also makes a strong case that 'statistical equality' of outcome in areas like health, housing, and education is unattainable in remote communities like Walungurru. But he acknowledges that 'the dominant society will never feel comfortable with Pintupi choosing to be different, if their choices produce inequality' (p 113).

Governments, the media, and the Australian public — including other indigenous people who may, in Folds' words, 'more closely share meanings with the dominant society' — will no doubt continue to deplore the disadvantage of people in communities described as 'traditional' or 'tribal'.

Folds hopes to encourage his readers to 'acknowledge the collision of values at the interface' and to recognise 'the achievements of both sides of the relationship' (p 181). Unlike Richard Trudgen, whose book Why warriors lie down and die is another that tells us what has gone wrong in remote Aboriginal communities in the past 25 years, Folds does not go further and suggest specific ways of improving the situation. He is clearly concerned that governments should not reduce the level of aid when programs fail to achieve quick results, and he says enough about the positive, if modest, benefits of various practical 'interventions' in Pintupi communities to encourage continuation of such programs, but with realistic expectations of their likely impact. He argues, for example, that it is unrealistic to expect schools in remote communities, where English has to be learnt at school as a second language, to match the outcomes of schools in Australian
cities; or to expect ‘equal educational outcomes’ when attendance is optional and schools are also expected to be ‘maintaining’ Indigenous culture in what has been termed ‘two-way schooling’ (pp 128–34).

Folds states that he has written the book to inform ‘those who wonder how policies like social justice and reconciliation engage with the lives of remote Indigenous Australians’ (p 1). This could be a wide readership but he has not made his argument as accessible as it might be. He has done little to help the general reader understand the situation at Walungurru and how the community functions. He tells us next to nothing about the township and about the ‘western institutions’ there. One of these institutions is the school where he has been principal. He refers to this as a ‘government institution’, revealing that it is apparently not a community-run school. Since issues of ‘self management’ are central to the book it would have been relevant to indicate clearly how the school relates to the community both in formal terms and in practice. Similarly he mentions the Pintupi Homelands Health Service, but he says nothing about what services this provides at Walungurru, or how it is structured and managed. Of other ‘western institutions’ and the other ‘administrators’ (‘whitefella bosses’) we are told nothing. Folds seems to take it for granted that his readers already know a lot about Western Desert communities and about Walungurru in particular.

The book may present other obstacles to those who work in this region and who might hope to get some useful guidance from an old hand at the game. Folds has read widely, but some readers could be put off by the academic jargon that results from his research: ‘Foucault contends that the production of discourse is controlled for the purpose of warding off alternatives’ (p 113).

His own writing is somewhat repetitious and not always as clear as it might be. He is given to using vague expressions like ‘western society’, ‘the mainstream’, ‘the dominant society’ when he sometimes means ‘Australian society’, or perhaps ‘some Australians’, or just ‘some government officials’.

The book needed more careful checking and editorial work. It is good that it has an index, but this one is not altogether adequate or reliable. Other evidence of hasty work can be found. Folds begins each chapter, and most sections of his chapters, with quotations from other writers or from Pintupi people. Most of these are from the writings of WEH Stanner and some are from Myers, a check of which revealed that Folds has a disconcerting inclination to edit them in ways that alter the meaning and seem unnecessary and easily avoided. For example, Folds has:

*Relations are the source of most valuables in Pintupi life, including food, a spouse, rights in ceremony and protection ... [a] network involv[ing] persons who do not consider themselves to be related ... [in which] one cannot afford to reject or ignore ties with some neighbours to concentrate only on a few other relations (p 73).*

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7. Three of the five index references under my name proved correct and one reference was not indexed. The two errors could result from failure to check the work of a computer program: the phrases ‘Long-term whitefella residents’ (p 47) and ‘(Long silence)’ (p 58) seem to have resulted in these references.
The paragraph Myers wrote reads:

Critically, as a person grows older, the field of those considered to be relatives increases in breadth and complexity. This is of great significance because relations are the source of most valuables in Pintupi life, including food, a spouse, rights in ceremony, and protection. A person's relatives are likely to be found in all geographical directions; the network will involve persons who do not consider themselves to be related. This dispersed quality of the social field is a source of strain. One cannot afford to reject or ignore ties with some neighbors to concentrate only on a few other relations.8

Seeing a book of mine quoted, and being unable to make sense of the extract, I found that something I had written about settlements in general had been translated into a comment on Papunya in particular; and only some of the words in the 'quotation' were mine. My observation had no real relevance to Folds' book and, like many of his other quotations, might well have been omitted.9

Folds has important and valid things to say about the ways that 'two fundamentally discordant cultures' meet at Walungurru and similar places. The deficiencies in the writing and editing should not deter those who could most usefully read this book, and notably all those involved in any way with the making of policies, the shaping of programs, and the delivery of services to such communities.

Jeremy Long
Sydney

References

9. Folds has: 'Intervention [at Papunya] brought satisfaction when human problems seemed intractable, even if it suggests that management may have lost interest in or despaired of any worthwhile achievement in human terms.' (p 91.) What I had written — with the words Folds uses underlined — was: 'One can sympathise with those practical men who have found satisfaction in the material development of the settlements for which they have been made responsible when the human problems seemed intractable and the human aims so often seemed obscure, confused, or impracticable. But when the progress of a settlement is measured largely in terms of the construction of buildings and the produce of a garden it suggests that management may have lost interest in, or despaired of, any worthwhile achievement in human terms.' (Long 1970: 181).
Myers, Fred 1986, Pintupi country, Pintupi self: sentiment, place and politics among Western Desert Aborigines, Canberra.


Trudgen, R.I. 2000, Why warriors lie down and die: towards an understanding of why the Aboriginal people of Arnhem Land face the greatest crisis in health and education since European contact, Darwin.

At a crossroads: archaeology and First People in Canada, edited by George P. Nicholas and Thomas D. Andrews, 1997, 303pp refs, index, illus, paperback, Archaeology Press, Simon Fraser University, Burnaby [http://www.sfu.ca/archaeology/dept/arcpress/list/index.htm], Can $37.00

This publication contains 21 papers which describe archaeological projects conducted by or in collaboration with Indigenous Canadians. They include discussions on Indigenous and archaeological attitudes, examples of collaboration, and descriptions of resulting new research findings and social outcomes. The 21 papers cover almost every imaginable aspect of this topic. A foreword by Bruce Trigger and an introduction and afterword by the editors provide an excellent overview and synthesis. The authors have summed up the essence of the publication in two quotations. The first is from Edward Said's Culture and imperialism (1993: xxiv).

Gone are the binary oppositions dear to the nationalist and imperialist enterprise. Instead we begin to sense that old authority cannot simply be replaced by new authority, but that new alignments made across borders, types, nations, and essences are rapidly coming into view, and it is these new alignments that now provoke and challenge the fundamentally static notion of identity that has been the core of cultural thought during the era of imperialism.

The stories related in this volume are essentially about the finding of new identities through archaeology, and also the finding of new ways of relating for both indigenous people and archaeologists. These stories are overwhelmingly good news, positive stories. This fits with the Australian experience where time and again archaeological work as a true collaboration between Indigenous people and archaeologists has provided new insights and intellectual and social enrichment for both groups. Anyone looking for inspiration and new ideas in this area will find this a stimulating collection with a range of examples of work from simple collaboration to sophisticated and ground breaking research projects.

There is an intriguing contrast however, between the papers themselves and the discussion which surrounds them. This is neatly encapsulated in the second quotation from the editors: ‘Adventures are never fun while they’re happening’ (Unknown). The people doing the work described in the case study papers don’t seem to feel this way. They don’t seem to be worrying very much about problems between archaeologists and the Indigenous communities or about splits between the scientific method and Indigenous traditional perceptions. They find the ground they are traversing new and are sometimes uncertain about where to put their feet, but when they trust the ground it
proves to be solid, holds them up and leads on to new types of knowledge and relationships.

The editors and Bruce Trigger, however, refer to quite a range of difficult and sensitive issues which they see as providing a reality check to this good news story. Among the issues identified as of current concern are the political naivety of archaeologists, the political nature of Indigenous leadership, the lack of Indigenous archaeologists, problems relating to reburial, the conflict between the scientific method and Indigenous belief systems, and the historically bad press which archaeologists have with Indigenous people. The editors describe these issues as ‘growing pains’, but there is an element of worry and uncertainty in the tone of their discussion. Much of the discussion, in the introduction and afterword, covers familiar ground for the Australian Indigenous community and archaeological profession and indeed the authors make liberal reference to Australian examples and attitudes. There are parallels with Australia in the range of recommendations from many meetings, discussion of a code of ethics, and even, to make you feel really at home, a quote from our own Tim Murray arguing that acceptance of Indigenous perceptions of cultural continuity by archaeologists could lead to the reburial of Australopithecine remains (‘Communication and the importance of disciplinary communities: who owns the past?’ in Archaeological theory: who sets the agenda N Yoffee and A Sherrett 1993 (eds), Cambridge University Press, pp 105-16).

In this dichotomy between the positive stories of the work being undertaken, and the worry by senior archaeologists about the conservation of the discipline in all this change, we see the working through of post-colonial themes, not unexpectedly in Canada as in Australia. Perhaps a quotation in the foreword by Bruce Trigger from an anonymous Native American woman points the way to the ‘spiritual decolonisation’ of archaeology:

You people keep talking about preserving the past. Can’t you see that there is no past! Can’t you see that the past is today and the past is tomorrow? It’s all the same! Can’t you see that!

Sharon Sullivan
Malin Blazejowski


This book looks and feels of fine quality, but nonetheless has its irritating points. David Unaipon (1872–1967) used conventional capitals in signing his own name, so why the dust-jacket designer, who otherwise did a fine job, diminished him from the outset with use of the lower case for his name, but not that of the editors, is a mystery.

The Introduction (pp xiv–xvi) by Stephen Muecke and Adam Shoemaker is illuminating, and is prerequisite reading for anyone interested in David Unaipon’s life and in the research involved in his literary endeavours. In particular it tells of a 1924 draft literary work by David Unaipon, a date also significant for his friend Ramsay Smith, who in that year had published a book which included detailed references to the
Coorong and Lower Murray area of David’s home country. However it so heavy-handedly sledge-hammers ‘the medical officer, coroner and amateur anthropologist, William Ramsay Smith’ (p xii) for not acknowledging David Unaipon as the draft author of some of the content of the former’s Myths and legends of the Australian Aborigines (1930) that it also undermines the worthy subject of their veneration. Why, this reviewer immediately asked in response, did David Unaipon, who referred to Reverend J. Mathew’s publication of 1899 with approval (p 86), not acknowledge all of his Aboriginal or other informants for other than Ngarrindjeri legendary tales? It is an unfair question. The answer, surely, for both men lies in the practices of the era and the fact that Ramsay Smith and David Unaipon were old friends (p xxxvii).

Neither Ramsay Smith nor David Unaipon considered themselves literary plunderers in what they did, especially given that they were collecting oral history tales that had either not previously been documented in written form or were variants of previous written accounts. Furthermore, excellent payments were being made to David Unaipon (pp xxv); Ramsay Smith’s letter of 16 November 1926 clearly indicates that ‘all matters concerning relations with my old friend David’ had been straightened out (p xxxvii); and there is no evidence in the quoted correspondence that David Unaipon himself did not approve of the use that Ramsay Smith eventually made of the material he had collected.

That David Unaipon also appears to have borrowed without acknowledgement — but one would assume with Ramsay Smith’s encouragement and approval — at least a little of his format and information from Ramsay Smith’s In southern seas (1924) for his own writings is not mentioned, nor is this book listed in the bibliography. For the authors of the introduction not to have considered this book by Ramsay Smith is an extraordinary omission in their otherwise good research, and leads one to think that it might also have been useful to have considered his other publications. On the other hand, their care to involve the descendants of David Unaipon in all of the research, writing and selection of historical photographs is both appropriate and commendable. The photographs are complementary to the information presented about David Unaipon’s life and, with the exception of the reproduced pages of his notebook (which require enlargement to be of value), have good clarity for the age and quality of the originals.

If ‘this trail of appropriation’ can be questioned, it is nonetheless important that David Unaipon’s authorship is, for the first time, clearly stated and proven. Indeed in some ways it is a pity that David Unaipon’s descendants, and the editors, did not include David Unaipon’s other smaller publications of similar nature — listed in the bibliography — in the book under review, so that all of his collected legendary tales could have been available in the one volume.

Although a word (is) has been omitted from the second sentence in the introduction (p xi), the presentation is otherwise excellent. The print is of excellent size and clarity, the ‘Note on the edition’ (pp xlv-xlvi) is useful; the glossary (pp 223-9) provides the ‘intended … simple guide for … readers’; and the bibliography (pp 230-2) is — with the one exception earlier mentioned — adequate.

The legendary tales are of historical interest, as are the references to fishing, hunting and other activities and customs. As the authors of the introduction to some extent point
out, David Unaipon’s intellect, his wide reading of classical and other literature, his conversion to Christianity and his very real skill as a wordsmith mean that he presented his accounts in the approved ‘formal-flowery’ English literary style of the era. At times this has taken away from the close affinity that David Unaipon had with his own cultural world, although at his best and most natural in delivery he is still compelling. In some ways, too, he was clearly being influenced in his presentation by the publisher’s and the general public’s interest in what he termed a form of ‘nursery story’ (p 86).

There are some brief sections in the work in various Aboriginal languages which have potential for interesting direct translations that would sometimes, but not always, vary from his translations of the time. Thus David Unaipon’s descendants, other Aboriginals of the various regions he visited, and linguists are likely to find the ‘Berwerina Tribe, Darling River’ song (p 41) intriguing, and the same can be said for the Ngarrindjeri language recorded in several other sections (eg see pp 85, 87, 89,128, 132).

Of considerable topical interest, given the continuing saga of Hindmarsh Island, are all of his records of Ngarrindjeri and more general Lower Murray to Encounter Bay area culture. Of particular importance in such a consideration are ‘Love story of the Mar Rallang’ (pp 74-6), ‘Narroondarie’s wives’ (pp 120-33), ‘Nhung E Umpie’ (pp 134-6), and ‘The story of the Munginge’ (pp 145-9). The last-mentioned, which tells the story of the ‘stars known to most people as the Pleiades’ (p 145), is of special interest given the different perceptions that Ngarrindjeri people, anthropologists and historians alike had of the significance of this legend to Ngarrindjeri people at both the time of first European contact and thereafter.

In summary, and despite my questioning of certain points, it is to the editors’ credit that this book fulfils their hopes that it will tell of a missed great opportunity. It is appropriate that, at the time of the centenary of Federation, this first known ‘major work of Indigenous literature’ (p xi) has been published to honour David Unaipon, a great Ngarrindjeri man, and a great Australian.

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Reference

Surely one of the most tragic aspects of the century just gone is the loss in that time of so much of the language, culture and history of the Aboriginal people of many parts of southeastern Australia. For many Australians this loss barely signifies; but Ian Clark has put much effort into the work of studying and making available information about those Aboriginal people, their lost histories, cultures and languages. As the name of his publishing house states, heritage matters.

In recent times, Clark's major work has been the transcription and publication of the various diaries and other writings of George Augustus Robinson (1788–1866), of which this volume, a transcription of much of volume 65 of Robinson's papers, is a very valuable addition.

If the languages and cultures of the people that Robinson met and about whom he wrote had survived, we would scarcely be interested in his work, because Robinson's notational skills were not particularly advanced, nor did he record much beyond simple word lists. The unfortunate fact is, however, that for many of the Aboriginal languages and varieties Robinson is one of the main sources, if not the only one.

Clark's book of transcriptions of the vocabularies and related material in Robinson's papers presents to the wider public the earliest written records of the many languages that Robinson encountered. Yet even at this early time the communities he dealt with were already seriously under threat. For example, referring to groups in central western Victoria (p 152), we find the following entry, dated August 6 1841:

Car.rin.gum.bulluc: a tribe once inhabiting Car.ren.gum; of this tribe only one male named Nar.ne.moon, survives; he has joined the Coligan.

On the same day Robinson recorded the names of 10 other tribes, and also listed the names of the individuals belonging to those groups and some linguistic data. So, for example, Robinson (p 153) gave the names of seven individuals who were members of the Bor.roo.beet.bulluc and followed that up with a word list of 15 words, mostly the names of birds, which were presumably collected from an individual of the Bor.roo.beet.bulluc. From these words it is clear that the variety spoken by the Bor.roo.beet.bulluc was related to Wembawemba as described by Luise Hercus, and was thus part of the Western Victorian language group, as designated by Blake and Reid.

Yet, in all probability, the Bor.roo.beet.bulluc spoke a variety all of their own, similar to but not the same as Wembawemba, and even if there were other recorders who later recorded language examples from this particular group, by then the rapid changes occurring in Victorian Aboriginal societies would have lead to language change. This is why Robinson is now so valuable to us and why Clark's transcription is so important.

Clark has comprehensively and carefully transcribed all of the linguistic material from volume 65 of Robinson's papers, now in the Mitchell Library, Sydney. His famili-

arity with Robinson’s handwriting together with his knowledge of the linguistic issues involved in working with Victorian languages means that his transcriptions are highly reliable, and few scholars will feel the need to return to the original sources as a result. Even if one were to feel the need to return to the manuscript to check something, this book would be an invaluable aid in navigating one’s way around the manuscript.

Clark includes facsimiles of several pages where the handwriting is more careful, and these are not transcribed. Having worked with some of the Robinson manuscripts, I know that these are certainly the most accessible parts of the collection, and yet there are still difficulties in reading these facsimiles. One quickly misses Clark’s transcriptions, whilst appreciating the opportunity to examine a facsimile of the original. The best solution, whereby we could see Clark’s excellent transcription side by side with the facsimile all the time, would have potentially doubled the size of the book.

The facsimiles also include Robinson’s drawings of cultural artefacts such as baskets, weapons and decorations, as well as of hills and sometimes people. The decision to include these adds to the interest which this work will hopefully engender in the study of southeast Australia’s rich Indigenous heritage.

There are some difficulties in using this work: unfortunately there is no index to the language names, so if one wishes to find material relating to a particular language, it is necessary either to read the work from cover to cover, or to know by some other means where language material of a particular group is to be found.

For example, from Blake, Clark and Krishna-Pillay’s study of Wathawurrung,3 we know that Robinson had left material relating to the Wathawurrung in volume 65, part 2:1–24, 63–74, part 3, 132–46 and part 6, 45–8. The table of contents indicates where the different parts of the manuscript can be found, but it is then necessary to spend some time skimming through Clark’s book in order to establish that the passages referred to are found on pp 39–62, 71–82, 218–24 and 312–13.

For those who do not know what is to be found in Robinson’s vocabularies, there is some frustration in store, frustration that an index of language names, as Robinson recorded them, would have overcome.

Nevertheless, the reader will find a great deal of really intriguing material in here. Whether it is the fascinating drawings or the truly interesting language material itself, this book is a very important contribution for both scholars and those from the Indigenous community who wish to learn more about the linguistic heritage of Victoria. And it has solved at least one mystery. The curious place name Prahran is surely none other than Robinson’s Praare.run, Pre.rare.un (p 286) which he gives as the Indigenous name of the Yarra Yarra river, and which we might regularise as parrarran.

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Blake, Barry J. and Julie Reid 1998a, ‘Classifying Victorian languages’ in Blake, Barry J.


In my opinion fire is the second most important process affecting the flora and fauna of our unique continent, secondary only to our unusual climate. Australia is a large and varied continent, and most previous books on fire only cover the particular area with which the author is most familiar. Stephen Pyne, however, as an outsider, has been able to sort the wheat from the chaff and produce a beautifully concise history of fire, in all of its aspects, over all of our continent’s diverse habitats.

Stephen Pyne admits that ‘almost all [of the material he presents] had been published in some form or other officially or informally’. So if you are searching for some new breakthrough in the Australian fire story, don’t come to this book. However, if you are looking for a concise, accurate, well-presented history of fire in Australia, I know of nothing better. And this book goes beyond a historical perspective. Stephen Pyne uses the information he has gathered to compare and contrast the Australian situation to that in North America and even to predict how fire could affect our future.

So even if you have little ecological knowledge, if you want to familiarise yourself with this critically important subject, this is the book for you. The section covering Aboriginal people and fires occupies almost a quarter of the text, and is of an equally high standard to the rest of the book.

If you want a different, controversial view on this subject, look out for my next book, which should be available in 2002!

Peter Latz
Alice Springs

The subtitle of Henry Reynolds’ latest book is ‘The question of genocide in Australia’s history’. He concludes, wisely, that in terms of the United Nations’ positions on the subject (there are many more than one) a case cannot be proved.

The best parts of the book are the beginning and the end, in which Reynolds discusses the ebb and flow of learned opinion since the 1930s. Although the word ‘genocide’ was coined in 1944, Raphael Lemkin (the originator of the term) had advocated international action against such activities since 1933. Article II of the 1948 Genocide Convention states that:

Genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group.

These include:

(a) killing
(b) causing serious physical or mental harm
(c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction
(d) imposing measures intended to prevent births
(e) forcibly transferring children of the group to another group.

Reynolds shows that these definitions, ex cathedra and iron-clad as they seem, have been the subject of much debate, doubt and changing interpretation. For instance, in 1947, assimilation was equated with modernity, ethnicity with backwardness. The post-war United Nations was much less concerned with ethnic minorities than it is now. Assimilationist policies in fact were strongly favoured by many emerging states that sought to minimise difference in the name of nation building. Reynolds argues, therefore, that it is very unlikely that Australia’s assimilationist policies at the time would have been thought to have anything to do with the Genocide Convention. I may add that the ILO conventions on the right of an individual to work, and the right to learn to work, also were or are to some extent at variance with the right of an ethnic minority, as a collectivity, to remain in distant isolation from the rest of a modernising society.

Those are just two of the complications. Another is that some of the so-called international genocide experts are singularly ill-informed about Australia. A major 1990 work, The history and sociology of genocide, contains a case study by James Morris which describes Tasmanian Aboriginals as lacking stamina, not very strong or very fast, adept at running on all fours, ‘oddly wistful, like elves, or perhaps hobbits’; even their language was merely ‘a series of disconnected words with no linked grammar’.

A fourth problem for those who wish to affix labels is intentionality. Reynolds shows that some State governors or colonial parliaments may well have known about and connived at the more or less unsystematic attempts by settler or black police to reduce the Aboriginal population by killing, but they did not admit to this in public. Again, there is insufficient evidence to show that smallpox ‘variola’ (dried but live forms of the virus, kept in bottles and used for inoculations) were introduced deliberately to the Indigenous population by the early Sydney colonists.
Many other issues cloud the ready denunciation of the colonists as genocidal. A state of armed struggle, against which the Tasmanian colonists were only just holding their own, is the historical context of the ‘black line’. The level of food and provisions at Flinders Island — this is in reference to point (c) above — Reynolds shows to have been substantially above that which was provided to other groups dependent on government support. In other chapters Reynolds demonstrates that the Queensland black police did not kill bush people indiscriminately throughout the State, but mostly confined their depredations to the expanding horizons of the colonists themselves. Some areas they did not penetrate at all. State government policies defended their assimilationist policies as protection. The Commonwealth’s Northern Territory administration practised, as far as it was allowed, a policy of biological assimilation of part-descent children. Yet it removed almost no full-descent Arnhem Land children to places from which they were not intended to return (this is my point, not Reynolds’). Every attempt to pinpoint State or national responsibility for genocide can be met by qualification and caveat.

The most cogent cases of genocide by violence can be levelled locally, and Reynolds notes the irony of here adopting the ‘inside out’ view of Australia’s Indigenous peoples. ‘Queensland blacks’ was a term which would have been meaningless to people who now call themselves Murris. Reynolds writes ‘The paradox is that the smaller the group to be considered, the greater the likelihood that genocide did take place, that many — and sometimes most — members of local groups were killed by settlers or by Aboriginal troopers or trackers and that there was an intention to do so’ (p 120). He considers, among several examples, the evidence and conclusions of Luise Hercus’ study of Channel Country people. Hercus argued that there were six major massacres, principally of Karungara people, ‘mostly well organised, and intended to wipe out whole groups of people’. By the late 1880s a few survivors found refuge at Kilalpanina. The Karungara ceased to be mentioned in twentieth century literature ‘quite simply’, wrote Hercus, ‘because they had been wiped out’. The experience of Jay Arthur and me, collecting oral history in the Northern Territory in the 1970s, reflects a similar phenomenon. The first Aboriginal invitation we received at almost every one of the more than twenty pastoral or government stations which we visited, was to view a site at which a group of people had been slaughtered and to record the speaker’s account of the killing. Sometimes no doubt such revenge expeditions were to wipe out whole groups of people, sometimes just to relieve the outraged sensibilities of the settlers. Coordinated activities such as Hercus described were as close as Australia came to genocide. Considered locally and specifically, that was very close.

Oddly, Reynolds compounds the removal of children into a short chapter on assimilation generally. Perhaps he is saving a wider discussion for another book. Nor, presumably because it occurred too late for inclusion, does he refer to the most recent attacks upon the ‘black armband’ historians (especially Reynolds himself) for their overemphasis on violence. Yet his conclusions are clear — no watertight case of genocide can be mounted against Australia according to the international definitions, not least because the definitions themselves are built on rather unsure, and changing, foundations.

The short book, more like a series of lectures than an exhaustive treatment, does not conclude with the obvious corollary. That is, whatever the definitions, Australia’s
Indigenous people have been subjected to enormous and unjust violence of every description which, if systematically and effectively continued, would have had the effect, intended or not, of causing them to disappear as an identifying people or peoples. Perhaps Reynolds does not do so here because he has said it so often previously. Nevertheless it still needs to be said, and said often. Whether 150 or 75 Warlpiri and Kaitish people were killed at Coniston is, for the purposes of this understanding, irrelevant. What matters is that there was a concerted and deadly attack by Aboriginal police, White settlers and at least one White policeman, to punish by killing, large numbers of Aborigines who had killed one White man and injured another. What is even more important is that the same phenomenon has been repeated scores, probably hundreds, of times throughout Australia. Similarly for the purpose of this argument, it doesn’t matter whether 50,000 Indigenous children (my figure) or 22,000 (Robert Manne’s figure) were removed from their communities. Sir Ronald Wilson calls it genocide, I don’t and neither does Reynolds. But Manne, Reynolds, Read and Wilson all agree that it was a moral outrage that the children were removed at all, whatever label one applies. The labels in the end are emotive and arguable. But the factual bases of our historical understanding, however, are far more established than Keith Windschuttle appears to realise.

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This book was first published in 1996 as Follow the rabbit-proof fence. It was reviewed for Aboriginal History by Jane Simpson, vol. 20, 1998: 257-8. With what now seems uncanny foresight Jane Simpson wrote: ‘we must be grateful to Pilkington (Garimara) for bringing to light this epic journey. It was indeed a ‘most wonderful trek’ as Arthur Hungerford, the Jigalong Protector of Aborigines described it (p.124). It would make a wonderful film.’

It has certainly made a wonderful film, produced by Phillip Noyce. This film has brought home the tragedy of the removal of half-caste children to people who would otherwise only be vaguely aware of it, as shown by a comment from someone overheard in our local post-office: ‘You gotta see this film. Those poor kids! Even my husband cried all the way through!’

The author is the daughter of Molly, the oldest of the three girls who walked the 1600 km back to Jigalong from the Moore River Native Settlement. The three girls had triumphed over everything and were reunited with their families, so the book ends on a relatively happy note. Only the middle daughter, Gracie, was later recaptured. It barely appears on the margins of the book but has been emphasised by articles in the press, notably that by Karl Quinn in the Melbourne Age, 17 February 2002, that for Molly the tragedy was played out again in another generation. Nine years later, married with two little girls, she was taken to Perth with appendicitis, and was then again removed to the
Moore River Settlement. Again she escaped, but could only carry the younger child with her: she undertook that trek carrying the little girl all the way, a trip that must have been more horrendous and probably more sheer drudgery than the first one. But all did not end happily. That little girl was later taken away from her and she has never seen her again. It took 25 years for her to be reunited with the older one, the author of this fine book: a book about what may well have been the lesser of the two journeys.

Queensland University Press are to be congratulated for publishing this film edition without any changes to the text, so that it is as fresh and straightforward as ever.

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