Indigenous Human Rights and History

Monash Indigenous Centre

and

Castan Centre for Human Rights Law
Indigenous Human Rights and History: occasional papers

**Series Editors:** Lynette Russell, Melissa Castan

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*Genocide in Australia: By Accident or Design? Colin Tatz ©*

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The essays in this series are fully refereed.

**Editorial committee:** John Bradley, Melissa Castan, Stephen Gray, Zane Ma Rhea and Lynette Russell.
Genocide in Australia: By Accident or Design?

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Editor’s introduction

This essay is the first in a new series of scholarly discussion papers published jointly by the Monash Indigenous Centre and the Castan Centre for Human Rights Law. We provide an opportunity for publication of emerging and established scholars writing on Indigenous human rights and history. It is appropriate that such a venture should start with an essay by one of Australia’s pre-eminent scholars in the study of genocide and former director of the Centre for Research into Aboriginal Affairs, now known as the Monash Indigenous Centre.

Colin Tatz migrated to Australia from his native South Africa in 1961, to undertake a PhD at the ANU on 'Aboriginal Administration in the Northern Territory of Australia’. Motivated by what he terms a ‘driving force’, and early life spent observing the rampant, blatant horrors of racial division in South Africa, Tatz has dedicated his life’s work to the Jewish ethic of tikkun olam, the imperative to repair a flawed world and the duty this entails. He applied this concept to all his work: he could see that the experiences of South Africa had echoes and resonances here in Australia, as well as in Canada, New Zealand, Britain, and the United States of America. Another personal motivation is, he recalls, an abiding hatred of 'willful amnesia' — the deliberate forgetting or erasure of known history which is ignored, suppressed, manipulated, distorted, denied to the disadvantage of the oppressed and colonised. WEH Stanner once described this amnesia as the ‘Cult of Disremembering’ or the Great Australian Silence regarding Indigenous peoples in this nation’s historical narrative (Boyer Lecturers 1968). Tatz’s unique perspective and motivation led to a stellar career in academia, public policy, and human rights activism.

Appointed to Monash as a lecturer in Politics in 1964, Tatz, along with a number of professorial supporters, established the Centre for Research into Aboriginal Affairs, which continues to this day. It is been through a number of transformations and is now known as the Monash Indigenous Centre. During this period he helped establish Aboriginal legal aid and was nominated by the Victorian Aborigines Advancement League, along with Stan Davey and Pastor Doug Nicholls, to take a seat on the Victorian Aborigines Welfare Board (AWB)
in 1966. Tatz was chosen by the Victorian government and from this position he continued to combine academic research with political and policy work. He played an instrumental role in the return of Lake Tyers to the Aboriginal community when he chaired the committee that worked to prevent the sale of that land asset to a resort developer. When the AWB was dismantled, he continued working closely with other activists, including Doug Nicholls, Stewart Murray, Stan Davey, Lorna Lippmann, Alick Jackomos and Labor politicians Clyde Holding and Gordon Bryant. Tatz also was also an adviser to the Federal Council for the Advancement of Aborigines and Torres Strait Islanders, the national body which included Charlie Perkins, Don Dunstan, Joe McGinness, Barrie Pittock, Doug Nicholls, Bert Groves, Jack Horner, Faith Bandler and Oodgeroo Noonuccal (Kath Walker).

In the early 1970s, Tatz, then aged 36, moved to the University of New England in Armidale (NSW) as the foundation professor of Politics. There he developed some of the country’s first courses on comparative race politics, which involved analyses of race relations in the settler colonies of Australia, New Zealand, South Africa and Canada. Significantly, with numerous Aboriginal colleagues and associates, he began compulsory Aboriginal Studies courses for all third year teacher trainees at what was then Armidale Teachers’ College. In this context he published Black Viewpoints in 1975, based on lectures by ‘Mum’ Shirl Smith, Charlie Perkins, Pat Miller (O’Shane), Harry Djangamara, Chicka Dixon, Rex Marshall, Michael Anderson, Paul Coe, John Moriarty, Gordon Briscoe, Kevin Gilbert, Ted Fields, and Vera Lovelock.

From 1978 to 1984 Tatz chaired an AIATSIS committee commissioned by the Federal parliament to undertake an ongoing monitoring study of the social impact of uranium mining on Aborigines in Arnhem Land. This landmark study, and others like it, paved the way for environmental and heritage impact assessment statements and Indigenous cultural values to be factored into discussions about land developments and land usage.

A move in the early 1980s to Macquarie University in Sydney saw Tatz begin to explore other forms of racism; in particular, he reflected on antisemitism and racism against Jews. In 1985 he visited Jerusalem and spent time at the
Holocaust research and remembrance institute, Yad Vashem. He returned a year later to study there. It was from that experience, together with an inspiration by an idea of historian Tony Barta, that Tatz began what would become an enduring fascination — the question of genocide in Australia. Tatz realised that much of his early work was influenced by colleagues like Stan Davey and Stewart Murray, men who had been talking about such ideas since at least the early 1960s (and probably even longer than that). Tatz realised that all genocides involve the framework of racism, and that racism is the beginning and end point of genocide.

Consequently, Tatz pioneered Genocide Studies in Australia, beginning with undergraduate courses at Macquarie University between 1987 and 1999. There he founded the Centre for Comparative Genocide Studies in 1993. Underpinning his interest in genocide studies and always close to the surface, Tatz was fascinated by the situation in Australia and the issue of Aboriginal genocide became a central research focus. On retirement from Macquarie in 1999, that Centre moved to the Shalom Institute in Sydney and is now known as the Australian Institute for Holocaust and Genocide Studies. Even in retirement he continues his passion for education and still teaches Genocide Studies at University of Technology Sydney. As a visiting fellow in Politics and International Relations at the Australian National University since 2004, he established two undergraduate courses there: Genocide Studies, and Genocide Post-1945.

From 1999 to 2003 Tatz held the prestigious position of vice-president of the International Association of Genocide Scholars. Perhaps one of his most significant works in the area appeared in 2002 when he wrote a deeply moving and personal account in the Samuel Totten and Steven Jacobs edited book, Pioneers of Genocide Studies (Transaction Publishers, New York). This was followed in 2003 by With Intent to Destroy: Reflecting on Genocide (Verso, London). His most recent work appears in the December 2011 special edition of Genocide Studies and Prevention: An International Journal, which is dedicated to evaluation of the state of genocide studies as a discipline. His groundbreaking Research Discussion Paper, “Genocide in Australia” was published in 1999 by AIATSIS, and became one of the most widely read papers in the AIATSIS
collection. The current essay is a much expanded and updated version, adding eyewitness testimony, considers the ongoing denialism in greater length, and generally includes important material and insights from the literature of the last decade.

While this paper is not primarily a legal paper, his use of ‘genocide’ is the legal definition in the Genocide Convention. Tatz does not rely solely or greatly on the legal sources. The issue of defining genocide in law, and particularly international law, has become somewhat fraught, as the social, ethical or moral approaches do not always accord with the technical or formalistic legal definition. We commonly understand genocide to mean the systematic extermination of a national, racial, ethnic, political, religious or cultural group. At international law, genocide has a very specific meaning and lawyers will often look to the 1948 United Nations Convention on the Prevention and Punishment of the Crime of Genocide, as Tatz does. Article II 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: killing members of the group; causing serious bodily or mental harm to members of the group; deliberately inflicting on the group conditions of life, calculated to bring about its physical destruction in whole or in part; imposing measures intended to prevent births within the group; [and] forcibly transferring children of the group to another group.”

Australia ratified that Convention in 1949, and it entered into force in 1951. The Human Rights and Equal Opportunity Commission’s Bringing Them Home report (1997) found that the policy of forcible removals of Indigenous children came within the international legal definition of genocide. In Australian courts, the legal definition of genocide has had only fragmented examination: in Kruger v Commonwealth (1997) the plaintiffs had argued that the authorisations for forced removals under the Aboriginals Ordinance (NT) were invalid, because these violated an implied constitutional right to be free from genocide. The High Court found there was no such implied right, nor was the Genocide Convention incorporated into Australian law. In addition, the Court did not find that there was ‘intention’ to destroy a racial group, but rather the Ordinance was intended to preserve the ‘welfare’ of Aboriginal Australians. The High Court neatly
sidestepped the issue of whether the forcible removals actually were genocidal, only considering whether the Ordinance authorised genocide. The Federal Court was also called upon to consider the issue of genocide. In *Nurlyarimma v Thompson* (1999), the Federal Court concluded that the customary international law against genocide was not part of Australian domestic law, as it had not been explicitly incorporated by the Australian parliaments. In *Cubillo v Commonwealth* (2001), the Federal Court found against two plaintiffs, Lorna Cubillo and Peter Gunner, who brought claims against the Commonwealth for wrongful imprisonment, breach of statutory duties, breach of duty of care and breach of the Commonwealth’s fiduciary duties to them. The Court found against the plaintiffs for a number of reasons, including that there was no general policy of indiscriminate removal of Aboriginal children in the Northern Territory. The Full Federal Court in its findings, asserted that the case only concerned two individuals, not the general policy of forcible removals, although of course inherently the case did concern those policies that led to the removals of those two individuals. In 2001, the High Court declined the application for special leave to appeal the Federal court’s decision. Notably, in 2007 Bruce Trevorrow became the first Aboriginal plaintiff to successfully claim for damages arising from his removal from his family as an infant. The South Australian Supreme Court awarded Trevorrow a total of $775,000 and found his removal had been unlawful. Justice Gray found that part of the compensation ordered was for the suffering brought about through the loss of the plaintiff’s Aboriginal identity and culture.

The case law in Australia is unsatisfactorily incomplete on the status of genocide as a legal concept. If genocide is illegal today, is it because of the 1949 Genocide Convention, and Australia’s ratification of that instrument, or is it because of some other formal injunction? We still debate when genocide did become a crime in Australian law; at the latest, genocide became illegal when Australia signed up to the International Criminal Court and then amended the Commonwealth Crimes Code in 2002 in line with international law. Many Australians did not accept the assertions in the *Bringing them Home* report that forcible removals amounted to genocide, but others could not see how they could be considered otherwise. The law at the time of the removals policies was uncertain and remains so today. Denialists like Andrew Bolt, Keith
Windschuttle and Ron Brunton continue to assert that there never was a stolen generation.* We think it significant that Tatz does not here enter into that debate; rather, he fully accepts the international law definition and does not doubt whether forcible removal of children is an act of genocide. Indeed, from the perspective of those removed, dispersed and dispossessed, it matters little whether the intentions of the authorities were benevolent or malevolent; the outcome was the systematic disconnection from their families, their culture, heritage, and their inheritance.

The strength of this paper is in its depth of knowledge of the history, as well as the extent to which it takes into account eyewitness accounts and Aboriginal perspectives. Its publication is timely, particularly in light of current revivals of ‘denialism’ and disingenuous calls for ‘free speech’ cloaking the politics of identity slurs (as exemplified and explained in the case of Eatock v Bolt and the Herald and Weekly Times, 2011 in the Federal Court).

As the late Ron Castan AC QC said in a speech at Monash University in 1998:

> The answer to the Holocaust deniers and to those who use terms like ‘black armband’, is to write more books, give more talks, fight more native title cases in the courts, teach more courses in schools and universities, build more monuments to Indigenous freedom fighters so that the cult of disremembering can never take hold again.

With that exhortation in mind, we are very pleased to present Colin Tatz’s essay as the inaugural Indigenous Human Rights and History Series paper.

Lynette Russell and Melissa Castan

**November 2011**

*Over the past decade, a vast archive of materials has emerged on this topic, and indeed more broadly on what has been dubbed the “history wars”. We direct interested readers to some of this literature:

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The Context
In South Africa, the land of my youth and formal education, I studied what was called ‘native policy’. On arrival in Australia in January 1961 I began to study ‘Aboriginal policy’, and still do. People who knew or know of this dual interest still ask me fifty years later: is it true to say that apartheid was a malevolent and deliberate instrument of racial oppression, whereas racism in Australia was ignorant innocence or innocent ignorance, ‘merely’ an inability to understand or respect an indigenous culture and its values?

Comparisons aside, what is the verdict on Australia’s race relations and human rights record? Much of that inter-racial history I deem genocide, a term the general public and many teachers, academics, politicians and journalists seek to avoid. Is this simply ignorance of genocide theory and practice? Or a reluctance to taint ‘the land of the fair go’, the ‘lucky country’, ‘the most generous country in the world’ with so heinous a label? And if there was a ‘whiff of genocide’, surely it was by accident rather than by design?

We know a great deal about genocide in authoritarian states, about events in German South-West Africa [Namibia] at the start of the last century (1904–06),¹ followed by the Turkish efforts to eliminate Armenians, Pontian Greeks and Christian Assyrians (1915–22), followed by an event more than emulated by Germany in its war against the Jews (1939–45), followed by a long list since that Nazi catastrophe was meant to put a stop to this behaviour once and for all. Now the complicity of Western states in genocides is under scrutiny

¹ Now described as The Kaiser’s Holocaust (Olusoga and Erichsen 2010).
(Jones 2004), and rightly so. We need much more study of genocide within democratic states, a sharper look at the fate of native peoples in the United States, Canada, Australia, New Zealand, a task begun by Samuel Totten and Robert Hitchcock in their 2011 volume on the genocide of indigenous peoples. Many aspects of Belgian, English, (Wilhelmine) German, Dutch, and French colonial administration need scrutiny. What follows is an elaboration and exploration of the Australian case.

**Australia and the Genocide Convention**

The matter of Aboriginal genocide has come a long way in a very short time. The visiting English writer Anthony Trollope remarked in 1873 that ‘we have massacred them when they defended themselves ... and taught them by hard warfare to acknowledge us to be their masters’ (Trollope (1966) [1873]: 134–5). It took another hundred years for Australian historians to focus specifically on that Aboriginal history, to treat the massacres and the inglorious past. Even in 1961, when he revised his 1930 book *Australia*, Sir Keith Hancock, then the doyen of historians, could only find place for Aborigines in 23 lines of his 282-page history. Apart from the ‘unnecessary brutality’ of the British settlers, he believed Australian democracy to be ‘genuinely benevolent’; but ‘from time to time Australia remembers the primitive people whom it has dispossessed , and sheds over their predestined passing an economical tear’ (Hancock, 1961: 21). Over the next two decades, historians began writing about pacifying, killing, cleansing, exterminating, starving, poisoning, shooting, immolating, beheading, exiling — but avoided genocide. It took almost another decade to contemplate the use of the dreaded ‘g’ word.²

Activists working on the Aboriginal behalf were generally maligned, dismissed as amateurs, do-gooders or communists. But some spokesmen grasped the serious import and impact of policies and practices well before the historians got there. Stan Davey, a former Churches of Christ pastor from Charles Rowley, possibly the first scholar to systematically engage the frontier ‘destruction of Aboriginal society’, has a polite but highly critical chapter on ‘History and Aboriginal Affairs’ in his 1970 volume (Rowley 1970: 1–9). Footnote 7 below gives the dates for the key publications on the frontiers. The first academic to raise the Australian genocide issue was La Trobe University historian Tony Barta at a conference ‘On Being a German–Jewish Refugee in Australia’, held in Sydney in July 1984 (Barta 1985).

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² Charles Rowley, possibly the first scholar to systematically engage the frontier ‘destruction of Aboriginal society’, has a polite but highly critical chapter on ‘History and Aboriginal Affairs’ in his 1970 volume (Rowley 1970: 1–9). Footnote 7 below gives the dates for the key publications on the frontiers. The first academic to raise the Australian genocide issue was La Trobe University historian Tony Barta at a conference ‘On Being a German–Jewish Refugee in Australia’, held in Sydney in July 1984 (Barta 1985).
Western Australia, dedicated his life to Aboriginal affairs as a key member of the Aborigines Advancement League (AAL), Victoria and as secretary of the Federal Council for Aboriginal Advancement (FCAA), later FCAATSI. In 1963 he published a pamphlet, *Genesis or Genocide? The Aboriginal Assimilation Policy*, in which he asked whether Aboriginal treatment was not really the equivalent of German and Soviet policies but by different methods (Haebich 2000: 437). Although close friends, he didn’t get this from me. At that time I was amid fieldwork and hadn’t yet thought about Australian history in such terms. Another Melbourne colleague, Stewart Murray — son-in-law of activist Pastor Sir Douglas Nicholls, the first and only Aboriginal knight of the realm — became the driving force in the Victorian AAL and was calling the all-too-common ‘trafficking’ and disproportionate adoptions of Aboriginal children a form of genocide (Haebich 2000: 579).

In the late 1950s and early 1960s, the Soviets were also on hand to condemn ‘the near total annihilation of the Aboriginal people’ (Haebich 2008: 35–6; Haebich 2007). Between 1959 and 1963, three official government pamphlets — *One People, Our Aborigines*, and *Fringe Dwellers* — were widely distributed here and abroad. They were ‘sales pitches’ promoting the idea that assimilation (physical, cultural, economic and social) into the mainstream was the avenue to Aboriginal salvation. Inaccurate, patronising, improbable given much of the traditional Aboriginal demography and geography, these booklets found their way to Nikita Khrushchev’s desk. At the United Nations, that Soviet Party Secretary declared: ‘It is common knowledge how the native population was exterminated in Australia’. Radio Moscow and the Peking [Beijing] press also weighed in on similarities with South Africa’s ‘misanthropic apartheid’ and on land dispossession for mining purposes. Certainly the Cold War was hot, hot enough for Paul Hasluck, then Minister for Territories and architect of this brand of assimilation, to spurn these assertions as ‘Soviet propaganda’, to dismiss similar internal criticisms as the ‘mischief of the Australian Communist Party and to literally throw AAL and FCAA reports into his wastepaper basket, a performance I watched in his office on two occasions.

Books, films, documentaries abound and genocide is now in our political vocabulary, causing anger, dismay and, inevitably, denialism. When historian Geoffrey Blainey coined the phrase ‘the Black Armband view of history’, he
meant that the pendulum had swung too far from ‘self-congratulatory’ and ‘three-cheers’ triumphalism to a position that is now ‘unreal and decidedly jaundiced’ (Blainey 1993: 10–15). For him, the bigoted and the sour are ‘those moralists, scholars, journalists and film-makers’ who now vilify those who once vilified Aborigines, who make ‘mischievous statements’ that ‘Aboriginal numbers were drastically reduced primarily by slaughter’ rather than by disease. He doesn’t deny the slaughter but, like others, he prefers the disease explanation. Claudio Veliz, an historian and sociologist, would write some ten years later that the influence of the ‘black armbanded’ academics has been pervasive, finding its way even into the High Court judgements in the Wik and Mabo [land rights] cases. History, he claims, has been the alibi for nothing but ‘radical chic’ (Veliz 2003: 21–4). For Henry Morgan of the Western Mining Corporation, ‘we are now dealing with a psychotic condition in which people feel guilty or are persuaded they ought to feel guilty for crimes they did not commit, could not have committed or were not committed at all’ (Weekend Australian, 3–4 April 1992).

There was no pendulum before the 1970s. That there was no desire, let alone a need, to look was partly because Australians regard themselves as quintessential democrats and decent colonists, ‘genuinely benevolent’ as Hancock would say, convinced that Australian-ness [by birth or even by naturalisation] is a natural immunity to bad or homicidal, let alone genocidal, behaviour. When Australia reluctantly ratified the United Nations Convention on the Prevention and Punishment of the Crime of Genocide (hereafter, Genocide Convention or GC)3 in June 1949, a bipartisan parliament was aghast that Australia should be associated with a Genocide Convention Bill. Liberal MP Archie Cameron declared that ‘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 genocide and desire to remove them arises from the fact that we are a moral people. The fact that we have a clean record allows us to take such an attitude …’ (Hansard 1949: 1871–6).

3 It was signed into international law on 11 December 1948 and came into force on 12 January 1951. Australia ratified the treaty in June 1949.
Their indignation and belief in an unblemished record notwithstanding, Australia’s behaviour is now before the bar of public opinion and inevitably on the international conference table; it is increasingly illustrated in museums and film documentaries; it is taught in a small but growing number of university courses and in most high school syllabuses; and published in newspapers, books, annotated bibliographies, genocide studies journals and websites abroad and at home. The Australian case now appears in anthologies like *Century of Genocide: Eyewitness Accounts and Critical Views.* Genocide in Australia is now thinkable and thought about — here and abroad.

That the Aboriginal experience doesn’t look like, sound like or feel like Auschwitz is a quite proper conclusion — but genocide is not restricted to that heinous chapter of the twentieth century. Despite the many differences between the Australian and other cases, the evidence on the destruction of Aboriginal societies is strong enough to fall clearly within the scope of the crime defined in international law: first, by Articles II and III of the 1948 Genocide Convention, and second, by the consolidation of that [verbatim] wording in Articles 6 and 25(e) of the *Statute of the International Criminal Court, 2002:*

**Article II:**

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 III:**

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The following acts shall be punishable:

Genocide;

Conspiracy to commit genocide;

Direct and public incitement to commit genocide;

Complicity in genocide.

Over a long period Australians engaged in the intentional physical killing of groups of people because they were those people, and forcibly removed children from their group with the intention of ‘transforming’ them into members of another group (GC Articles II(a) and II(e)). Furthermore, the efforts to protect Aborigines by strict isolation and segregation in turn produced, however unwittingly, conditions of life that caused them mental and physical harm and assisted in their physical destruction (GC Articles II(b) and II(c)). The questions of good and bad intent, and whether there can be genocide without a specific or special intent, are discussed later.

The Convention’s definition of genocide is seriously flawed for several reasons, but essentially because it equates the incommensurate act of physical killing with the forcible removal of children. Unusually in criminal law, it also equates conspiracy, incitement to commit the crime and complicity in the crime with the actual commission of the crime. Yet it is the only yardstick by which we can determine and judge events. My analysis rests on this legal template, not on what most social scientists believe the definition of the crime should or shouldn’t be, or on what some historians insist is merely a matter of ‘historical interpretation’. Measuring and judging the phenomenon by what you or I think it is, or should be, or solely or mainly by what graphic film footage has for long depicted it as being, is really pointless. ‘Genocide’, claims Sydney journalist Paul Sheehan, ‘is a sacred word’, not to be used loosely or wildly (Sheehan 2003: 180). Genocide is hardly ‘sacred’: it is a profane word, a specific crime, not an agenda item for debates or opinion panels. Nor does it rest on the poor
lexicography on this particular word of the Shorter (and Greater) Oxford and Macquarie dictionaries, sources esteemed by Sheehan and others.

My first lengthy foray into ‘Genocide in Australia’ was published by the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) as a Research Discussion Paper (Tatz 1999) and revised in part, and with differing emphases, for later publications (Tatz 2001, 2003, 2011, 2012). This essay revisits, reconsiders and expands earlier themes. It now incorporates some important material from the general and the Australian literature published in the past decade; explores intentionality or inadvertence in actions taken for and against Aborigines; addresses the concepts of ‘worthy’ and ‘unworthy’ victims, as well as the matter of ‘hostile indifference’ towards Aborigines; distinguishes between motive and intent in genocide; analyses the continuing denialism of both the physical killing era and the forcible child removal practices; looks at the positive and negative aftermath of the Bringing Them Home report (HREOC 1997); examines the federal, state and territory politics of apology; considers briefly the question of reparations and evaluates the ‘vision’ of reconciliation; provides, for reader consideration, a good number of extracts from published eyewitness accounts of the massacres and the child removals; touches on the role and place of the many Aboriginal survivor memoirs that have appeared since 1997; probes the problem of scholarship that uses the word genocide without studying genocide; places the Australian case in the context of international genocide studies; and makes some judgements about what, if anything, we have learned from this dimension of Australian history. A decade ago the special theme edition of the journal Aboriginal History (Curthoys and Docker 2001) was both timely and significant in the way it helped bring the word genocide into the political lexicon. It was entitled ‘Genocide’? Neither the quotation marks nor the question mark were needed then, and they are not needed now.

My colleague, historian Anna Haebich, has a neat summation of the Aboriginal experience (Haebich in Moses 2005: 286):

5 Both assert, simply, that it is the ‘annihilation’ or ‘the extermination’ of a ‘race’. Only Webster comes much closer: ‘the use of deliberate systematic measures (as killing, bodily or mental injury, unlivable conditions, prevention of births) calculated to bring about the extermination of a racial, political or cultural group or to destroy the language, religion, or culture of a group.’
There was not a ‘coordinated plan’ of genocide. It was a set of bungled outcomes, resulting from persistent demands by settlers to erase the Aboriginal presence from the region [the southwest of Western Australia] through seemingly benign measures, and of government responses based on expediency, ruthless economy, neglect, and entrenched racism. Mounting frustration in achieving their goals pushed officials to adopt increasingly drastic measures that culminated in the genocidal policy of biological absorption.

The key is not so much method but rather the central and compelling intent of ‘erasing the Aboriginal presence’. Australia has differed in more than a dozen ways from the more ‘conventional’ genocides — in historical context, the system of governance in operation, the nature and identity of the perpetrators, in time span, scale, pace, methods, the almost total absence of trials (apart from a few murder cases), the defence of good intent motivating forcible child removals, the late admissions of responsibility, the even later apologies, the refusal (except in Tasmania and Western Australia to date) to consider reparations, and the nature of the denialists and their assumptions and assertions. It is a complicated story because Australia had six colonial administrations, which became eight after federation in 1901. We learn something about the criminal acts defined in GC Article(s) II (b) and II(c), a largely neglected domain of genocide studies, and about GC Article III, the acts of complicity and conspiracy in genocide that receive such little attention.

Perceptions of the Victims

Scholars search constantly for the driving forces that propel any genocide. The dehumanising of people is one. Endemic in human history, it is a strategy used to justify slavery, racism, sexism, homophobia and, of course, genocide. We are aware of the skeletal, almost un-human figures crouched behind Nazi and Bosnian camp wire. In Australia it has been more a matter of non- or un-humanising, more an enduring insectifying and animalising of a people (Savage 2006; Smith 2011). Visiting New Holland [Australia] at the end of the seventeenth century, the English buccaneer and circumnavigator William Dampier noted in 1697 that ‘the inhabitants of this country are the miserablest people in the World’.
When the First Fleet under Captain Arthur Phillip arrived at Botany Bay [Sydney] in January 1788 to take possession of the land for King George III, the officers at least adopted the noble savage view of a people who had inhabited the continent for 60,000 years (Hiscock 2008). From afar, the British authorities regarded the Aborigines as human enough, ordering the Fleet officials ‘to open an intercourse with the natives and to conciliate their goodwill’ and to ‘live in amity and kindness with them’. In reality, the terrain was treated as a wasteland but for flora and fauna, of which the ‘natives’ were deemed a part. The First Fleeters could see no visible governance by kings or tribal chiefs among the nomadic hunter-gatherers, no obvious reign of law, no judicial system and worse, no John Lockean sense of property ownership or a capacity to till the soil — and so Australia was classified, in the language of political anthropology, as a stateless society, one where the inhabitants have no [apparent] organs of executive, legislature or judiciary. Australia was thus regarded as a land of settlement rather than as a colony gained by conquest.

The killing era was as much about the removal of non-human pests as it was warfare resulting from a traditional colonial invasion, the seizing of land and resistance to it. The new society generally regarded Aborigines as a separate species. For many settlers, their targets were ‘troublesome wild animal[s] to be shot and hunted down’, ‘vermin’, ‘ferae naturâ’, ‘creatures scarcely human’, ‘hideous scandals to humanity’, ‘loathsome’ and ‘a nuisance’, regarded as fair game for white ‘sportsmen’ (Evans, Saunders and Cronin 1988: 75–8).

That legal fallacy — which by the twentieth century came to be called the doctrine of *terra nullius* — was finally put to rest by the High Court in 1992 when it recognised prior occupation of land by Murray Islanders in the Torres Straits (*Mabo v Queensland (No. 2)*, CLR 175 (1)).


Several schools of physical anthropology and anatomy at that time were ‘polygenecist’, believing that God created each race separately, that only white people derived from Adam and Eve, while others had multiple origins, descending from very different but unspecified sources.

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8 Several schools of physical anthropology and anatomy at that time were ‘polygenecist’, believing that God created each race separately, that only white people derived from Adam and Eve, while others had multiple origins, descending from very different but unspecified sources.
In 1861, a select committee of the Queensland Legislative Assembly concluded that while there were ‘some excesses’ of killing by police, there was credible evidence that the native people were ‘addicted to cannibalism’, ‘had no idea of a future state’ and ‘were sunk in the lowest depths of barbarism’ (Loos 1982: 22–3).

Historian Roderick Flanagan’s *The Aborigines of Australia* was published posthumously in 1888. The anonymous author of the book’s preface believed that prior to their arrival in Australia ‘these people had possibly possessed at least a few germs of civilization’ but such [germs] were now lost (Flanagan 1888: iv–v). But ‘it is generally admitted at the present day that the natural intelligence of the aboriginal natives of Australia is by no means of a despicable order, and that they can boast of not a few qualities deserving of more careful development than they have commonly received at the hands of the white man.’ Nevertheless, there was ‘melancholy to the spectacle of the rapid disappearance of the unfortunate race ... a too sure presage, it is to be feared, of the doom that awaits them all.’ These were among the kindlier perceptions of the time, but this doomed-destiny theme became implanted in the soul of the nation (McGregor 1997).

More than a few missionaries described their potential Christians as children of darkness. In the 1870s, a Queensland clergyman wrote that ‘if our instincts are true we must loathe the Aborigines as they are now because they are less estimable than the mongrels that prowl like them in the offal of a station [cattle ranch]’ (Evans, Saunders and Cronin 1988: 85). A Northern Territory Lutheran missionary defended locking youth in dormitories: it was their ‘utter rottenness in things sexual’, he declared. ‘No white man has any conception ... what depths of infamy these blacks are steeped in’ (DeMayo 1990: 97). (Dormitories, especially for girls, continued for another century.) Not all mission views were as odious; some regarded Aborigines as human, albeit heathen, and as perpetual children in need of supervision, even until the 1970s. As recently as 1979, Father Eugene Perez, an influential missionary much admired by the [then] Western Australia premier Sir Charles Court, published his thoughts on the people of Kalumburu Mission in Western Australia. They ‘correspond to the Palaeolithic Age’, he wrote; ‘primitives’ who ‘remained dwarfed to the bare essentials of human existence’; ‘undeniably immature’, of ‘unsound ambitions’
and members of ‘a decomposed society’ (Perez 1979: 346–8). The late West Australian mining magnate Lang Hancock fathered an Aboriginal child, Hilda Kickett Hancock of Geraldton (West Australian, 7 December 2009). Nonetheless, he believed that ‘half-caste Aborigines should be sterilised by drugging their water supply ... and so breed themselves out’ (Sydney Morning Herald, 5 October 1981).

Hancock apart, such perceptions are not avowedly or inherently genocidal, but they give fuel to two concepts that emerge from genocide studies. First, the somewhat elusive notion of ‘worthy’ and ‘unworthy’ victims. Historically, there is little evidence to show that Aborigines were ever considered worthy or worthy in a Western sense as rational, sentient and spiritual descendants of Adam and Eve. Such estimable characteristics as they displayed were those of ‘another species’, a disappearing one. Worthiness is vital to the history of disposing of some peoples by attrition: sociologist Helen Fein, a doyenne of genocide studies, has always maintained that such targeted populations, the unworthy, are considered ‘outside the universe of obligation’ by the powers that be (Fein 1993). ‘Pestilential’ people were certainly outside of that universe: as we will see, many settlers regarded their livestock animals in very much higher esteem than those who stole or speared them. For frontier police, the ‘thieves’ became ‘kangaroos’ to be ‘dispersed’.

A related concept is the matter of indifference. Indifference conveys a sense of neutrality, but in the Australian case, as with some other genocides, there is a high degree of what Holocaust scholar Yehuda Bauer calls ‘hostile indifference’. An important maxim from British colonial administration in West Africa was that successful administration hinged on loving the subject people, or at least liking them and if neither, then at least respecting them. Not one of these values was ever a feature of Aboriginal affairs. The unworthiness of the people in question led to callousness, unresponsiveness, disregard, obliviousness, dismissiveness and, in the end, an enormous apathy about their

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9 We need to give more attention to the quite specific GC Article II(d) — ‘Imposing measures intended to prevent births within the group’. From time to time allegations surface that state medical services engaged, or engage, in unilateral temporary or permanent sterilisation of Aboriginal women: in Western Australia, the use of Depo-Provera, producing three-to-six month infertility, and in Queensland, a series of ‘non-explained’ tubal ligations (Moody 1988: 324–6). These reports of birth prevention measures need careful research.
fate. But worthiness is also demonstrated by rescue efforts and such actions were in evidence, as we will see. [Worthiness, at least in the sense of respect, began to emerge from the 1960s, with recognition, even (slow) appreciation, of their ancient civilisation, their stateful rather than stateless societies, their survival skills, social organisation, kinship systems, reciprocity mechanisms, stone-tool technology, ancient and modern music, art, oral history and later, their land and environmental management, literature and sporting prowess. Respect has also grown out of Aboriginal resistance and their increasingly public pressure on mainstream society to be seen as subjects rather than objects. Russell McGregor (2011) calls this a wearing down of the apathy and indifference of settler Australians.]

Hatred of a group is not a crime as such, unless it is acted upon. William Schabas, an authority on genocide in international law, has argued that ‘hateful motive will constitute an integral part of the proof of a genocidal plan, and therefore of genocidal intent’ (Schabas 2000: 245). While motive is of secondary importance in criminal law, these perceptions of Aborigines — as ‘other’, often as other than human — provide the framework for an ‘appreciation’ of the killings and child removals that followed and they are integral to an explanation and understanding of those events.

**Killing Members of the Group**

The nineteenth century killing era was so rampant that colony Queensland was pressed to introduce the world’s first statute to protect and preserve a people from genocide, *The Aboriginals Protection and Restriction of the Sale of Opium Act of 1897*. The British High Commissioner for New Zealand and the western Pacific, Arthur Hamilton Gordon, a former governor of several British colonies, was a reliable witness. In 1883 he wrote to his friend, the British Prime Minister William Gladstone:

_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_

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10 This statute underwent some relatively minor changes and became the *Aboriginals Preservation and Protection Act 1939*, amended to become the *Aborigines’ and Torres Strait Islanders’ Affairs Act 1965*, then the *Aborigines Act 1971*; finally, the *Community Services (Aborigines) Act 1984* put an end to almost a century of draconian rule and regulation of Aboriginal lives.
cruelty in dealing with ‘blacks’ which it is very difficult to anyone who does not know it, as I do, to realize. I have heard men of culture and refinement, of the greatest humanity and kindness to their fellow whites... 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 (Evans, Saunders and Cronin 1988: 78).

The mass killings were committed initially by private settlers, squatters and former convicts, with the colonial [later, state] authorities complicit in their role as bystanders.11 Australia thus provided history with a rare instance of a private genocide. Later, the bystanders became the perpetrators through the widespread use of Native Police Forces, with white officers and black troops. They were described by historian Henry Reynolds as ‘the most violent organisation(s) in Australian history’ (Moore in Reynolds 1993: 92). The system began benignly in Victoria in 1842; it became more murderous when introduced into New South Wales in 1848 and in Queensland in 1859. The Queensland Black Police had a three-fold purpose: ‘to disperse Aborigines, to punish and to capture’. ‘With brutal and unchecked power, the Native Police met the needs of frontier pastoralists with such efficacy that it remained the instrument of government policy’ until 1897 (Whitehall 2002: 59). Native Police were now the ‘official’ killing force. Giving evidence to an enquiry in 1861, a Queensland Native Police lieutenant was asked what he meant by dispersing. ‘Firing at them’, was his reply, but ‘I gave strict orders not to shoot any gins [Aboriginal women].’ ‘It is a general order that, whenever there are large assemblages of blacks, it is the duty of an officer to disperse them’ (Kimber 1997: 43). This particular Black Police unit had 22 white officers and 120 Aboriginal troops.

The Northern Territory force, headed by the notorious William Willshire, engaged in opportunistic but systematic attacks and by 1891, following Willshire’s acquittal of the murder and disposing of the bodies of two Aboriginal men, the force was disarmed and used only as a tracking service (Nettlebeck and Foster 2007). The record of butchery by these police units led to the disbanding of the Victorian Native Police Force in 1853, the domestic South

11 In genocide analysis, a triangle usually represents the actors involved: the perpetrators, the victims, and the bystanders, that is, those who allow, acquiesce, or legitimise by silence the actions of the perpetrators. I add two other points (actors) to the diagram — the beneficiaries and the denialists.
Australian Force in 1856 and the Queensland and New South Wales troops in 1900. Such forces may have been essential as a buffer between settlers and Aboriginal clans: the former feared for their livestock and, on occasion, their lives, but they were ruthless in their attitudes to Blacks. The Native Police were hardly neutral referees between the two parties: they championed the settlers in every instance of dispute.

Not all settlers were like the cruel and brutal ‘average Queenslanders’ described by High Commissioner Hamilton. There was a small humanitarian minority, illustrated by the work of a few men like Scottish journalist Archibald Meston. He shaped the 1897 segregatory legislation, and its tone was hardly one of benevolence or benignity. Some unflattering material about Meston’s character has appeared (Thorpe 1978; Evans and Walker 1977: 74–91), but he was clearly the best Aboriginal friend on offer. His obituary in the weekly magazine *Bulletin* concluded that ‘Black Brother never had a truer friend’ (20 March, 1924: 26). According to literature scholar Cheryl Taylor (2003: 122), his aggressive methods of control included severe beatings and handcuffing of men and women to trees overnight. At least one historian says he was preferable to the administrator Dr WE Roth, who succeeded him as first Protector of Aborigines in Queensland (Whitehall, 2002: 59–69).

In 1896, the Queensland Colonial Secretary appointed Meston as Special Commissioner to investigate the Aboriginal condition. ‘Men and women [were] hunted like wild beasts’, he wrote; ‘kidnapping of women and nameless outrages were reported’; in 25 years, one tribe of 3,000 ‘was down to 100 survivors’ as a result of ‘the old style of “dispersal”’; ‘boys and girls were frequently taken from their parents … with no chance of returning’; and ‘the Mosman [district] blacks had been exterminated’. All of which, he wrote, was ‘a reproach to our common humanity’ (Meston 1896: 722–35). He described the Aboriginal reaction to his visit: ‘Their manifest joy at assurances of safety and protection is pathetic beyond expression. God knows they were in need of it’ (Evans, Saunders and Cronin 1988: 86). The ‘only way to arrest their destruction’, to ‘save any part of the race from extinction’, was to abolish the Native Police force, ban opium (‘this detestable drug’) and ensure the ‘absolute isolation’ from the whites who — ‘coloured by prejudice, distorted by ignorance’ — committed ‘shameful deeds’ (Meston 1896: 733–5). And no
member of the Native Police should ever again be employed in any policing role.

Despite the strict isolation policy manifest in the 1897 Queensland statute, a Scot named McKenzie obtained a government lease over Bentinck Island in the Gulf of Carpentaria in 1911. The Kaiadilt population was probably one hundred, yet by 1918 McKenzie and his posse had eliminated the tribe by gun, rape and the use of galloping horses to drive people into the sea (Elder 1998: 204–06; Kelly and Evans 1985: 44–52).

Massive population loss occurred in Central Australia, then administered by South Australia, between 1860 and 1895. Possibly 20 per cent of Aborigines may have died from diseases not previously encountered, but some 1,750 people, or 40 per cent of the population in the Alice Springs region, were mostly shot in the name of ‘dispersal’ (Kimber 1997: 61).

Not much changed in attitudes to Aborigines over time in this region. In 1928, Aborigines killed a white bushman, Fred Brooks, at a waterhole near Coniston Station in the Northern Territory. A punitive expedition, under Mounted Constable William Murray and his cattlemen friend William John Morton, killed a great number of people, certainly between 60 and 70; the police, exonerated on the grounds of self-defence, admitted to killing ‘only 17’ (Elder 1998: 177–91). A Board of Enquiry was initiated only because reports of the massacres had appeared in The Times and Manchester Guardian newspapers in England; it consisted of three men, one of whom was JC Cawood, Resident Governor and Police Commissioner in Central Australia and the man who had given Murray a free hand to deal with the Brooks killers. The Board ‘almost by chance’ found that 31 had died (Cribbin 1984: 156). While there was critical reaction to this episode in southern Australia, popular sentiment was with the deeds of Murray: he was ‘the hero of Central Australia ... He rides alone and always gets his man’, proclaimed an Adelaide paper (Cribbin 1984: 165). In like manner, the Adelaide Observer praised the martyr figure, Mounted Constable William Willshire, for his bushmanship, devotion to duty, daring and efficiency (Nettlebeck and Foster 2007: 179).

Western Australia was little different, except that there was no Native Police force as such. There were numerous private massacres between the first
colonial settlement and the 1920s; the last of the official punitive expeditions, the Forrest River killings in 1926, was the only episode to result in a royal commission. The outcome was typical — the acquittal (and the promotion) of the two [regular] police officers allegedly involved in the shooting of perhaps a hundred people and the burning of many corpses (Green 1995; Elder 1998: 168–76).

Most genocides occur in short, or shortish, time frames, as with the Herero and Nama people in German South-West Africa [Namibia] in 1904–06, the Armenians, Pontian Greeks and (Christian) Assyrians in Turkey from 1915 to 1922, the Judeocide in Europe from 1939 to 1945, the Muslims in Bosnia-Herzegovina from 1992 to 1995, the Tutsi in Rwanda in 100 days in 1994. Australia was very different. Frontier massacres were erratic, episodic, sporadic, from a dozen to ten dozen dead at a time, more eliminationist than simply punitive in intent — for stealing livestock or spearing cattle ranchers, bushmen, miners and men who took Aboriginal women. Loos (2007: 24) cites the Cooktown Courier in 1878 describing ‘our present fitful scheme of haphazard little massacres’ in north Queensland. Historians, according to Broome (2001: 418–19), estimate that there were between 68 and 110 known massacre sites across a span of 124 years. (See Appendix for some 40 known massacre sites and their dates.)

The Battle of Pinjarra in Western Australia in 1834 was designated a punitive expedition. More Aborigines died at this site than in the other ‘episodes’, with some 80 Aboriginal men killed and eight women and children captured (Horton 1994: 111). Paul Hasluck was an eminent historian of race relations in the West before entering political life and later becoming Governor-General. Of Pinjarra and another punitive expedition in the north-west, he noted that ‘public opinion appeared to accept both as necessary and even praiseworthy’ (quoted in Rowley 1970: 7).

In the Burke district of north Queensland, Sub-Inspector D’Arcy Uhr, in charge of both the regular and Native Police, won applause for his ruthless reprisals for stock theft by Aborigines. In 1868 he killed 59 Aborigines in retaliation for the slaughter of several horses (Loos 1982: 36–7; see Eyewitness Accounts below). In 1884, Aborigines in the Northern Territory killed four
miners in retaliation for the taking of their women in what were known as either the Coppermine Murders or the Daly River Murders. The death toll at the hands of a private party was 150 Aborigines; despite an outcry from the southern press, the local Palmerston [Darwin] papers applauded the actions and a local board of inquiry said it could find no proof that anyone was killed (Reid 1990).

Very rarely did a colony (or state) prosecute white killers. For example, English convict Simon Freebody and four other settlers were involved in the death of two early teenage Aboriginal boys at the Hawkesbury River and were tried in Sydney in 1799. Unable to arrive at a majority verdict, the court gave them each a good behaviour bond and they were later pardoned by the English Home Secretary (Elder 1998: 10). In 1820, John Kirby, a convict working in a blacksmith shop, escaped, was captured and escorted by both officials and a small party of Aborigines. En route, Kirby attacked an important tribal leader, Burragong (‘King Jack’), who died of his wounds some days later. Kirby was convicted of murder and hanged that year (Sydney Gazette, 23 December 1820).

The most celebrated case occurred when twelve stockmen and hut-keepers murdered 28 Aborigines at Myall Creek in northern New South Wales in 1838. After their initial acquittal, Governor Gipps intervened and seven of the men were re-tried, found guilty and hanged (Reece 1974: 140–74). These executions caused huge uproar in Sydney. Alexander Harris, author of Settlers and Convicts in 1847, was convinced that these executions heightened racial strife in the area and hardened white attitudes (Reece 1974: 48): ‘The blacks were driven out of the huts ... the men and many of the masters shot them, with no more compunction than they would so many bush-dogs, in the secrecy of the bush, and left them there.’ The emotional reactions to the seven executions is still evident, shown in the angry responses to the unveiling on 10 June 2000 of a memorial to the Aboriginal victims (rather than to their killers) and the vandalising of the boulder and plaque in 2005.12

Victoria had more than a fair share of massacres and predictable outcomes. The Flying Hills and Flying Waterholes massacres in March and April 1840 resulted in over 80 killings by five brothers named Whyte and

12 The plaque reads: ‘In memory of the Wirrayaraay people who were murdered on the slopes of this ridge in an unprovoked but premeditated act in the late afternoon of 10 June 1838. Erected on 10 June 2000 by a group of Aboriginal and non-Aboriginal Australians in an act of reconciliation, and in acknowledgment of the truth of our shared history.’
several of their employees. The ostensible cause was the theft of 120 sheep by members of the Konongwootong Gunditj clan. With too many bodies to conceal, John Whyte personally reported the event to the colony’s Superintendent, Charles La Trobe. Since property was involved, the matter went nowhere: no depositions were taken and no trials were held (Horton 1994: 361–2).

Another vengeful Scot, Angus McMillan, ‘decided to teach the Kurnai a lesson in frontier law’. He and his posse of stockmen killed between 50 and 60 Kurnai in Victoria’s Gippsland. With something more than irony, McMillan later became a member of the Victorian Legislative Assembly and a Protector of Aborigines, a man the [online] Australian Dictionary of Biography describes as ‘befriending Aboriginal tribes’ and taking ‘a sympathetic interest in the welfare of the Aborigines’.

The Tasmanian story is legendary, though not always accurate. Most texts regard Truganini, who died in 1876, as the last Tasmanian. Her mother was killed and one of her sisters was abducted by seal-hunters who, together with the whaling men, were the major perpetrators of massacres in that colony. That there was genocidal intent, which sometimes failed to come to fruition, and that there was genocidal massacre, is not in scholarly dispute, except by Keith Windschuttle (2000a, 2000b, 2000c), whose two volumes (2002, 2002a, 2010) on denial have been described by accredited historians as naive, filtered, manipulated, myopic, bowdlerised, obsessed with footnotes, ‘biased and cantankerous’, ‘tabloid history’, ‘white wing populism’, ‘systematic character assassination’ and ‘an exercise in incomprehension’. There was certainly acknowledged conspiracy in that isle, much government complicity and a serious attempt at extermination: fruition or completion of the intent is not the issue, although historian Henry Reynolds (2001) insists (incorrectly) that it is. One popular misconception is that all Tasmanian Aborigines were killed and that ‘wholeness’ or ‘completeness’ was the essence of genocide; another is that since there were survivors, there couldn’t have been genocide. There was

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13 See www.adb.online.anu.edu.au

14 Among others, Bain Attwood, James Boyce, Shayne Breen, Richard Broome, Cathie Clement, Raymond Evans, Mark Finnane, Marilyn Lake, Noel Loos, Stuart Macintyre, Ian McFarlane, Robert Manne, Henry Reynolds, Lyndall Ryan, Gregory Smithers and Bill Thorpe.

15 The literature usually cites the elimination by the democratic Athenians of every living person on the island of Melos in 416 BCE as the one ‘complete’ genocide: all the
genocide, there was some rescue, there were survivors, and today there are
16,900 descendants of that era.

Protection by Segregation

Given that an estimated 500,000 to 700,000 Aboriginal population in 1788 had
been reduced by various means to an official figure of only 30,758 (or 83,588
according to some sources) at the 1911 census (Horton 1994: 889), protection was
crucial (Tatz 2003: 74–6). Settler-introduced diseases — particularly chickenpox,
influenza, measles, smallpox, syphilis and tuberculosis — radically reduced
native populations, but guns and sometimes poisons (arsenic in particular)
were the major causes of death. Historian Richard Broome (in Attwood and
Foster 2003: 96–7) warns that while ‘the statistics of frontier violence are certain
to be inaccurate’, it is likely that 20,000 Aborigines were killed Australia-wide.

Elementary protection began in New South Wales as early as 1814,
Victoria in 1837, South Australia in 1850, in Western Australia in 1844 and again
in 1886. Possibly the world’s first specific anti-genocide statute was
Queensland’s act of 1897. Earnest protection by segregation began in other
colonies: Western Australia (1886 and 1905), South Australia and the Northern
Territory (1911), and Tasmania (1912) (McCorquodale 1987). When legal
cocoons were insufficient, some attempts were made to deal with Aborigines in
their own domains but all too often they were administered on remote and large
reservations which were not their natural habitats, or confined to government-

men were killed and the women and children enslaved. Biblical writings (see Joshua
 chapters 3, 10, 11, 24, Numbers chapter 31) indicate similar fates for the Amalekites,
Canaanites, Hittites, Hivites, Perrizites, Gergasites, Jebuzites, as well as the Moabites,
Ammonites, Medinates, Edomites and all those other ‘ites’ who vanished in what is
(2008), deals with religion, history and genocides in antiquity.

Elsewhere (Tatz 1999: 11–13) I have decried the thesis that smallpox was a deliberate
genocidal weapon. The First Fleet arrived in 1788 and the major smallpox epidemic
occurred just over a year later. While the literature is replete with tales of smeared
smallpox blankets distributed to Native Americans, it seems inconceivable that the
early Fleet officials, themselves dying from a disease they didn’t understand, would be
engaging in genocidal germ warfare almost on arrival.

Victoria began an [ostensible] absorptionist policy in 1886 and New South Wales, in
time, followed that direction in new legislation in 1909. The NSW Aborigines Protection
Act of that year was suffused with some very strange notions of how to ‘protect them
against injustice, imposition and fraud’. The Board for the Protection of Aborigines
could [and did] remove people from the vicinity of any reserve, town or township,
control all people on reserves, take apprentice’s wages into their control, and assume
the ‘care, custody and education’ of all children — irrespective of parental wishes.
run settlements and church-run mission stations, some of which began as early as 1820 in New South Wales, 1839 in South Australia and Victoria, 1845 in Western Australia, 1866 in Queensland and 1886 in the Northern Territory. Some Aborigines went freely to these reserves, while others fought (politically and legally) to retain their pieces of land (see Barwick on Coranderrk in Victoria (1998)). Rarely were these almost unreachable domains — unreachable for whites, that is — Aboriginal choices or places of natural habitation. By no means all, but a great many sites in North Queensland, the Cape York Peninsula, Central Australia, Arnhem Land and the Kimberley region of Western Australia were, to use one mission society’s phrase, ‘splendidly secluded’ or, as Meston noted, ‘foolishly selected situations’ (DeMayo 1990: 53; Meston 1896: 734).

These remote locations were seen as places where ‘the Christian Church and the Government can but play the part of physicians and nurses in a hospital for incurables’. ‘All the mission can achieve for them is a kind of Christian burial service’ (DeMayo 1990: 31–2). The reality was that few of these ‘hospices’ — also said to be refuges for ‘the untouched natives’ — were places of continuing kindness and gentleness. They certainly arrested population decline but their general thrust was cultural suppression and harsh physical discipline. Thus, in many Australian landscapes, the institutions assisted in erasing the hitherto ubiquitous Aboriginal presence, corralling them into places which were both havens and reservoirs of labour for the cattle, sheep and sugar industries.

Following federation in 1901, Aborigines were essentially a state matter, and policies and practices were not uniform. Queensland’s rigid control began in 1897 and only ended in 1984 (see footnote 10) after national condemnation from many quarters, including sharp academic scrutiny by authors like Nettheim (1981). The Northern Territory, the only specifically federal jurisdiction, introduced special laws in 1911 and repealed most of them by 1971. My view of the ‘absorptionist’ policies of Victoria and New South Wales, as opposed to the avowedly segregatory practices of the other states, is that ‘absorption’ was often, and greatly, contradicted by ‘segregation’ in many walks of Aboriginal life.18 Emancipatory policy ideals about assimilation and equality

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18 I was a member of Victoria’s Aborigines Welfare Board for three years, from 1966 until its demise in 1968. Even at that relatively late date, many of the Board’s practices would have been deemed unconscionable and unacceptable had the clientele been
were announced by the federal Minister for Territories, Paul Hasluck, in 1951, and repeated in 1961 and 1965, but it took another two to three decades for the ‘protection’ statutes to be abolished across the continent. Until then, across most of the continent, Aborigines, as defined, were under legal guardianship, minors in law, specifically denied civil rights, social welfare entitlements and most of the benefits inherent and explicit in what is generally understood by the term ‘the rule of law’ (Tatz 1963, 1964a, 1964b, 1966; Nettheim 1981; Gray 2011).

What began as programs of good intention in at least four jurisdictions after 1897 soon enough turned through 180 degrees and became their converse and inverse. Contradictions abounded from the start. To keep predators out, inmates had to be kept in. Quintessentially nomadic hunter-gatherers were made both sedentary and stationary. Usually, they couldn’t leave without permission, or sell their labour in free markets. They couldn’t work for the minimum wage prescribed by Australia’s proud wage arbitration system. In the Northern Territory, one third of the Aboriginal population were born, lived and worked on cattle stations in a labour-for-rations symbiosis typical of British colonial systems; the other two-thirds living on settlements and missions received rations and a ‘pocket-money’ component of their ‘special’ wage allocation (Tatz 1964a, 1966; Rowse 1998; Gray 2011). Where remuneration was paid, the bulk of these monies went into state-run trust funds, much of which disappeared, as in Queensland (Kidd 2006; Gray 2007). Nor could ‘full-blood’ people join the essentially racist trade unions, organisations which vigorously sought Aboriginal exclusion from the earliest times.

In most jurisdictions, Aborigines couldn’t marry non-Aborigines without permission; nor could they have sex [at least in law] across the colour line. Pubescent girls were locked in dormitories to circumvent the traditional bride-promissory system. The power of elders to engage in conflict resolution or to administer tribal punishments was either limited or prohibited. Often enough white. Seven years later they would have been deemed contrary to the federal Racial Discrimination Act.

19 An idea embracing the fundamental principles of justice, moral principles, fairness and due process. It implies strict limitations on legislative power, safeguards against the abuse of executive power, ensures access to legal assistance, protects individual and group rights and liberties, and enshrines equality before the law.

20 In 2002 the Queensland government initiated a ‘stolen wages’ program (Indigenous Wages and Savings Reparations Scheme).
they were prohibited from speaking their languages. Queensland officials (and missionaries) sent ‘trouble-makers’ to even more remote penal settlements like Palm Island and Woorabinda, most often without wives and children, with no rights of appeal and no time limits on their banishment (Tatz 1963: 33–49). Exile, often to places more than 1000 km from home, was based on the flimsiest and most abbreviated of ‘reasons’, as these verbatim extracts from files indicate: ‘unemployed, menace to young girls’; ‘on discharge after serving a jail sentence’; ‘absconder from Cherbourg’; ‘unsatisfactory conduct’; ‘refuses to work, addicted to drink’. The ‘period of operation’ of the exile orders inevitably stated: ‘During Director’s pleasure’.

Use of some cultural materials and engagement in rituals and rites were often proscribed. In the Northern Territory, Aboriginal art was forbidden in a fair number of institutions (like the Methodist-run Elcho Island Mission) or, where allowed, had to be sold to the administering authorities or to the public at prices determined by officials or by missionaries in their urban outlet shops.\(^21\)

Aborigines couldn’t vote in federal elections until 1962 or in some state elections (for example, Queensland) until 1965. They couldn’t drink or have access to alcohol, or have access to firearms. In Queensland, they could be imprisoned on local settlements and mission lock-ups — for up to three weeks at a time — for crimes no other Australian could commit, such as playing cards, being cheeky, refusing to work, breaking out of a dormitory, calling the hygiene officer ‘a big-eyed bastard’, committing adultery, having a venereal disease, refusing to give faecal samples and, furthermore, breaking the bottle provided for that purpose, being untidy, and being asleep in daylight hours (Tatz 1963). In Western Australia, people were punished for being untidy, chopping down trees or wasting water. There were no appeals and there was no outside scrutiny. Eligible in theory, they were not paid their social welfare entitlements, such monies going to state treasuries, mission societies or to cattlemen who ‘maintained’ them on their properties (Tatz 1963, 1964a).

\(^{21}\) In the 1960s I bought a watercolour by the noted Keith Namatjira, son of the celebrated Albert. The back of the painting bears a certification: ‘Purchase Authorised (signed H. Leditschke) District Welfare Office, Alice Springs’, dated 10/1/62. The price was fixed at 5 pounds ($10); his works now sell for between $A1,000 and $A3,000. The authoriser was the superintendent of Hermannsburg Mission, a man I knew well.
Remote populations had no access to, and almost no involvement with, the normal civic institutions. Generally, administrators were often uneducated, mostly under-educated and untrained people who could obtain employment and status only where the clients were Aboriginal. People could and did aspire to positions in Aboriginal communities that they could never achieve had the clientele to be serviced been non-Aboriginal. Missionaries were prepared to work in locations where governments would not and so they became subsidised agencies of government. In most states they were delegated the same draconian powers as government officials and were given the authority to act as civic authorities normally do, allocating and providing employment, food, education, housing, health services, roads, airstrips, buildings, sewage, garbage disposal facilities, safe water, electricity — and justice. They had licence to govern in a way not found or allowed in Christian mission work anywhere else in the world and they were, to put it mildly, way out of their pastoral depths.

For over a century a genuine attempt at protection from predators turned into incarceration in what Canadian sociologist Erving Goffman called asylums — total institutions where ‘a large number of like-situated individuals, cut off from the wider society for an appreciable period … together lead an enclosed, formally-administered round of life’ (Goffman 1968: 11). Prisons, he wrote, were a good example but what is prison-like about prisons is to be found in institutions where the residents have broken no laws. Here, indeed, was another universe for inmates who had committed no crimes, a separated, inferior legal class of people, perpetual wards of the state (and church), geographically remote, under special laws that prescribed codes of conduct, with special private ‘courts’ in some domains; they were administered by officials, priests

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22 Only in the Northern Territory (NT) were some officials trained — by way of attending courses run by the Australian School of Pacific Administration (ASOPA), located in Sydney’s Mosman from 1947. Training of administrators was essentially for personnel working in Papua New Guinea, then a UN mandated territory under Australian control. A very small percentage of NT staff — those appointed as patrol officers — attended and had some additional lectures, ‘heavily laden with anthropology’ (of the kind taught by Professor AP Elkin at Sydney University). Of the four mission denominations operating in the Territory, only the Church Missionary Society (CMS) offered some training — at its St Andrews Hall in Melbourne, essentially for those whom CMS sent to what they considered more evangelically ‘fruitful’ foreign shores in the Pacific, Asia and Africa. [I was a guest lecturer there for several years.]

23 This unique delegation of civic authority powers to missionaries is a worthy research topic.
and police in secrecy, with visitors unwelcome and required to have a good reason, written permission and a recent (month-old) chest x-ray for entry.24

This system of a separate, overly-suspicious and fearful Aboriginal administration saved people from murder and it did arrest the decline of Aboriginal populations. But, with bitter irony, saving lives did not stop the removal of mixed-race children and it destroyed much of the fabric of Aboriginal societies. Raphael Lemkin, the Polish jurist who coined the term genocide in 1944 and who helped formulate the Convention, would have judged this incarceration as a systemic ‘destruction of the essential foundations’ of Aboriginal societies, certainly as the ‘destruction of personal security, liberty, health, dignity and even the lives of individuals belonging to such groups’ (GC Article(s) IIb, IIc; Lemkin 1944: 79). Rather than a case of what Tony Barta (1987) deems ‘structural violence’ arising out of a short-term land conflict, this was structural and institutional destruction of societies over many decades. Protection by segregation was not quite the gift Meston had in mind, namely, ‘The most beneficial act of friendship within our power to bestow’ (Meston 1896: 735).

However well-intentioned they claimed to be, the bureaucrats and missionaries engaged in administering Aboriginal lives were out of time and out of touch with world-wide shifts in race politics, particularly the changes wrought by World War II. They certainly showed no inklings about decolonisation processes in Africa and the nearer Asia. They either knew nothing, or didn’t wish to know anything, of the rules and standards of employment set down by the International Labour Organisation (ILO).25 They were unaware of or they ignored the United Nations’ doctrines and declarations on human rights, the civil rights movements in the United States and England,

24 My colleague Tim Rowse (1993: 34) disagrees with my use of this asylum metaphor. I have worked and resided for long enough and on enough of these institutions over many decades to insist on their Goffmanesque qualities in more rather than fewer cases.

25 The ILO was founded in 1919, the year in which Australia joined the organisation. Over the years, Australia ratified a number of its conventions on such matters as forced labour, equality of treatment, workmen’s compensation, equal remuneration, and discrimination. In the 1920s and 30s, several women’s organisations attacked the treatment of Aboriginal people in the West and gained press coverage while turning, unsuccessfully, to League of Nations conventions for recognition of Aboriginal rights (Haebich 2000: 326–7). Special Aboriginal laws practically ensured that none of these treaty protections applied to Aboriginal people.
the increasingly strident condemnations of racist laws and practices in South Africa, in the Southern Rhodesia that was to become Zimbabwe, and in many American states.

While Aborigines have survived almost every conceivable depredation, and today number some 455,028 people, the impacts of these strict policies, their sudden cessation in the 1970s with very little administrative support or guidance, has left many communities floundering. This all too sudden ‘autonomy’ now manifests daily in abnormally high rates of family and social breakdown, internal (and external) violence, disease prevalence and incidence, early deaths, serious educational deficits, chronic youth suicide, and incarceration in state institutions (Tatz, 1990, 2005; Cowlishaw 2004: 140–67). There is powerful evidence to sustain the conclusion that, if nothing else, these initially Meston-derived interventions — by way of segregation and protection policies — caused the inmates (and inmates they were), serious mental and bodily harm. The system protected their biological lives but assuredly destroyed their societal institutions and inevitably, much of their cultural tapestry, their ethnic, religious and linguistic integrity.

There are many who see the same outcomes from the federal government’s ‘emergency interventions’ that began in the Northern Territory in 2007, discussed later. It is doubtful whether even Meston could have arrived at such ‘solutions’ as incentive programs which only grant petrol bowsers to remote communities whose children wash their hands and brush their teeth or who can receive their legal welfare entitlements only if they ensure their children go to school.

**Forcible Child Removals — the Stolen Generations**

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26The overall figure of 503,819 is the one currently listed by the Australian Human Rights Commission. Aborigines comprise 455,028 people, Torres Strait Islanders 29,239 and 19,552 are of both of these descent groups. In the late 1960s, the federal government led the way in establishing a much wider definition of ‘Aborigines’ than the traditional arithmetic of colour which tried to define ‘full-bloods’, ‘half-castes’, ‘quadroons’ and ‘octoroons’. With improvements in the national census questions on identity, many more hitherto ‘unidentified’ Aborigines of varying descent began to define themselves. The August 2011 census will likely show a marked increase in numbers. Demographers at the Australian National University foresee a population of 830,000 by 2031 (Biddle and Taylor 2009).
Equating the killing of people with the forcible transfer of their children to another cultural domain will always provoke reaction. Child removal sits quite oddly in the Convention’s list of five genocidal acts: all of them are directly physical/biological in some way, but the children’s clause is relatively ‘peaceful’, suggesting a long-term program by which the removed children will not be able to perpetuate their physical, cultural, ethnic or religious selves. Legally, the removal must be forcible, implying some physical or psychological pressure, or coercion by way of fear or even by trickery or deception. The Greek delegate to the Convention’s drafting committee insisted on the clause, doubtless having in mind the removal of Armenian and Pontian Greek children by Turks during that genocide (1915 to 1922). He and some committee colleagues may have reflected on the two-centuries old European practice of removing Roma (Gypsy) children and placing them in psychiatric clinics, children’s homes or in foster care. The Swiss charity, Pro Juventute, was particularly adept at this practice between 1920 and 1973, and the Hungarians and Norwegians were not far behind (Bancroft 2005). They may have recalled the recent experience of the Nazi kidnapping of some 200,000 Polish, Russian and other European children for ‘Germanisation’ in the Fatherland (Nicholas 2005). Given the clandestine nature of Aboriginal administration, is most unlikely that they knew anything of child practices in Australia.

Whatever the impetus, the child removal clause was included in the Convention by the barest of margins, and so forcible child removal as such (and alone) is an act of genocide, however much many think it should not be, or at least that it shouldn’t be equated with the other stated acts. Tim Rowse and Mark Finnane (Rowse 2010) have raised the important question of whether the ‘stolen generations’ are to be considered an ‘ethical category’ — those whom Cowlishaw (2004: 214) calls ‘a conceptual category’ — who suffered one or another form of mistreatment, relocation, dislocation or separation, or individuals who were removed by force, threat or duress and taken to special institutions to be divested of their Aboriginality. My discussion focuses sharply on the latter.

Victoria began programs of assimilation, including ‘retention’ and separation of children, usually of mixed descent, as early as the 1830s, at Yarra Government Mission (1837–1839), Buntingdale Mission (1838–1848) and Merri
Creek Baptist School (1845–1851). After the Victorian *Aborigines Act of 1869*, jurisdictions around Australia assumed the power to remove children of mixed descent to absorb them either culturally or physically into the general population and so end their Aboriginality. The movement gained momentum after the 1920s and lasted a further three generations. New South Wales closed Kinchela Boys’ Home in 1970; South Australia closed Colebrook Children’s Home in 1972; the Retta Dixon Home in Darwin ceased in 1980; Western Australia closed one of its major ‘assimilation homes’, Sister Kate’s Orphanage, in 1987; and the last such mission institution in Bomaderry (NSW) shut down in 1988. For over a century, across the continent, between 20,000 and 35,000 children — often the progeny of Aboriginal women and white cattle station workers, crop-growers, miners and adventurers — were taken away.

In northern Australia, ‘yellafellas’, the common derogatory term, were embarrassments to a society desperate to maintain its whiteness and were quickly taken to institutions to extinguish their Aboriginality (Choo 2001: 143–51). Private shame led to removals becoming a cornerstone of action by state and federal administrators. Australians always assumed that their culture and colour genes were the stronger and that any degree of ‘white blood’ made Aboriginal children more likely to survive biologically and more salvageable for cleanliness, Christianity and civilisation. This was not simply an ad hoc policy of ‘misguided child welfare’.

Harsh views were expressed in Western Australia. In 1904, Father Nicholas Emo told the Royal Commission on the Condition of the Natives [chaired by Dr WE Roth] that ‘the children ought to be sent to the mission schools (where there are Sisters or Matrons), while the half-castes should be sent to reformatories’. In his opinion, ‘the half-case girls are in general of a very vicious temperament’ (Choo 2001: 144). In 1909, the Chief Protector in Western Australia, Charles Gale (1909: 7), quoted one of his travelling Protectors, James Isdell, writing from Hall’s Creek:

The half-caste is intellectually above the aborigine, and it is the duty of the State that they be given a chance to lead a better and purer life than their mothers. I would not hesitate for one moment to separate any half-caste from its Aboriginal mother, no matter how frantic her momentary
grief might be at the time. They soon forget their offspring.

It was but ‘maudlin sentiment’ to leave children with their Aboriginal mothers, he added: ‘They forget their children in twenty-four hours and as a rule [were] glad to be rid of them’ (Haebich 2000: 233).

Historian Peter Read stated on the ABC television 7.30 Report (3 April 2000) that 50,000 was the likely number of removed children. Tim Rowse (2010) deals with a number of semantic and statistical problems in the quantification of the stolen generations. But even if ‘only’ 10 per cent of children were forcibly removed, an argument postulated by several people — including former Aboriginal Affairs Minister Senator John Herron (2000) — the arithmetic doesn’t alter the precepts of the Genocide Convention. In these contexts, the word ‘only’ is both mischievous and obfuscatory: thus, six million Jews didn’t die, ‘only’ three million did, or a ‘mere’ 250,000 whom the denialists insist were [rightly] executed as criminals. Some Turkish officials concede ‘only’ 600,000 Armenians dead, but in a civil war, not 1.5 million in a genocide. In the legal definition of genocide, the matter of intent to destroy in ‘whole or in part’ is certainly not specific: we know intuitively what ‘whole’ is, but the term ‘in part’ is both unclear and unresolvable.

In 1911 the State Children’s Council in South Australia was the major body concerned with the welfare (and removal) of children. Cameron Raynes (2009: 2–13) and Anna Haebich (2000: 199) cite an ‘unequivocal statement’ of the intent to ‘put an end to Aboriginality’ or at least significant manifestations of it — such as the kinship relationships, communality and reciprocity systems, birth, circumcision and mourning rituals, earlier than ‘normal’ sexual development, and colour (if possible). The Council wrote on the proposal to remove ‘half-caste, quadroon and octoroon’ Aboriginal children, paying ‘special attention’ to the girls:

The Council is fully persuaded of the importance of prompt action in order to prevent the growth of a race that would rapidly increase in numbers, attain a maturity without education or religion, and become a menace to the morals and health of the community. The Council ... feels that no consideration ... should be permitted to block the way of the protection and elevation of these unfortunate children.
Several of the key state bureaucrats — Charles Gale and Dr Walter Roth early in the century and later, Auber Octavius Neville in the West, John William Bleakley in Queensland, Dr Cecil Cook in the Northern Territory and a few years later, William Penhall in South Australia — were educated men and were doubtless aware of the eugenicist principles prevalent and prominent in Europe and the United States (Zogbaum 2010). Ultimately, their ideas were consummated at a national summit 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 is therefore recommended that all efforts shall be directed to this end’ (Tatz 2003: 88–94). These men never defined absorption, but the kernel of their ideas was physical distance from tribal kin and, hopefully, disappearance of colour and ethnicity. These bureaucrats were part of a long Western tradition which has contended that some lives are more valuable, more worthy, than others. They were hardly the pioneers of what came to be called ‘racial hygiene’ in the early twentieth century, but their ideas go to the heart of genocidal thought and action — resorting to biological solutions to social (and racial) problems (Aly, Chroust and Pross 1994:1).

Neville presented a three-point biological plan. First, keep ‘full-bloods’ in inviolable reserves where they were destined to die out. Second, take all ‘half-castes’ away from their mothers. Third, control marriages so that ‘pleasant, placid, complacent, strikingly attractive, auburn-haired and rosy-freckled’ quarter- and half-blood Aboriginal maidens would marry into the white community. In doing so, it would be possible to ‘eventually forget that there were ever any Aborigines in Australia’ (Beresford and Omaji 1998: 30–4, 47–52). ‘The native’, he concluded, ‘must be helped in spite of himself!’ ‘Even if a measure of discipline is necessary it must be applied, but it can be applied in such a way as to appear to be gentle persuasion ... the end in view will justify the means employed’ (Haebich 2000: 259). Here, indeed, is the quintessence of Australian genocidal intent: the erasure of the Aboriginal presence, one way or another. Dr Cecil Bryan told the 1934 Moseley Royal Commission into the treatment of Western Australian Aborigines: ‘I am come to the Commission to ask that steps be taken to breed out the half-caste, not in a moment, but in a few
generations, and not by force but by science. I mean the application of the principle of the Mendelian law\textsuperscript{27} (Haebich 1988: 320).

Some of these notions became official practices. The ‘full-blood’ people in isolated reserves didn’t die out, a long-held premise of both those who had a care and concern for Aborigines and those who despised or attacked them. After 1937, some reserves were phased out but dozens of new ones were established\textsuperscript{28} and older ones reinforced by tougher regulations. Coaxed (or even coerced) Christian marriages, as proposed by AO Neville, were never going to succeed but child removal by policemen and other officials became the order of the day. Run by government staff and by mission agencies, ‘assimilation homes’ — in the form of residential schools, dormitories, hostels, welfare institutions — flourished. Several were in urban domains, some in settled rural areas, but most were in remote Australia. Western Australia has had no less than 84 such state-run institutions, another 59 run by various church denominations and seven non-denominational homes.\textsuperscript{29}

Whatever justifications were offered before 1949, there can be no justification of forcible child removal after Australia ratified the Genocide Convention in June 1949. Ultimately, the saga of the stolen generations (the term now in regular use) came into some public discussion in the 1990s\textsuperscript{30} but Peter Read’s 1981 monograph helped bring the phrase into our political vocabulary. That ‘dissociating the children from [native] camp life must eventually solve the Aboriginal problem’ was official New South Wales practice. To leave them where they were, ‘in comparative idleness in the midst of more or less vicious surroundings’, the government claimed, would be ‘an injustice to the children themselves, and a positive menace to the State’ (Read 1981: 7). Read found 5,625

\textsuperscript{27} Gregor Mendel was an Austrian monk who experimented with the self-fertilisation and cross-pollination of pea plants in the late 1850s. One result of his work came to be known as the Mendelian Law of Segregation.

\textsuperscript{28} For example, ‘half-caste’ institutions at Croker Island and Garden Point in the Northern Territory (1940); missions at Davenport, Ernabella and Umeewarra in South Australia (1937); Roelands Native Mission, Kellerberrin and Norseman (1938, 1939 and 1942 respectively) in Western Australia.

\textsuperscript{29} The list can be found in a schedule to the document Redress WA Guidelines on the internet: www.communities.wa.gov.au/Services/Redress/Documents.

\textsuperscript{30} James Savage (born Russell Moore) was taken from his teenage Victorian Aboriginal mother, adopted by a Salvation Army couple and taken to the United States where he was convicted of murder and has since spent some 21 years in prison. His case sparked considerable public interest, especially in the manner of his removal and adoption.

Windschuttle claims he examined the same material as Read and found ‘only’ 2,600 removals and most of them, he contends, were ‘teenagers boarded out for apprenticeships’. He omits to mention that they were always unpaid wards of the state who were transferred from one part of the state to another at whim, often without parental knowledge or consent. Rowse (2010) has discussed the debate about Read’s figures and methodology. However, debates about quantification in genocide context are not a key issue: the fulcrum is intent and the nature of the act(s), not raw numbers or percentages.

The Link-Up movement to find lost children, siblings and parents began in 1980 (Bradfield 1997: 13–22; Bowden and Bunbury 1990: 5). By then, finding and reuniting with removed family members had become the single-most important issue in Aboriginal life. Strident Aboriginal voices persuaded the federal Labor government to initiate an inquiry into ‘the separation by compulsion’ of Aboriginal children from their families. The word separation in the terms of reference seemed to infer that some re-uniting was once envisaged. That was never the intention: children were to be separated forever from their Aboriginality. The Eyewitness Accounts that follow below, and the numerous memoirs in bibliographies, attest to the length of time removed people spent in these institutions and the inordinate times (and obstacles) it took for them to track down their origins — in some cases well over thirty years. (The Canadian Indian child removal practices were intended for a 10- to 12-year schooling period, during which it was hoped they would be ‘Canadianised’ enough to be allowed home.)

The report, Bringing Them Home (HREOC 1997), was something of a bestseller: ‘A finding of genocide was presented: the essence of the crime was acting with the intention of destroying the group, not the extent to which that intention was achieved.’ The removals were intended to ‘absorb’, ‘merge’ and ‘assimilate’ the children ‘so that Aborigines as a distinct group would
disappear’ (HREOC 1997: 270–5). The Inquiry researchers and writers understood the Genocide Convention and its flaws and complexities, and they did take the trouble to consult on the question of genocide and its meanings. Much of the hostility to the findings has come from people who insist that genocide was, and can only be, the footage we see of Holocaust bulldozers and corpses, dismembered bodies in Rwandan streets and serried skulls in the Tuol Sleng Genocide Museum in Cambodia.

Several former officials have admitted that while the practices were based on the notion of the rescuability of ‘half-caste’ children, the removals were ‘for their own good’ and not done heartlessly. For example, Colin Macleod, a former Northern Territory public servant in the late 1950s, insists that removals were necessary because children, especially girls, were in danger of being sexually misused as ‘part-time concubines’, their offspring rejected, neglected or injured by their clan or relatives (Macleod 1997: 174–5). Boys, he claims, were at the ‘crossroads’, caught between Aboriginal community restrictions (which he called ‘incumbent problems’) and being ‘raised as Europeans with all the benefits that entailed (voting, drinking, better education and jobs)’. He posits stark choices and asserts that ‘rescue’ was the essence of the removals which he saw or was involved in: ‘Many of the children taken away were being given a chance to live and not die, to have a life beyond childhood without being permanently maimed’ (Macleod 1997: 176).

Leslie Marchant, a former Western Australian bureaucrat, insists that public servants didn’t steal children but ‘protected them and their families, as we were charged to do by law, as the records show’ (Marchant 2003: 32–4). William Rubinstein, a history professor in Australia and in Wales and author of a history of genocide, offers a quite remarkable revelation in his aptly entitled Quadrant article, ‘The Biases of Genocide Studies’ (Rubinstein 2009: 56–8). The families of those removed ‘could be described as classically dysfunctional and in a state of familial social collapse: probably illiterate, unemployable mothers who in some cases engaged in prostitution.’ The crux, he explains, is that there was ‘almost always an absent father or multiple absent fathers’. Had they been ‘full-blood’ children and removed en masse as part of ‘a deliberate centrally-directed intentional policy’, that could have been genocide. But they were ‘half-European’, ‘by-products’ of casual or paid sex and most significantly, without
fathers (or multiple fathers) and hence removed ‘to improve their life’s chances’ — and that can’t be genocide.

A widespread fallacy, even among scholars, is that motive is synonymous with intent. Motive is secondary, intent is the key. Guenter Lewy — a political scientist who is most often insightful on the Holocaust but controversial on the Armenian and Roma cases — has asked pertinently whether there can be genocide without genocidal intent (Lewy 2007: 661–74). He cites Australian historian Tony Barta’s argument that intentionality is not necessarily the defining characteristic: ‘there can be terrible destruction — genocidal outcomes — without purposeful annihilation’ (Barta 1987: 238).

The word destroy in the Genocide Convention resonates with some 50 million dead worldwide as a result of Hitler’s war against the Jews. Given the proximity of the Holocaust to the Convention, ‘with intent to destroy’ is assumed as meaning intent with male fides, bad faith, with evil intent. But nowhere does the Convention distinguish or define the kind of intent needed to commit acts of genocide. There is some strong legal argument in Australia that the reasons for the crime are irrelevant (Barta 1987; Bradfield, 1997; Tatz 1999, 2003). A pertinent legal view is that ‘it can be (misguidedly) committed “in the interests” of a protected population’ (Storey 1998: 224–31; Bradfield 1997: 44–51). The Bringing Them Home report discussed this issue and concluded that ‘mixed motives’, such as the benefits argued by men like Macleod, ‘are no excuse’ for the forcible removal of children (HREOC 1997: 273–4). Or, as the moral philosopher Raimond Gaita (1997: 21) contends, ‘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 would have to 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 world of the ‘race’ that polluted it.

Margaret Jacobs has published an important account of settler colonialism, ‘maternalism’ and child removal in the American West and in Australia (Jacobs 2009). Defenders of such practices insist that ‘good’ has come out of these practices, and that many removed children have made outstanding contributions to society as activists, professionals, writers, artists and sportspeople. Many, of course, had abysmal lives, as exemplified by Rob Riley,
the Western Australian activist and leader who committed suicide at 42 in 1996, and by Adelaide’s Bruce Trevorrow, the only successful litigant to date to receive substantial damages for child removal (discussed below). The positive outcomes are not really an issue in the context of genocide. Hindsight speculations are, in reality, pleas about needing to understand the times, the places and the deeds, appeals for mitigation, about leavening the negatives with positives, and are used, often shamelessly, as an evasion or alleviation of both responsibility and accountability.

The Politics of Amnesia — Denialism

Some Australians are understandably uncomfortable with the very idea of a genocide on home soil. Rather than deny the events, they seek to avert or deflect the charge by claiming — in the manner of some Turks — that it is all a matter of ‘historical interpretation’ and we should ‘await the verdict of history’. Given the records and testimonies available, this kind of ‘neutrality’ is hardly plausible or admirable. However, the focus here is on denialists, on those who do not grant, concede or acknowledge events as true, as with mining executive Hugh Morgan at the start of this essay; or those who contravene, impugn or contradict that which most people acknowledge; or those who offer counter-claims that turn victims into perpetrators and perpetrators into victims.

Denial[ism], argues English sociologist Stanley Cohen (2001: 12–13), is about ‘the politics of ethnic amnesia’. The common technique is quintessentially assertion and contention rather than any attempt at demonstration or affirmation of their viewpoints. Thus, historian and anthropologist Anna Haebich interviewed the victims, researched the archival documents and attributed her voluminous sources in 1,138 pages in but two of her books on family fragmentation and child removals (1998, 2000) — while Leslie Marchant penned three unsourced pages in Quadrant to claim that he, personally, protected three [unnamed] children from neglect and danger and so, he asserted, there was no child removal whatsoever in the West (Marchant 2003).
Australian denialism is replete with bizarre moral equations and wild assertions.\(^{31}\) Thus, any suggestion of theft of children against parents’ wishes is inherently ‘absurd’ (McGuinness 1999a: 2), a ‘deliberate falsification of our history’ (McGuinness 2001: 2–4) and ‘a calumny against the nation’ (Brunton 1998: 24). Even though the whole story is ‘a silly fairy tale’, removal of children was good for them; Aboriginal pluses in history outweigh the minuses and so we can delete the minuses; the ‘stolen generation myth is both racist and genocidal and is killing Aboriginal children right now’ (Bolt, Herald Sun, 19 September 2000); and, 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 1998: 15). The postulates are stark and disturbed: it didn’t happen; it couldn’t have happened; it happened too long ago to prove; it was a hoax, a monument to false memory syndrome; the facts are open to different interpretations; what happened was not genocide; it wasn’t theft of children but their rescue and protection; the earlier silence of academics makes the whole ‘story’ suspicious now; there are no moral issues involved, only the ‘mistaken’ and ‘fabricated’ facts; reports of genocide are nothing but ‘sensation-mongering’ and ‘unsupported hyperbole’; and the Bringing Them Home document revealed just how ‘well and truly the quality media has been taken for a ride’.

Denial has taken the form of historians omitting ugly history from their texts, discussed earlier. It has also come from powerful individuals like Morgan and other members of mining corporations well remembered for their antagonisms to Aborigines whose land they sought to develop.\(^{32}\) But it was the Bringing Them Home report, and the general public dismay that ensued, that led to the birth of this small but voluble denialist industry. First came the federal government bureaucrats who, in a submission to the Senate Healing inquiry in March–April 2000, denigrated the whole stolen generations issue. John Herron, then Minister for Aboriginal Affairs, defended their view, contending that since an entire generation was not removed but perhaps ‘only’ one in ten children, one

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\(^{32}\) Things have changed quite markedly this past decade, with most large companies now heavily engaged in good corporate citizenship projects that support Aboriginal endeavours.
could not use the phrase ‘stolen generation(s)’ (Herron 2000). That sophistry produced a national outcry. Later, when the esteemed Aboriginal elder Lowitja O’Donoghue told journalist Andrew Bolt that she preferred to describe herself as removed rather than stolen, the radio talk-back men, a few tabloid papers, (the late) journalist PP (Paddy) McGuinness and Prime Minister John Howard saluted the inference that if she, of all people, wasn’t stolen, then no one was. That ‘admission’, said Howard, was ‘highly significant’ (Manne 2001: 3), while McGuinness declared that this ‘revelation’ should now stop the ‘emotional orgies about a fictitious history’ (McGuinness 2001: 2–4).

From 1997 to 2007, McGuinnes edited Quadrant magazine, the repository of almost all of this denialism. The magazine proclaims itself ‘the leading general intellectual journal of ideas ... and historical and political debate published in Australia’. It enjoyed some weighty patronage during the Howard years, as did two of its main denialist contributors, Brunton and Windschuttle. Remarkably, almost all its articles are presented as opinion pieces, with nary a documented interview, a single source or reference. McGuinness styled himself and his colleagues as ‘Witnesses for the Defence’. [He was never explicit about what they were defending, but the tenor of most Quadrant articles is that ‘truth’ in history is a key issue.] Windschuttle is now the editor, a man whose self-professed role is that of ‘Historian as Prophet and Redeemer’ (Windschuttle 2002a: 9–18). In concert with a quintet of academics, a similar number of retired bureaucrats and politicians, this small coterie of journalists, quite lacking any academic, field or practical credentials in Aboriginal affairs, have postulated, *inter alia*, that the charge of genocide is either an absurdity, pedantry or mischief; an invention of white academics, some of whom, like Henry Reynolds, are arrogant and facetious, or like Ann Curthoys, are ‘red diaper babies’, or like me, exhibit a ‘disagreeable self-hatred of my Jewish identity’; Australia didn’t commit genocide by forced removal because, if we had, we would have prosecuted the crime; many or even most removals were with parental consent; ‘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

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33 Both were appointed board directors of the Australian Broadcasting Corporation, Brunton from 2003 to 2008 and Windschuttle for five years from 2006.

white children being sent to boarding school; many benefited from removal; Aboriginal leaders were assimilationists; Australia wasn’t and isn’t a racist society; Blainey’s ‘decidedly jaundiced’ academics gloss over the shameful acts Aborigines committed upon each other; since earlier anthropologists didn’t find genocide, it could not have occurred; and, as a coup de grace, those who claim that genocide occurred in Australia are ‘of Jewish background with an interest in the Holocaust’.35

Ron Brunton, then employed by a major mining lobby group, attacked the national inquiry, a report said to be ‘progressively discredited’ (McGuinness 2001). As an anthropologist, Brunton says he wished to protect the ‘standards of science’ — and he strongly believed the inquiry to be deeply flawed. He was concerned at the ‘role of suggestion in creating false memories of events that never really happened’. He castigated the failure to distinguish ‘truly voluntary’ and ‘coerced’ removals. He asserted that my ‘silence’ on genocide over the years made it look suspicious that I — ‘the doyen of genocide studies’ — ‘suddenly’ use the word. Had I spoken out earlier, this ‘certainly would have brought a very rapid end to the supposedly genocidal practices’. Aware of, but not versed in, the Genocide Convention, he rails against the ‘elasticity’ of the crime, at being asked to equate misguided child welfare with the skeletons hanging off the wire at Auschwitz and Belzec. His argument is that if the latter is genocide, the former simply cannot be. He made the serious suggestion that bipartisan support should be mobilised to force the HREOC authors to apologise for an ‘irresponsible calumny against the nation, and for trivialising the concept of genocide ’ (Brunton 1998: 24).

Anthropologist Kenneth Maddock quoted the 1986 Australian Law Reform Commission report on Aboriginal customary law as saying something it should never have said — that ‘genocide is restricted to forms of physical destruction’. He pointed to the ‘significant silence’ of anthropologists who never mentioned genocide and talked of the ‘absurdity’ of imputing evil to the Aboriginal authorities in Darwin. Besides which, his three academic acquaintances who worked with these very authorities — Tatz, ‘the outspoken

political scientist’, the prehistorian 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’ (Maddock 1998, 2000).

An array of conservative critics refuted genocide and/or the gloom and mourning pervading Aboriginal colonial history. Some are reputable academics like historian Geoffrey Blainey, British political philosopher Ken Minogue, the Chilean historian and sociologist Claudio Veliz, the historian William Rubinstein, and the late anthropologist Ken Maddock. Keith Windschuttle, a former lecturer in social policy and media studies, is in another class as a denialist, contriving by massive and indefatigable industriousness to build a case that 20,000 Aborigines killed and some 35,000 children removed is all fabrication by men and women operating under an ‘academic mask of respectability’. He never enquires, explains or even suggests why, or how, these otherwise reputable men and women, praised nationally and internationally for their meticulous research, have somehow collaborated and conspired in such blatant and deliberate falsification, or worse, concoction. Nor does he explain why so many Aborigines couldn’t find family and why groups like Link-Up began a concerted search for missing parents and siblings. Nor does he explain how and why Tasmania and Western Australia have been ‘conned’ into a minor form of reparations for these actions. He has the distinction of having an 18-authored, 365-page book published in refutation of his ‘fabrications’ (Manne 2003). A further distinction lies in the book by Windschuttle’s acolyte, John Dawson (2004). It purports to rebut the Manne rebuttal by categorising the writings of the conventional historians in chapter headings like ‘the catches, the fabrications, the rationalisations, the fictions, the chorus, the fallacies and the fantasies’.

Some denialists are anonymous public servants, the men and women who advised Herron as Minister and who castigated the whole child removal saga. Some are or were senior politicians — John Howard, John Herron, John Stone, the late Peter Howson, former Governor-General Bill Hayden, and former state 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. Ex-Tasmanian Premier Ray Groom
contended that there had been no killings in the island state so renowned for its exterminatory history — making him, in effect, Australia’s foremost genocide denialist in the early 1990s.

A belligerent journalistic group attacked and still attack the Bringing Them Home report: Michael Duffy (2000), (the late) Frank Devine (2003), Christopher Pearson, (the late) Padraic McGuinness, Piers Ackerman and Andrew Bolt (2006). McGuinness and Bill Hayden, who served on the board of Quadrant, described the entirety of Bringing Them Home as a hoax. Duffy, foreseeing Australia as the ‘world’s next white pariah’ [after South Africa] as a result of the report, contended that there was ‘little truth in any of this’ (2000). Hayden saw it as the ‘use of victimhood as some sort of heavy waddy [club] for punishing the guilty mass’. Furthermore, the inquiry exercise showed ‘the extraordinary display of legal gullibility by Sir Ronald Wilson’ [the former High Court judge who headed the Inquiry] (Sydney Morning Herald, 12 October 2000). Devine talked of ‘frail wisps of evidence’ and ‘manufactured’ case studies (The Australian, 15 January 1998). McGuinness considered ‘truth, sentiment and genocide’ as ‘a fashion statement’ and the ‘whole Wilsonian edifice’ of Bringing Them Home as being ‘built on sand’(Sydney Morning Herald, 14 September 2000). In his attack on historian Henry Reynolds, Keith Windschuttle labelled the ‘alleged’ physical killing as the ‘myths of frontier massacres’ and as ‘the fabrication of the Aboriginal death toll’.

One of Australia’s most senior public servants turned politician, John Stone, declared that all this was but the ‘misplaced remorse’ of Australians and the ‘well-groomed pseudo Aborigines ... whose sole personal achievement has been to climb aboard the lushly-funded gravy train while holding out their hands for even more gravy’, now part of the political culture (Australian Financial Review, 2 February 1995). In the same vein, Andrew Bolt penned almost identical views on ‘white-skinned’ Aborigines posing as ‘real’ Aborigines for financial gain — only this time there were major consequences and repercussions.36

36Bolt’s Herald Sun material appeared early in 2011 and Pat Eatock, one of the allegedly ‘non-Aboriginal’ members of the group defined by Bolt, took the matter to a Federal Court. Justice Bromberg declared (in September 2011) that Bolt’s two articles breached the Racial Discrimination Act because his attack was ‘calculated to offend’, ‘inflamed
In 1994 Windschuttle published *The Killing of History*. This book — a concerted attack on structuralism, cultural relativism and postmodernism — stoutly defended traditional history, especially that of Charles Rowley and Henry Reynolds. By 2000, he had suffered an acute and total 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, journalist Frank Devine, Brunton 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’. The ‘numbers game’, echoing the first clumsy effort at Holocaust denial, has finally reached ‘the fatal shore’: it would seem that killing 10,000 Aborigines is half as bad as killing 20,000, or isn’t really that bad since lesser numbers somehow indicate ‘skirmishes’ rather than genocidal massacres.

From time to time, one or another specific massacre — such as at Forrest River — is denied. Journalist Rod Moran (1999, 2002, 2002a) is said to have alerted Keith Windschuttle to the ‘corruption’ of the nation’s past by historians, especially on the facts of the Forrest River ‘story’. Windschuttle has written extensively and industriously (in his privately-owned Macleay Press) about ‘the fabrication of Aboriginal history’ in Tasmania and elsewhere, concentrating his efforts on what he calls the lack of integrity and the mistaken or dubious footnotes of several historians to sustain his case (Windschuttle 2000a, 2000b, 2000c, 2002a, 2010, 2010a). If any form of gross violence occurred, he argues in his first volume, it was somehow warranted by the behaviour of the natives: ‘The actions of the Aborigines were not noble: they never rose beyond robbery, assault and murder’. He concludes that ‘their principal victims were themselves’ (Windschuttle 2002: 130).

negative views’, ‘omitted crucial information and was full of errors’ (*Canberra Times*, 29 September 2011). The shadow Attorney-General, George Brandis, claimed that a Liberal Coalition government would repeal s.18(c) of the *Racial Discrimination Act* because there is no room in our society for a law prohibiting vilification and incitement to racial hatred (*The Age*, 30 September 2011). Bolt cried foul at the decision, claiming denial of his right to free speech. The late Justice Lionel Murphy phrased it well in 1973 when he said that ‘free speech is only what is left over after due weight has been accorded to the laws relating to defamation, blasphemy, copyright, sedition, obscenity, use of insulting words, official secrecy, contempt of court and parliament, incitement and censorship’ (Scutt 1987: 188).
Historian Geoffrey Blainey is not a denialist in this vein. He has now backtracked on the Black Armband view of history, a phrase that so enamoured Prime Minister Howard. His remarkable disclaimer is that it was never anti-Aboriginal in the first place; he was referring, he said, to such matters as the environment, for which he was and is in mourning and, Australian rules football fan that he is, he insists that his metaphor was born out of the practice of these footballers wearing a black arm stripe when someone connected with the game dies (The Australian, 13 November 2000).

Why the denials? Robert Manne, who has devoted many years to a study of the stolen generations, published his essay In Denial: The Stolen Generations and the Right in 2001 (Manne 2001). In a forensic counter to McGuinness and his team, he dissected their claims and assertions. 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 right-wing and populist resistance to discussions of historical injustice and the Aborigines’. 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’ — hence the imperative to destroy that story.

I share Mannes’s point but I also contend that denialism is centrally about the place of morality in Australian politics. It is either a promotion of an especial Australian moral gene, in which there is, by definition, no place for genocidal thoughts or actions, or it is an attempt to excise morality from political considerations — to create an a-moral, economically-centred body politic. I’m not quite sure which it is, and it may turn out to be both.

Motives also lie in an Australian insecurity about who and what we are, and where we are — a small number of predominantly white, Christian people surrounded by hundreds of millions of non-Christian Asians. The assimilationist tradition is powerful: we need to feel and to be seen as one, and in such oneness there isn’t room for counter cultures, let alone for divergent views of our history. We don’t see ourselves as ‘having a history’ in any pejorative sense, only Gallipoli in a ‘good’ sense. Aboriginal nationalism, with its insistence on a preceding and parallel past and an unequal present, is disturbing, even distressing, a threat to a nation worried about fracturing, about
cracks appearing in the temple of homogeneity. The nineteenth-century belief that Aborigines were dying out, or would die out, is an enduring one. Many would prefer that it endure for ever. We need to be seen as ‘genuinely benevolent’; we want noble origins, to feel that we are in a ‘good’ country, one dedicated to both the belief and the practice of egalitarianism, a nation born of, but distinct from, the class society which lingers on in Great Britain. Raymond Evans and Bill Thorpe have successfully dissected Keith Windschuttle’s ‘massacre of history’, his ‘bowdlerised, myopic version of Australia’s past’. They conclude that for Windschuttle and the other Quadrant ‘defence team’, the real history is ‘intensely disconcerting’, leading to a preference for ‘an unsullied Union Jack proudly flying over the Australian continent’ (Evans and Thorpe 2001: 21–39).

Several Australian academics have spent a great deal of time, pointless time for the most part, explaining that what Windschuttle says is not ‘good’ history is in fact good history. They bandy the term genocide like a shuttlecock, but don’t tackle the ingredients of, and factors in, genocide as such; they tend to shy away from the intellectual frameworks and templates established by Holocaust and Armenian genocide history, from the concepts and precepts of genocide studies, now a major discipline. In sum, they don’t travel the long, grim and difficult path toward genocide. They don’t get ‘inside’ genocide, its history, contexts, intentions, methods, outcomes, impacts, matters of accountability and responsibility; rather, they tend to latch on to this legal term as a handy label that their readers will be attentive to or readily understand from popular imagery. What is useful is not so much finding echoes and analogies from a few cases, but analysing similarities and differences in relatively similar contexts to arrive at the essences involved.37 Chasing down Australia’s genocide through Holocaust prisms is hardly a useful or fruitful exercise. There are no short cuts to the historical phenomenon of genocide, one that begins in written history somewhere around Sparta and Carthage and is still with us in

37 A valuable guide to the present state of genocide studies, and some of its attendant problems, is the special edition of Genocide Studies and Prevention: An International Journal, volume 6, number 3, December 2011. The theme is 60 Years after Ratification of the Genocide Convention: Critical Reflections on the State and Future of Genocide Studies. There are two (separate) Australian perspectives in this edition: one by Dirk Moses, one by Colin Tatz.
the Democratic Republic of Congo, and the Darfur, South Kordofan and Nuba Hills regions of Sudan (Kiernan 2007; Totten and Parsons 2012).

Discussion follows on admissions of culpability about child removal. But at this point we should note the apologies by all police services, apart from Queensland, for their involvement. Given the abysmal history of police–Aboriginal relations since the days when most policemen across Australia were the harsh ‘Protectors’ of Aborigines — thus exposing them to a degree and in ways unprecedented in Western colonial history — one has to ask what exactly, apart from truth, persuaded these ultra-conservative, ever-defensive and fortress-mentality organisations to engage in public *mea culpa*? Are they, too, fabricators not only of Aboriginal history but of their own involvement, guilt and belated regret?

**The Politics of Apology — Admissions, Regrets, and Law Suits**

What kind of justice is there for victims of genocide (rather than victims of racial discrimination and repression)? In the long and half-made (perhaps unmade) road towards some moral standard, one which includes the distinguishable victims as part of the destruction, an admission of responsibility by the perpetrator is a start, if not the start. The Australian path has been lamentable.

The prevailing tenor in the 1990s and early 2000s was that the present generation cannot be held guilty, or responsible, for the misdeeds (if any) of our forebears. The first public admission by a senior government figure was made in 1992. Prime Minister Paul Keating’s speech in the Sydney suburb of Redfern admitted the taking of their traditional lands, the murders, dispossessions, the alcohol, diseases, the taking of children from their mothers, the smashing of traditional life and their exclusion from society and its benefits (Moores 1995: 377–82). Between 1997 and 2000, state and territory governments (except the Northern Territory), most police departments, churches, mission societies, city and shire councils proclaimed both sorrow and apology for general treatment of Aborigines and, on occasion, for specific forcible removals of children.\(^{38}\)

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\(^{38}\) The ACT government apologised on 17 June 1997; the NSW government on 18 June 1997; Queensland on 26 May 1999; South Australia on 28 May 1997; Tasmania on 13 August 1997; Victoria on 17 September 1997; and Western Australia on 27-28 May 1997.
Bringing Them Home was published in April 1997. Within a month, some states were apologising (Healing 2000: 129–38). In May, South Australia said sorry for ‘the mistakes of the past’, regretting ‘the forced separation of some Aboriginal children’. Mistakes ‘include any relevant actions of South Australia Police’. 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 laws and endorsing policies which produced such grief. In May 1998, the NSW Police Commissioner offered an apology on behalf of his Service. In June 1997, the ACT Legislative Assembly apologised for the hurt and distress for something that was ‘abhorrent’ — ‘the past policies of forced separation’. There was no record of removals in the ACT and the parliamentary motion was a symbolic gesture.

In August 1997, Tasmania’s parliament regretted the ‘removed children’; in September that year, Victoria apologised for children ‘removed from their families’ and expressed ‘deep regret at the hurt and distress’ caused. The Police indicated that enforcing policies ‘that now are acknowledged as racist’ is a ‘significant cause of distrust of police’. In May 1999, the Queensland government apologised for the ‘Indigenous children [who] were forcibly separated’, but the Police Service did not. 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 1998, the Northern Territory Legislative Assembly debated a motion which included a swipe ‘at the empty-apology option’ taken by other parliaments. The Chief Minister of the Territory had earlier told the national inquiry that the Territory government was not party to child removal [it wasn’t because that government didn’t exist at those times] and that apology and compensation ‘are matters for Commonwealth consideration’.

In November 2000, the Senate Legal and Constitutional References Committee produced its report on the federal government’s implementation of the recommendations made in the Bringing Them Home report (Healing 2000). It recommended a ‘Motion of National Apology and Reconciliation’, a ‘gesture of good faith’ by the Northern Territory parliament, and the establishment of a ‘Reparations Tribunal’. This committee of the national parliament had spent a
year travelling across the country, interviewing over a hundred witnesses, and receiving numerous written submissions from churches, government agencies and Aboriginal individuals and organisations. It produced compelling evidence as to why the conservative federal government should do what it had steadfastly refused to do. (There were two dissenters.)

The Coalition government, in office from 1996 to 2007, was adamant that were the nation to say sorry it would open the way for costly compensation claims. Nor, said Prime Minister John Howard, could he apologise on behalf of migrant groups who had had nothing to do with these events. He told talkback radio man John Laws that he wanted Australians to ‘feel relaxed and comfortable about their past’, he didn’t wish to wake up each day to hear that Australia has had ‘a racist, bigoted past’, and, accordingly, he would attempt a national school history program that accentuated ‘positive achievements’ (Radio 2UE, 24 October 1996; Sydney Morning Herald, 25–26 October 1996). Despite his offer of a personal apology, his government was adamant about any official acknowledgment of these events (Tatz 2003: 164–70). Of note was the Quadrant view. In an editorial, McGuinness argued that because his colleague Christopher Pearson believed that ‘the Coalition has suffered a considerable loss of moral authority as a result of the issue’, it was timely for Howard to offer a national apology (McGuinness 1999).

The Australian Labor Party won the November 2007 election and Prime Minister Kevin Rudd set about a national apology. On 13 February 2008, the nation came close to a standstill as the national apology was televised from federal Parliament for several hours. Some of the wording is general but there are specific references to the children (Hansard, 13 February 2008: 167–73):

We apologise for the laws and policies of successive Parliaments and governments that have inflicted profound grief, suffering and loss on these our fellow Australians.

We apologise especially for the removal of Aboriginal and Torres Strait Islander children from their families, their communities and their country.

For the pain, suffering and hurt of these Stolen Generations, their
descendants and for their families left behind, we say sorry.

To the mothers and the fathers, the brothers and the sisters, for the breaking up of families and communities, we say sorry.

And for the indignity and degradation thus inflicted on a proud people and a proud culture, we say sorry.

This was grand theatre, made much more so by the intransigence of the former government. When state and local governments apologised years earlier, the press notices were there, recognised but somewhat muted. The delayed and therefore much-awaited national apology was climactic and, in a real sense, a *tremendum* in the national psyche.

A dramatic day — but everyone was happy enough that the rider to the apology was that there would be no reparations. That kind of money, said the government, could be better spent elsewhere. Human rights lawyer Andrea Durbach has well described the saga of reparations in the widest sense as ‘splintered efforts’ to remedy gross human violations — ‘sporadic, piecemeal and devoid of any national conviction’ (Durbach 2008).

The question raised earlier about worthiness as victims comes to mind in this particular context: what can be said about people who are acknowledged as victims but who are not considered ‘appropriate’ recipients of any restitution? Ironic, perhaps, but the state of Tasmania initiated financial reparation. In November 2006 the Tasmanian Parliament passed the *Stolen Generations of Aboriginal Children Act*. In January 2008, the Premier Paul Lennon declared that while ‘cash is a mere gesture’, the lives of 106 claimants had been ‘deeply affected by this flawed policy of separation’ (*The Australian*, 29 January 2008). Of the 106, 84 were paid approximately $A55,000 each and each family of deceased claimants received approximately $A4,700. Western Australia established *Redress WA* in 2008 to acknowledge and apologise to adults, who as children, were abused and/or neglected while they were in the care of the state. Written applications were sought for *ex-gratia* payments, adjudicated by a panel on a scale of severity of the abuse. No specific sums were indicated but an idea can be gained by the figures of $A5,000 to $A10,000 in the event of death before the adjudication. The Redress program lapsed in September 2011.
The Australian public was more generous in spirit. Many more people accepted the *Bringing Them Home* findings than rejected them (HREOC 1999: 27–47). Hundreds of thousands were prompted to sign ‘sorry books’ located in public places; thousands stood in queues to listen to removed children telling their stories; many more thousands planted small wooden hands on lawns and beaches signifying hands up to guilt or sorrow; and yet more thousands marched in solidarity across major city bridges. The first national Sorry Day was held in 1998 (and thereafter commemorated every 26 May). From inception, the National Sorry Day Committee has worked assiduously to have the *Bringing Them Home* recommendations implemented and for Stolen Generations history to be incorporated into school syllabuses across the country.

Several stolen generation groups have resorted to civil law in search of recognition of their experience and compensation for their usually troubled lives. Two dozen cases have been heard in various jurisdictions. Most have focused on sexual assaults while incarcerated, or on breaches of fiduciary care, arguing that state or territory administrations had, by removing them, not cared for them appropriately. Most have lost on technicalities and several have cost enormous sums (Cunneen and Grix 2004). But it is important to note that not one case has sought to establish directly that Australia bound itself to the Genocide Convention in 1949 and that forcible child transfer is the essence of GC Article II(e).

The Howard federal government spent between $A15 and $A20 million defending one case alone (brought by Lorna Cubillo and Peter Gunner, both removed at age 8) in the Northern Territory (Rush 2008: 30). Even though the plaintiffs lost the case on a technicality, *Quadrant* writers openly celebrated the result as victory for those who had always said Australia was ‘not guilty’ (Meagher 2000; Bennett 2000). On 1 August 2007, South Australia’s Supreme Court awarded Bruce Trevorrow $A525,000 (and a further $A250,000 in interest) for being treated unlawfully and falsely imprisoned when he was removed from his mother and handed to a white family in 1957, aged thirteen months. Following his decease in 2008, the South Australian government appealed the verdict, claiming it didn’t want the money back, only ‘clarity’ on points of law. In March 2010 the full court rejected that appeal.
Tellingly, Howard’s refusal to apologise lest it open such legal doors was always in vain. There has been no shortage of complainants and the significant Trevorrow case has perhaps opened more legal avenues of restitution than can be accommodated by a limited and (doubtless tokenistic) reparations program.

Elazar Barkan (2000) has dealt eloquently with *The Guilt of Nations*, the matter of restitution and the negotiating of historical injustices. Australia has now moved, as have other Western states, to a willingness to acknowledge the past, even the recent past, but it has yet to arrive at the logical consequence of that position — that the victims deserve consideration. Roy Brooks, an esteemed American law professor and author of numerous books on atonement and forgiveness, has edited a pertinently titled book, *When Sorry Isn’t Enough* (1999). He doesn’t have an Australian chapter, but he may well have one in his next edition. Most removed children I know have moved beyond their original goals: to find family, and to have the authorities acknowledge that something happened to them. As they find out more about the injustices, and as their frustration increases at our poor record of negotiating them, so action will increase for exemplary and penalty damages.

**Eyewitness Accounts — The Killings**

A long tradition in genocide and Holocaust studies has been to seek key evidence of events in written records. Looking for ‘smoking gun’ documents has preoccupied many a scholar, an activity which presupposes that every *genocidaire* wrote or dictated his intentions, entered his daily diaries or later, wrote his memoirs. This has very rarely happened. On the other hand, the *Akayesu case in Rwanda*39 has helped liberate some of the constraints imposed by the Genocide Convention: the International Criminal Tribunal for Rwanda (ICTR) declared that it is possible to deduce a genocidal intent in a particular act from the general context of other culpable acts directed against a particular community, in short, evidence from the circumstances. In Australia there is more than enough material in ‘the general context’ of other culpable acts to deduce both mental intent (*mens rea*) and the overt act (*actus reus*).

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39 The Prosecutor v Jean-Paul Akayesu, ICTR, 1998, Case No. ICTR-96-4-T.
In 1973, discussing evidence of the Armenian genocide, Richard Hovannisian, professor of History at the University of California, said: ‘Eyewitness accounts of decisive events may be as valuable as official dispatches and reports. It is in such versions especially that the human element becomes manifest, affording insights not to be found in documents’ (Totten, Parsons and Charny 1997: xxvi). Obviously the value of such accounts depends in large measure in the manner in which they are collected and presented. I have selected extracts from published accounts and leave it to readers to make their own appraisals of the materials presented.

Aboriginal societies traditionally had no written language as such and in the nineteenth century they provided few accounts of their lives and times in English, especially on the frontier, although some drawings and paintings attest to events. They had, and still have, an extraordinary oral history tradition, and even the youngest of children imbibe, remember and discuss clan history. Direct survivor testimony of the early killing eras is rare, and we rely on comments by a handful of perpetrators, a few sympathetic whites, some of whom lived with or among tribes, official investigators like Archibald Meston, memoirs of early surveyors, settlers and squatters, and of newspaper correspondents who filed reports within days of events. In short, this is outside history, the record and aggregate of past events, the chronicle of what has befallen Aborigines, with good and mostly bad faith. The reservoir of accounts is fairly substantial, the detail often unreadable. There was no strict chronology of killing, no systematic or schematic violence within short time frames as with most other genocides, and so the extracts here from events in the colonies indicate the haphazard nature of our little and not so little massacres. (In 1961, at Yuendumu settlement in the Northern Territory, I met two survivors of the 1928 Coniston massacre: they pointed to bullets still lodged in their thighs but language, and a need for quietude over a cigarette or two precluded any discussion of those events, let alone an interview.)

Like survivors of other genocidal events, there is almost always a long gap between the actual experience and the readiness, and willingness, to set down one’s life story. Even as late as 1982 I was lamenting that ‘for Aborigines the ultimate indignity is the sovereignty of those who control the gathering and dissemination of the written and spoken word concerning their situation’ (Tatz
1982: 10). With the emergence of a vigorous emancipatory identity movement in the late 1960s, Aborigines who had been forcibly removed, incarcerated, adopted or fostered began to reclaim their lives and families. From the mid-1970s, people began to speak on their own behalf, to begin writing their *inside* history, that is, the personal and internal ingredients of their lives, the agonies and the joys, their outlooks and idioms. By the 1990s there was a sufficient body of Aboriginal writing and speaking to constitute a powerful literature on their specific removal experience and its impacts.

*The Frontiers: 1816 to 1897*

Indiscriminate killing was occasionally mixed with regret and apology. Elder (1998: 25) has discussed the massacres in the Appin–Cow Pastures–Bringelly district south of Sydney and the journal entry of Captain Wallis of the 46th Regiment, dated 17 April 1816:

A little after one o’clock a.m. we marched. Noble joined us, and led us where he had seen the natives encamped. The fires were burning, but deserted. We feared they had heard us and were fled.

A few of my men who wandered on heard a child cry. I formed line ranks ... the dogs gave the alarm and the natives fled over the cliffs. A smart firing now ensued. It was moonlight. The grey dawn of the moon appearing so dark as to be able early to discover their figures bounding from rock to rock.

Before marching from Quarters I had ordered my men to take as many prisoners as possible, and to be careful in sparing and saving the women and children. My principal efforts were now directed to this purpose. I regret to say some had been shot and others met their fate by rushing in despair over the precipice. I was however partly successful — I led up two women and three children. They were all that remained, to whom death would not be a blessing.

Twas a melancholy but necessary duty I was employed upon. Fourteen dead bodies were counted in different directions ...
This succinct comment appeared in the *Colonial Times and Tasmanian* of June 1832:

... the custom that has been almost universal among certain Settlers and their servants whenever the Natives have visited their neighbourhood, to consider the men as wild beasts whom it was praiseworthy to hunt down and destroy and the women as only fit to be used for the worst of purposes. The shooting of blacks is spoken of as a matter of levity (Elder 1998: 41).

George Augustus Robinson, a controversial Englishman, attempted to conciliate the Tasmanian Aboriginal–settlement ‘Black War of 1827–1830’. He wrote:

They have a tradition amongst them that white men have usurped their territory, have driven them into the forests, have killed their game ... have ravished their wives and daughters, have murdered and butchered their fellow countrymen; and are wont whilst brooding over these complicated ills in the dense part of the forest, to goad each other on to acts of bloodshed and revenge for the injuries done to their ancestors and the persecutions offered to themselves through their white enemies (Plomley 1966: 88).

In 1835, Henry Melville, a respected author and editor, published *The History of Van Diemen’s Land [Tasmania] from the Year 1824 to 1835, Inclusive, During the Administration of Lieutenant-Governor George Arthur*. He summarised events:

These poor bewildered creatures have been treated worse than were any of the American tribes by the Spaniards. Easy, quiet, good-natured and well-disposed toward the white population they could no longer brook the treatment they received from the invaders of their country. Their hunting grounds were taken from them and they themselves were driven like trespassers from the favourite spots for which their ancestors had bled and been claimed by conquest ... The stock-keepers may be considered as the destroyers of nearly the whole of the Aborigines — the proper, legitimate owners of the soil: these miscreants so imposed upon their docility, that at length they thought little or nothing of destroying
the men for the sake of carrying to their huts the females of the tribes; and if it were possible ... to record but little of the murders committed on these poor harmless creatures it would make the reader’s blood run cold at their recital (quoted in Elder 1998: 29).

At this very time, in May 1836, Major Thomas Mitchell, Surveyor-General of New South Wales, together with his convict retainers, met with Aborigines along the Darling River. Mitchell had a reputation as a brutal man; and despite orders from the government not to use arms against the Aborigines, he did so, openly. He reported in his Three Expeditions into the Interior of Eastern Australia: With descriptions of the recently explored region of Australia Felix and of the present colony of New South Wales:

Attacked simultaneously by both parties ... [Aborigines] betook themselves to the river; my men pursuing them and shooting as many as they could. Numbers were shot in swimming across the Murray, and some even after they had reached the opposite shore, as they ascended the bank. Among those shot was the chief (recognised by a particular kind of cloak he wore, which floated after he went down). Thus, in a very short time, the usual silence of the desert prevailed on the banks of the Murray, and we pursued out journey unmolested (quoted in Reece 1974: 120).

Some years later Mitchell recorded his feelings: ‘I still look back upon that eventful day with entire satisfaction’ (Elder 1998: 67–8, quoting Cumpston 1954). Elder notes that Mitchell’s ‘satisfaction’ was enhanced by his naming of a nearby hill — Mount Dispersion.

William Hobbs, an overseer at Henry Dangar’s Myall Creek Station in northern New South Wales, stated that ‘the Aborigines at Myall Creek were harmless and would have been allowed to live, but success having attended the first two massacres, the murderers grew bold; and in order that their cattle might never more be “rushed” it was resolved to exterminate the whole race of blacks in that quarter’ (Reece 1974: 42–3). Hobbs wrote a letter from Peel’s River to the legal authorities in July 1838:

Sir, I beg to acquaint you that about a month since I had occasion to leave
Mr Dangar’s Station on the Big River for a few days. On my return I saw near the Hut the remains of about thirty Blacks principally Women and Children. I recognised them as part of a tribe that had been at the Station for some time and who had since they first came conducted themselves in a quiet and proper manner, on making inquiry I was informed that a party of white men had come to the Station who after securing them had taken them a short distance from the Hut and destroyed nearly the whole of them (Millis 1995: 322).

Police Magistrate Edward Day investigated the murders and captured 11 of the 12 murderers. In 1839 he reported to the Committee on Police and Gaols (Votes and Proceedings, 1839):

> It was reported to me, and I believe truly, that the blacks had repeatedly been pursued by parties of mounted and armed stockmen assembled for the purpose, and that great numbers of them had been killed at various spots at Vinegar Hill, Slaughterhouse Creek, and Gravesend, places so called by the stockmen, in comemoration of the deeds enacted there (quoted in Reece, 1974: 43).

FJ Meyrick’s 1939 memoir records Henry Meyrick settling in South Gippsland, Victoria in 1846. Notes in Life in the Bush record the massacres of the Kurnai tribe, which began in 1840. Henry protested at every station he visited ‘but these things are kept very secret as the penalty would certainly be hanging’ [a reference to the execution of the Myall Creek murderers in 1838]:

> The blacks are quiet here now poor wretches. No wild beast of the forest was ever hunted down with such perseverance as they. Men, women and children are shot whenever they can be met with ... They will shortly be extinct. It is impossible to say how many have been shot (quoted in Gardner 1993: 34).

He believed the figure was 450. Gardner suggests that this was too high a number but concludes that between 700 and 800 Kurnai were killed between 1840 and 1846.

Evidence of poisoning is rarer when compared to the evidence of shooting. Nevertheless, in the 1840s, some squatters [men who, with or without
permit or lease, grazed stock on Crown land] came to call their gifts of rations to Aborigines as death puddings, a mix of flour and arsenic or strychnine. In 1885, Harold Finch-Hatton, English politician and Australian federationist, wrote:

The rations contained about as much strychnine as anything else and not one of the mob escaped. When they woke up in the morning they were all dead corpses. More than a hundred Blacks were stretched out by this ruse of the owner of Long Lagoon (quoted in Evans, Saunders and Cronin 1988: 49).

An old Aborigine recalled the events at Kilcoy: ‘That blackfeller been eatim damper. Then plenty that been jump about all the same fish, when you catch im, big mob been die — him dead all about.’ James Demarr — in his Adventures in Australia Fifty Years Ago: Being a record of an emigrant’s wanderings through the colonies of New South Wales, Victoria and Queensland during the years 1839–1844 — records the poisoning of an unspecified number near Laidley in the 1840s, while both Tom Petrie and Edgar Foreman give evidence of arsenic placed in food, killing “fifty or sixty” at Whitesides Station on the Upper Pine River’ (Evans, Cronin and Saunders 1988: 49–50).

In 1857, eleven whites, including eight members of the Fraser family, were killed by Yeeman tribes-people in the Upper Dawson River area of Queensland. The chief avenger was Billy Fraser, away from home at the time of the killings. By March 1858, some 150 Aborigines had been killed in retaliation. In his very short and unpublished autobiography, George Pearce-Serocold, a retired naval lieutenant, wrote:

When the news of the Hornet Bank massacre went around the district, all the squatters turned out and the Native Police from different tribes acted with us, and a considerable number were shot. It was necessary to make a severe example of the leaders of the tribe, and about a dozen of them were taken into the open country and shot. They were complete savages ... and were so much alike that no evidence could ever be produced to enable them to be tried by our laws. These men were allowed to run and they were shot at about thirty or forty yards distant (quoted in Elder 1998: 145).
On 9 June 1868, the Burketown correspondent to the *Brisbane Courier* gave this account:

I much regret to state that the blacks have become very troublesome about here lately. Within ten miles of this place they speared and cut steaks from the rumps of several horses. As soon as it was known, the Native Police, under sub-inspector Uhr, went out, and I am informed succeeded in shooting upwards of thirty blacks. No sooner was this done than a report came in that Mr Cameron had been murdered at Liddle and Hertzer’s station, near the Norman, Mr Uhr went off immediately in that direction, and his success I hear was complete ... there was one black who would not die after receiving eighteen or twenty bullets, but a trooper speedily put an end to his existence by smashing his skull (Loos 2007: 21).

Meston’s short but devastating account of his investigation of the north Queensland frontier is vital (Meston 1896: 722–35). He laid bare the appalling conditions. ‘Twenty-five years ago the country from Newcastle Bay to Cape York was occupied by five large tribes ... a total of about 3,000 of all ages. Today the tribe which held the country from Somerset to Cape York is extinct, and the others probably represent no more than 100 survivors. Such has been the effect of contact between the races in that one locality.’ He excoriated Aboriginal treatment at the hands of the *bêche-de-mer* [sea cucumber] collectors, the pearl-shell fishermen and the Native Police. Some fisherman ‘treated them fairly but there were other men who enticed blacks on board, worked them like slaves, treated them like dogs, and finished by leaving them marooned on a reef, or shot them, or landed them far from their own home ... Kidnapping of women and nameless outrages were prevalent along the coast, and are not yet at an end ... and tales of shameful deeds were told to me by blacks ... ’ The Native Police system was in urgent need of ‘radical reconstruction’. Some of the men he considered admirable but many ‘ought under no circumstances whatever to be placed in charge of native police, or in any position requiring the finer feelings of humanity ... The system requires the earliest possible abolition.’

*The Frontiers: 1900 to 1928*

Bruce Elder has made the astute comment that while the twentieth century became the era of the movie, motor launch, the aeroplane and radio, the
mentality at the northern tips of Australia remained that of the Sydney basin in the eighteenth century, of Myall Creek in 1838, and north Queensland at the end of the nineteenth (Elder 1998: 170–1).

During his time on Bentinck Island, a man named McKenzie ‘systematically tried to eliminate the Kaiadilt, riding across the island on horseback, and shooting down everyone but the girls he intended to rape’ (Kelly and Evans 1985: 45). Roma Kelly, born a year before the 1918 events, has set down in her dialect (with English translations) the stories she heard from her surviving parents:

[they] drowned, [they] didn’t like that thing, might get shot by it ... didn’t like that gun, didn’t like that warlike mob [McKenzie and his men] ... and drowned. Some went to the sandhills, some went high up, some drowned ... robbed, robbed of their women ... [McKenzie’s men] took the nubile girls back [to their camp] ... the nubile girls were taken [sexually] ... [McKenzie’s mob] shot them out into the sea and killed, killed, mothers ran away, fathers ran away ...

Of the Forrest River massacres in the northwest of Western Australia in 1926, Elder wrote (1998: 171):

No-one knew how many were killed. Professor [AP] Elkin, who travelled through the area two years later, said ‘20 or more’. The Reverend ER Gribble [Protector and head of the Forrest River Mission] wrote, ‘There are some thirty native men and women missing.’ [Aboriginal] Daniel Evans said, ‘So many hundred ... women, men and children.’ And old Grant Ngabidj, who was twenty-two at the time, and who really knew, said, ‘They shootim that lot now, picaninny, old old woman, blackfeller, old old man, somewhere about hundred.’

George Wood, a Perth senior stipendiary magistrate, was appointed as Royal Commissioner to investigate the matter. In The Royal Commission into Alleged Killing and Burning of Bodies of Aborigines in East Kimberley and Use of Police Methods When Effecting Arrests, 1927, he concluded that eleven Aboriginal people in police custody had been shot and their bodies burned in the three sites he was allowed to investigate. The Marndoc Reserve is huge, and the mission is
only a part of it. The punitive expedition had been moving through the reserve, shooting Aborigines when they could before Reverend Gribble, a Justice of the Peace, stopped them. Wood could not find responsibility for seven of the deaths, but held that Constables Dennis Regan and James St Jack were responsible for four killings. Apart from the killings, this case is notable for its denialism. Keith Windschuttle (2000a) deems Forrest River a classic in a massacre literature that ‘is very poorly founded’, in which ‘other parts are seriously mistaken’ and ‘some of it is outright fabrication’. Reverend Gribble, for example, was ‘a very disturbed man who had already suffered a mental breakdown’. Furthermore, he wrote, magistrate Kidson who later dismissed the charges of murder against the two constables was right; magistrate Wood who declared them murderers was wrong (see Green 1995, 2003; Loos 2007: 100–06; Moran 1999, 2002; Clement 2010).

Constable Murray was the central figure in the Darwin trial of Padygar and Arkirkra for the murder of Fred Brooks at Coniston Station. He gave evidence as the perpetrator of the massacre and as the key witness on what had occurred after Brooks’ death. At one point, Justice Mallam engaged him:

‘Constable Murray, was it really necessary to shoot to kill in every case? Could you not occasionally have shot to wound?’

‘No, Your Honour. What use is a wounded black feller a hundred miles from civilization?’

‘How many did you kill?’

‘Seventeen, Your Honour. ...’

‘You mowed them down wholesale!’ (Cribbin 1984: 114).

Several of the survivors have given interviews to historians, including Johnny Nelson Jupurrulu to historian Peter Read in 1977:

Police came long this way ... shooting all the way. ...

Was that your father? Yeah. My father got shot there ...

They wanted to get your father to show them where all the soaks [water holes]
were, so they’d know where those people were hiding? Yeah. And he [Murray] shootem. That’s the last. They comen there now, chasem them round now, some all run away. Right, prisoners whole lot, everyone. Tie em longa trees. All little boys, oh, lotta tracker, some stockmen too. And shootem whole lot.

Just the men, or women too? Oh, woman and all. Not young girls, no, lettem go.

What about little fellers? Oh Yeah, some feller ... Some running away. Lettem go, some of them.

Neddy Jakamarra to Petronella Wafer in 1981:

All our mob been shot. My grandmother Maryanne ... bin die poor bugger. A lot of people bin shot there. Working man, too. All the working man bin shot too ... (Cribbin 1984: 162–3).

Eyewitness Accounts — The Child Removals

We know a great deal about Holocaust survivor testimony and its problems: the ageing of witnesses, loss of concentration, confusion, appropriating fellow survivors’ stories, suppressed [not false] memory, great time gaps between events and the testimony, and lack of sufficient detail for use in criminal courts. There have been close to 120,000 trials of perpetrators in Austria, East and West Germany since the major Nuremberg trials in 1945–46. Oral testimony was always central to these cases. Not so in the Australian context: there have never been trials in that sense, and nor will there ever be. There can only be civil suits brought by removed children, and in those arenas the burden of proof is much less exacting than in criminal cases.

Nevertheless, there is quite a debate about stolen generations testimony (Kennedy 2001: 116–31; Deborah Bird Rose in Attwood and Foster 2003: 120–32; Attwood in Attwood and Magowan 2001: 183–212). In brief, there are the abnegators; those who purvey the line that in a very short time span there has been a ‘narrative coalescence’ resulting in a ‘collective hysteria’; the not-too sure people; those who insist on forensic quality evidence; those who seek the ‘scientific’ data, the clinical that is devoid of emotion; those who perceive (and
sometimes disdain) the stories as too chronicle-like, or as literary, or metaphorical, or symbolic, or simply interpretive.

What matters is establishing that various official administrations, including the police, forcibly removed children because they were Aboriginal and did so with the intention of eliminating their ethnic Aboriginality by incorporating them, permanently, into mainstream society and values. Did such actions occur? In any discussion of genocide, the intent rather than the motive and the actual outcome is all that matters. Despite lost or destroyed records, there are ample institutional archives that attest to the reality of premeditated action (MacDonald 1995; HREOC 1997; Mellor and Haebich 2002; National Library catalogue on Bringing Them Home interviews). In the selections below, readers can make their own decisions about what looks and feels like ‘truth’. The eyewitness accounts below have not been taken from the 535 Aboriginal submissions to the Bringing Them Home enquiry: at least 500 were addressed in confidence, their names withheld. The extracts here are taken from published and authored sources and are not selected as ‘extreme cases’, as some writers have asserted about the stories that have claimed public attention. (Can one locate a ‘non-extreme’ case of forcible child removal?)

In the past fifty years I have had friendships, working relationships and discussions with scores of men and women who were forcibly removed. I also have a good number of good friends and work colleagues who were removers, including medical men, missionaries and public servants. They were, or are, hardly metaphorical or hysterical, symbolists or mere interpreters; some are sentimental, others regretful or remorseful. Many of those taken have had miserable and disaster-riven lives. I can recall only two men who had a good word for their institutions. The renowned Australian Rules footballer Syd Jackson told me he thought highly of Roelands Native Mission in Western Australia, a place to which he was taken at aged two and thence took another 35 years to find his mother. The other is the late Burnum Burnum (Harry Penrith) — activist, actor, writer, sportsman — who gave this somewhat kindly account of at least one of ‘his’ institutions:

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40 Carmel Bird (1998) has published a book of extracts from 16 submissions to the Inquiry; only Doreen Meehan’s story is published in her name.
I was born on a piece of bark under a gumtree in the far south coast of New South Wales in a place called Wallaga Lake ... Soon after my mother died, my brother, sister and I were seized and taken to the care and protection of the United Aboriginal Mission at Bomaderry in southern New South Wales. I was well cared for by the Baptist missionaries, who were quite extraordinary ... they put all their spiritual, emotional and physical energy into raising us. I was then declared a Ward of the State but the State Government was a highly negligent parent ... We were deprived and cooped up [at Kinchela Boys’ Home] and had almost no identity. It was as if we were numbers in a prison ... [they were all known by their numbers] (Moores 1995: 422–3).

Rosalie Fraser, an Aboriginal child of just over two, was taken from her parents, brothers and sisters. ‘The date was 13 March 1961, the place was Beverley in Western Australia. On that day, my brothers and sisters Terry aged eight, Stuart aged six, Karen aged four-and-a-half, Beverley aged eight months, and myself, were all made Wards of the State through action taken by the Child Welfare Department of Western Australia.’ The boys and girls were sent to separate institutions and Rosalie was later ‘collected’ by her foster mother, Mrs Kelly. ‘When we first went to the Kellys’, we had no idea where our parents were, we never saw or heard from them and we were unaware of what efforts they might be making to get us back. The Welfare communicated not with us but with the Kellys. The separation was total; our new life was the only one we knew’ (Fraser 1998: 10–12).

Bill Simon is a pastor working in the area of Sydney suburb Redfern known as The Block. His story (Simon, Montgomerie and Tuscano 2009: xii–xiii) is that of a young boy taken from his parents (on the grounds of neglect), sent to Kinchela Boys’ Home in northern New South Wales for eight years, repeatedly told that he was ‘the scum of the earth’ and that his mother didn’t want him:

Telling this story has not been easy. There were times when speaking about my memories caused me great pain. I still have nightmares about the day I was stolen. I didn’t see my mother again until well into my thirties, and by that time I had turned into someone that not many
mothers would have wanted for a son ... I am one of the ‘Stolen Generations’ and my life has been directly affected by that fact right up to the present day ... Any semblance of normal childhood was cut short at the age of ten and I didn’t really start to get back on track until I was in my thirties. ... To say that Aboriginal children were taken away from their parents for their own good is a lie. I was taken over forty years ago, and nothing good has ever come out of that decision.

Celine Kickett, born in 1955, was removed with her siblings, at aged 5, to New Norcia Mission in the West. Two of her six brothers were fostered to British parents and never saw their parents again:

... they pulled us up right at the school there and that’s where the game started. Dad hit the police and Mum hit the welfare woman. They just snatched the baby out of Mum’s hand, that’s when Mum hit the welfare lady then ... locked Dad up in gaol ... Dad ... told us to run, but we were scared because the police, because he had a big Alsatian dog ... and that dog chased us down, bailed us up there in the corner, me and my little brothers (Kickett quoted in Mellor and Haebich 2002: 44).

Annie Mullins, born in 1926, was taken to Doomadgee Mission in North Queensland on a ‘Government order’:

I had the three girls. And when they grew up the station people didn’t want them women with children going out to the station. They wanted us to leave the children behind. That’s what I said to the church people here. ‘How would you, how would you people have liked it if your children were taken off you?’ ... But they still took the children off us, and told us it was the Government orders to take the children off their parents while they went out to employment (Mullins quoted in Mellor and Haebich 2002: 49).

Alec Kruger, born in 1924 at a place called Donkey Camp on the Katherine River in the Northern Territory, has stated:

I have been to the High Court in Australia as part of a test case for us kids taken away. The court rejected our claims for compensation ... The papers had got lost ... Without supporting records we were stuck ... The police
faced a mob of Aboriginal women. We were snatched from our mother’s arms before anyone could raise the alarm. My mother and the other women were taken by surprise. Us kids couldn’t be hidden ... I was not much more than a toddler and my sister had just turned six. We were taken and locked up at the police station, waiting with the kids from the West to be taken on the train to Darwin ... When the train stopped for the night at Pine Creek us kids were locked up in the Pine Creek jail. My mother was on the train. She stood at the Kahlin’s [Compound] wire fence waiting to catch sight of us. Having kids taken had happened to Polly before with her first baby, Ada. Now it was happening again. Like all the other Aboriginal mothers, she didn’t get to take us back ... (Kruger and Waterford 2007: 1, 25–7).

Jean Ingram was born in Bateman’s Bay, New South Wales. Her father, a merchant seaman, insisted to ‘visitors’ from the Aborigines Welfare Board that he was a working man and they couldn’t take his two daughters. But Jean recalls what happened to her cousins:

My cousin, she had six or seven kiddies, she lived in Hugo Street, and the Aboriginal Welfare Board came after her kiddies and they were running ... I think it was back in the Forties. The police was with them and I seen my cousins were running, like scared rabbits. They’d go in the house and they went under the bed and into the cupboards, and the police went in behind them and hauled them out and put them in the car there screaming for their mother. The eldest girl, she got in between two mattresses, one on top of the other. She got in between them and she laid there and they couldn’t find her. ... After they left she came out, when it was dark. She was real dark too, she was. And she said, ‘Oh well, my brothers and sisters are gone, they may as well take me, too.’ Away she went and gave herself up. They all finished up in Cootamundra [Girls’ Home, established in 1912] and the boys in Kinchela. All that split the family. The closeness and the relationship of the family was broken (Rintoul 1993: 20).

Maria Tomlins, daughter of a Walbiri woman, was born at Mount Doreen, a cattle station west of Alice Springs. Her memory is vivid:
I was seven when I was taken away, but I remember. I remember that day very clearly. Oh, yes, very very clearly. It was just me and my brother Ted and my two cousins Jackie and Tommy Cusack. We were all playing and a man came in the truck and he said he was taking us for a ride. So we all got in. We thought it was fun. We thought we were just going for a ride ... (Tomlins quoted in Havnen 2001: 25).

They were taken first to the Bungalow, an institution for Aboriginal children in Alice Springs, then evacuated down south: ‘When we moved to Adelaide, they changed my name. My name was Laura and they changed my name to Maria because Laura wasn’t a saint’s name.’

Mona Tur grew up at Hamilton Station, about 100 km from Oodnadatta, in remote South Australia. One day, at Hamilton Bore, her mother tried frantically to hide her from a white man who arrived unannounced. Mona recalls:

... all of a sudden we could hear our people screaming out in our language ‘Walkatjara, walkatjara, walkatjara’, and I understood that the walkatjara would have been a policeman. So Mother said to me, ‘Ngitji Ngitji’ — I have a tradional name called Ngitji Ngitji which is like a noise made by a cicada — she said, ‘Ngitji Ngitji I haven’t got time to run away with you because the policeman will see me running away with you’, so she said, ‘I’m going to dig a hole inside the ngura’. She dug a hole inside the ngura [a home made of sticks and spinifex grass], she put me in and she covered me right up to my neck in red desert sand and just let my neck stick out and shooed the dogs on top of me, and remember it’s very hot outside. She said to me, ‘You mustn’t make any noise whatsoever because you’ll be taken away forever’, and once again she reminded me about my relatives that had been taken away. I was six years old, I found out ... Finally they came to our ngura and he asked mother, in the language, ‘Nyuntu tji tji apkatja kanyini?’ (Have you got a ‘half-caste’ kid?), and mother said ‘Wiya’ (‘No’), and that seemed to satisfy the policeman and then he went away. That left me claustrophobic and really, really scared of police throughout my life (Tur quoted in Mellor and Haebich 2002: 38–9).
Marjorie Woodrow ‘was born under a big tree at Carowra Tank’ near Lake Cargelligo in New South Wales:

They said that I stole a pair of stockings and that was the start of all the trouble. Nearly sixty years ago it wasn’t easy for a teenage Aboriginal girl to prove her innocence in white society.

Told that her mother was dead, she was sent to Cootamundra Girls’ Training Home:

We were all Aboriginal, we were never called by our names. It was always ‘number 108, step forward!’ We had numbers sewn on our uniforms. Everyone could see that we were from the Girls’ Home. We were branded just like cattle … (Woodrow 2001: 10, 12).

It took Marjorie sixty years to discover that her mother might be alive. ‘It took only a short, but very determined effort before I found her and we met. We were reunited at Murrin Bridge Aboriginal settlement near Lake Cargelligo in Central New South Wales, and we had had eighteen months together before my mother, Ethel Johnson, died in 1994.’

Anglican Sister Eileen Heath was a church representative at the government-run Moore River Native Settlement in Western Australia. The escape of three girls from that institution was at the heart of a world-acclaimed movie on removed children, Rabbit Proof Fence, released in 2002. The children, she said in interview, lived under near penal conditions:

They could not leave the place, they were not supposed to … They were there and had to stay there. They were confined to the dormitories, they had to be locked up … whether it was sunrise or sunset. They had to go, they had to turn up for rations, they had to be given rations. They were not allowed to write letters without the letters being inspected. They were not allowed to be baptised or married or anything else without the Director’s permission from Perth. They were not allowed to go out to work without permission, and they were just simply restrained to the normal routine of the place (Heath quoted in Mellor and Haebich 2002: 115).
Ted Evans devoted his life to Aboriginal administration. He began as a patrol officer in the Northern Territory, and later became Chief Welfare Officer in the unit called the Welfare Branch, the organisation in which I worked and which I studied for my doctorate on Aboriginal administration. A devout Catholic, Ted wrote this report in December 1949, addressed to the Administrator of the Territory (MacDonald 1995: 55–6). By any standards, it is a bizarre set of comments at a time when there were as many as 163 ‘coloured’ boys and 194 ‘coloured’ girls in institutions for removed children: the Retta Dixon Home in Darwin, Croker Island (Methodist) Mission and Garden Point (Catholic) Mission:

The removal of the children from Wave Hill by MacRobertson Miller aircraft was accompanied by distressing scenes the like of which I wish never to experience again ... I endeavoured to assuage the grief of the mothers by taking photographs of each of the children prior to their departure and these have been distributed amongst the mothers. Also a dress length was given the five mothers. Gifts of sweets to the children helped break down a lot of their fear ...

Evans recommended that ‘an itinerant female welfare worker’ be appointed to ‘assist mothers on cattle stations and to help in the gentler removal of part-aboriginal children’. He felt that ‘a native mother would be far readier to hand over her offspring to the care of a white woman than to the mercies of a male’. Finally:

I cannot imagine any practice which is more likely to involve the Government in criticism for violation of the present day conception of ‘human rights’. Apart from that aspect of the matter, I go further and say that superficially, at least, it is difficult to imagine any practice which is more likely to outrage the feelings of the average observer.

Interviewed in 1982, he told an archivist: ‘I was unfortunately involved in the removal of “half-caste” kiddies’:

Oh, I gave it away. I refused to obey the instruction and this is what brought things to a head. The matter was stopped. It was traumatic, really traumatic from all sides, me included. Much more so for the
mothers of course (Evans quoted in Mellor and Haebich 2002: 158).

Moving On, Moving From

When Leo Kuper wrote his germinal *Genocide* some 30 years ago, ‘ethnocide’ was generally used to denote cultural genocide, usually the result of colonial practices towards the original populations (Kuper 1981: 31). Many scholars put ‘ethnocide’ into a different basket, one in which colonisers found native peoples ‘blocking’ the roads to silks, spices, seeds, sandalwood and silver. The Aboriginal experience has often been considered in that light — ‘merely’ or ‘only’ a case of a doomed hunter-gatherer people unable to withstand the agriculture, animal husbandry and machinery of modern capitalism. Historian Tony Barta, for example, contends that the sheep-grower–Aboriginal conflict over land brought about ‘a relationship of genocide’ (Barta 1987: 238). He is right at one level, but in that relationship he relegates the ‘individual acts of killings’ to a form of collateral damage, as if incidental, a by-product of something else.

On careful examination, the Australian case is not a history of accident, happenstance or plain misguidedness. Nor is it a matter of ‘design’ in the sense of a calculated, premeditated architectural or engineering plan. Rather, it is a case of inclination and, of course, of deeds resulting from that inclination — behaviour much more intentional than incidental, more witting than unwitting, more knowing than unknowing, more advertent than inadvertent, more malign than benign. Australia is also a classic case of recourse to biological rather than political or social solutions to perceived problems: over time, we have had killing phases, segregation-by-incarceration phases, assimilation or absorption-to-the-point-of-disappearance phases, what Haebich calls erasure-of-their-presence phases. *Aboriginality* as such has been seen as an indelible problem — hence the many efforts to divest ourselves of the problem rather than address it.

Historically, while there are intentional genocides there are no designed genocides in the sense that the perpetrator sits down and calculates with premeditation and a high degree of specificity exactly how the target group will be systematically attacked. While a genocidal or eliminationist subtext was quite clear in German and European Christian antisemitism (since the 13th century in fact), the Nazis were still uncertain of their ‘solution’ until late 1939, even until mid-to-late 1941. Similarly, the Turkish treatment of Armenians was for long quite murderous, but it was the literal smokescreen of World War I that that afforded the opportunity to finally ‘resolve their problem’. Opportunity is a signally important element in the committing of genocide.
Earlier discussion focused on worthiness and unworthiness. That question takes us into a consideration of whether or not Australia has learned anything from history, and whether history has any virtues for today’s world. Some 115 years ago, Archibald Meston insisted we had to intervene to save Aborigines from their predators. In 2007, the Howard Coalition government launched an ‘emergency intervention’ in the Northern Territory, sending in civilian task forces (largely untrained in this work), and the military (even less qualified) ‘to save the children’ from reported child abuse, sexual molestation and neglect. The predators were now the Aborigines themselves. Amid growing criticism, the Rudd and Gillard Labor federal governments continued the program, which involved the suspension (and therefore the protections) of the federal Racial Discrimination Act and the Northern Territory’s anti-discrimination legislation. That harshly condemned suspension was revoked and the Act restored on 31 December 2010. The intervention still involves the suspension of the permit system which allows Aborigines to decide who can enter their domains; the search for sexual predators, but with glaringly few charges or arrests in the past four years of operation; the quarantining of all social welfare payments; the physical medical examination of children; and the banning of alcohol. Legislation in 2011 ensured that social service payments would be tied to school attendance. There is a distinct Meston-like quality about this ‘save-the-children’ intervention. There are some positive outcomes to date, notably the reduction of alcohol-fuelled pressures by young males on women to hand over their food money, but it must be said that not very much has changed since Meston’s century-old protections: there is still a governmental philosophy of blanket ascription — that is, any instance of deviant behaviour by an individual, a group or a community is considered the behaviour of all Aborigines, and all must surrender to a national or state ‘remedy’. The past is omnipresent, but we don’t see it. The history of failure is all about us, and we don’t see it.

Closely allied to this endeavour is the ‘new’ policy of ‘Closing the Gap’, that is, reducing the stark differences between Aborigines and non-Aborigines on a wide range of social indicators. Aborigines have (again) become the targets of statistical portraiture. Pholi et al (2009:1) point out that this approach reduces Aboriginal Australians ‘to a range of indicators of deficit, to be monitored and rectified towards government-set targets’. As each set of statistics on key social
indicators, like life expectancy and infant mortality, appears to improve, so other indicators, like deaths from non-natural causes, worsen. As more and more babies survive their first five years, so more and more young adults develop diabetes, heart, lung and kidney disease. As more education, training and intervention programs are established, so more and more youth are imprisoned. As the intervention reached its fourth year, the number of sexual abuse cases dropped but child neglect increased markedly and the attempted suicide rate for youth doubled. The point is that yet again we have a universal approach to what are assumed to be universal problems, common to all those diverse peoples now lumped together — irrespective of domain, culture, language, history — and dubbed ‘Indigenous’ people. The human face of all this is not apparent. The statistical pictures are pre-eminent and a pertinent question remains: is the underlying reality that all this activity is to relieve Aboriginal distress in many domains, or is to make the ‘rescuers’ look better, more like decent and democratic colonisers?

Worthiness is also entwined with reconciliation, a word little mentioned thus far. Reconciliation is a strange word. Defined in a good dictionary, it means restoring friendship or compatibility or harmony, a rectification, settling, remedying. It is never defined in the Aboriginal context: it is a word simply parroted, leaving assumptions to struggle for meaning and purpose or, rather, meaning and purpose to struggle amid assumptions about what it means.

Reconciliation — like all ‘new visions’ — began as a non-Aboriginal concept. It was the invention of Robert Tickner, then Labor’s Aboriginal Affairs Minister (1990–1996) at the start of his term (Tickner 2001). It was to be a program lasting ten years, aimed at improving race relations, increasing understanding of Aboriginal and Islander culture, history and the causes of their continued disadvantage in health, housing, education and employment. It came to mean very different things. For Prime Minister John Howard and

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42 Lawrence McDonald, an assistant commissioner of the Productivity Commission reviewing Aboriginal disadvantage, told the 2011 AIATSIS National Indigenous Studies Conference (19 September) that to date, there has been a 29 per cent improvement on some indicators, no change in 22 per cent, no trend in 33 per cent, and a worsening in 16 per cent of the items, particularly child abuse and imprisonment rates. No changes have been detected in life expectancy or in Year 12 school achievement.

43 From 109 cases in 2007–08 to 229 in 2010–11, ABC News Online, 14 October 2011.
Aboriginal Affairs Minister John Herron, it meant ‘practical reconciliation’, that is, more money for better health, education, housing and employment (even while that government provided less). The ‘gift’ was not by way of what should be a normal government duty of care and financial provision of such services, but a ‘bonus’, a special new largesse. For many, it means a moratorium — each party desisting from causing injury to the other, without specifying what injuries Aborigines cause to the mainstream. For some, it is ‘a walking together’, a talking together, towards anything that simply has to be better than the past or present. For others, reconciliation meant the national Australian government bringing itself to use the ‘sorry’ word for the forcible removal of children, to articulate atonement, and make restitution or reparations for these practices. For the majority, reconciliation signifies a new deal, a fresh start, a ‘moving on’, a synonym for ‘forgiving and forgetting’. Patrick Sullivan’s new book, Belonging Together (2011), suggests a move towards a public philosophy in which Aboriginal and settler interests converge, a direction requiring both parties to adapt. [Reconciliation Australia, the formal body which arose initially out of recommendations by the Royal Commission into Aboriginal Deaths in Custody, engages in actions towards ‘Closing the Gap’ in areas like life-expectancy, in establishing financial networking partnerships and creating a culture of respect for the place of Aboriginal and Islander peoples.]

Reconciliation — the idea rather than the above-mentioned organisation of that name — has become a shibboleth that is ambiguous, empty, unconvincing, splintered, piecemeal and erratic — much in the way Durbach describes reparations efforts. The Melbourne Journal of Politics presented 12 essays in a special ‘Reconciliation Issue’ (volume 25:1998). Michelle Grattan’s edited volume on Reconciliation contains 42 essays on the subject, from the optimism of respected scientist Sir Gustav Nossal to the pessimism of Paddy McGuinness lambasting ‘the minority of self-styled progressive middle-class people who see themselves as the opinion formers and leaders’ (Grattan 2000: 235). There is much in between, all demonstrating the mercurial nature of the word.

This ‘new vision’ basically comes at a great cost to the victims. It is they who must forgo the desire or need for retributive justice; they who must eschew notions of guilt and atonement; and, all too often, compensation for the harms
done. It is they who must agree to the diminution or even abolition of that shared historical memory that holds victim groups together. It is they who must concur in the substitution of their memory with our memory and their history with our history. It is they who must connive at ignoring the importance of accountability for the criminal acts against them, and agree to the blurring of responsibility for who did what to whom. It is they who must cease being so hysterical about denialism, that major tributary of forgetting, which claims (all too often) that there was nothing to remember in the first place or, at least, nothing all that serious (Tatz 1998: 1–8).

Most genocide denialism — particularly of the Armenian, Pontian Greek and Assyrian events by the entire machinery of the Turkish state — is intended to deceive and to confuse by way of deflecting, rationalising, relativising and trivialising ‘the facts’. The Turks, with whom our own denialist team are much more akin, are determined to show the world a blameless national escutcheon that befits a democratic people. Thus, Australia is not a racist country and has never been one; racist attitudes and actions are mischievous ‘concoctions’ and ‘fabrications’; and, in the end, it is the very *allegation* that child removals ever occurred that is ‘racist, genocidal and killing Aborigines at the present time’. In *The World Turned Upside Down* (2010), British author Melanie Phillips illustrates the present ethos of irrationality in which liars are turned into truth-tellers and the truthful into liars, victims become the aggressors, Jews become Nazis, Nazis turn out to be nice guys, the killed turned into killers. Similarly here, Blainey’s ‘decidedly jaundiced’ people are those who engage in vilification of those who once ‘vilified’ Aborigines in the genocidal ways discussed in this paper.

Denial stories are generally much more believable than Holocaust and genocide stories. Imagine a class of teenagers in 2012 or 2020 trying to decide which is the more credible:

- that displaced, louse-infested Jews were disinfected in showers before going to work camps, or that mere handfuls of Germans, with local helpers, were ‘processing 12,000 *stukke’*, that is, murdering, on average, 10,000 to 12,000 *pieces* per day in specially built death factories in Poland; or

- that Aboriginal children, especially girls, were removed from cruel
environs where they were promised in marriage to decrepit old men, or that a clutch of senior officials meeting in Canberra in 1937 were engaging in some eugenicist fantasy to breed Aborigines forever out of the Australian landscape.

In all or any of this, which version would students prefer to hear? With which history would they feel more comfortable?

The Australian denialist fraternity are not of the equivalent stature, significance or intellect of the conservative German historians and ‘revisionists’, Ernst Nolte and Andreas Hillgruber. Neither the journalists nor the literal handful of academic supporters will be writing the textbooks for our school and university curricula or teaching in such institutions, and it is highly unlikely that high school students will seek out Quadrant and its website for the more ‘credible’ versions of ‘truthful’ history. The brothers, who avowedly see themselves as such, will publish endless snippets and undocumented articles in Quadrant, most of them but brief diatribes and in ad hominem mode, reinforcing their fellowship and solidarity. Windschuttle’s weighty website will swell to bursting, yet for all his efforts he isn’t a prophet and he won’t redeem Australia’s darker history. But whether they be a few senior political figures, several once powerful bureaucrats, journalists or talk-back radio men, 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 qualifications, skills and ethics to do such work. In a peculiarly perverse sense, denialists — who see themselves as prophylactics protecting our society from a moral re-appraisal of past history — are the fecund: they actually increase the fertility of research into those very behaviours. Ironically, the denialism issue has helped develop a much greater interest in the Australian case among genocide scholars globally.

The study of genocide has taught us that there is a curiously long gap between receipt of information and its digestion to the point when it becomes absorbed as knowledge. For long, Australia lacked information on Aboriginal events — because of a doomed race mentality; the disdainful and denigratory views of the native peoples generally; the hostile indifference to their lives, rights and values; the Aboriginal remoteness; the relative absence of trials and
judicial inquiries; a general disregard or contempt for the experience and observations of those so commonly dismissed as ‘bleeding-hearts’ and ‘do-gooders’; the closed nature of Aboriginal administration, at least since the late nineteenth century; and the politeness of Aboriginal opposition to their treatment.\footnote{Aborigines have seldom engaged in the kind of confrontational politics that marked opposition and resistance to their treatment by African-Americans, Native Americans, Maori, by Blacks, Coloureds and Indians in South Africa and by Caribbean migrants to Britain. There have been no equivalents of the demonstrations (and violent police/army reactions) in Mississippi, Los Angeles, Sharpeville and Soweto, Notting Hill and Brixton. There has been some confrontational protest, for example, the attempt by the Noonkanbah people to stop the drilling for oil on their property in the West (Tatz, 1979: 90–105). But Aboriginal resistance, mostly by seemingly passive means, has not been recognised as such. For example, in the absence of large banners, placards and the usual paraphernalia of industrial action, cattle station sit-downs and walk-offs by Aboriginal stockmen have been dismissed as further evidence of their cussedness, laziness and ‘unreliability’ rather than any concession of their capacity to protest (or have anything to protest about). Aboriginal efforts to internationalise their grievances have been rare.} Information is now bountiful and a long enough time has elapsed for it to have become, if not common, common enough knowledge.

But even as we come to receive and accept such knowledge, we are met with a the commonplace catchcry, uttered and offered as a piece of canny wisdom and profound advice: ‘move on’. This ‘gift’ is never explained. Nor is justification offered for the abruptness and swiftness with which one should shift from loss, grief or disaster. However inane or inappropriate the ‘prescription’ can be, the receiver at least knows what he or she is urged to move on from. Dr Alex Boraine, Vice-Chairperson, South African Truth and Reconciliation Commission (TRC), addressed the National Press Club in Canberra on 22 May 1997. His concluding words on that exercise in the purgation of apartheid are apt enough here: ‘It was wrong to simply say “turn the page”. It’s right to turn the page but first you have to read it. You have to understand it. You first have to acknowledge it and then you can turn the page.’\footnote{Quoted by Andrea Durbach (2008).}

South Africa has tried to move forward, even by way of a bizarre TRC exercise. It looked a very small slice of history in the face, the history of human rights abuses from 1960 to 1994, a mere fraction of that country’s eras of racial discrimination. Much truth happened before 1960, the years, nay, the centuries that established the platform for the so-called ‘apartheid years’. But at least they
looked. As a nation, Australians have looked at so very little that went before, at so little detail that needs addressing before we can reach a point of reconciliation of any kind. We are entitled to turn the page, move forward, to celebrate achievement, to engage in some triumphalism, but that movement also requires that we not only admit but own the long past, the recent past and, all too often, the painful present. Broome (2001: 419) states that ‘what was once unmentionable is now openly discussed’. Moving on is only possible when we face our history and ourselves: ‘This surely is a measure of our maturity as a nation.’

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Appendix — Some Known Massacre Sites and Dates

Across the continent, and across more than a century, the following events illustrate the killing era: Risdon Cove (Tasmania, 1804); Twofold Bay (New South Wales, 1806); Appin–Bringelly (New South Wales, 1816); Bathurst (New South Wales, 1824); Cape Grim (Tasmania, 1824); Fremantle (Western Australia, 1830); Portland (Victoria, 1833–34); Pinjarra (Western Australia, 1834); Darling River massacres (New South Wales, 1835–1865); Myall Creek (New South Wales, 1838); Gwydir and Namoi Rivers massacres (New South Wales, 1838); Waterloo Creek (New South Wales, 1838); Murdering Gully Massacre (Victoria, 1839); Gippsland (Victoria, 1840–1851); Fighting Hills and Fighting Waterholes
massacres (Victoria, 1840); Long Lagoon (Queensland, 1840); Butchers Creek (Victoria, 1841); Rufus River (South Australia, 1841); Wonnerup (Western Australia, 1841); Lubra Creek massacre, Victoria, 1842); Butchers Tree (New South Wales, 1849); Hornet Bank and Upper Dawson (Queensland, 1857); Cullin-la-Ringo (Queensland, 1861); Pigeon Creek (Queensland, 1862); Flying Foam massacre, also known as Jaburrara (Western Australia, 1868); Barrow Creek (Northern Territory, 1874); Goulbolba Hill (Queensland, 1876); Lake Eyre and Simpson Desert massacres, Clifton Hills massacres (South Australia, 1880s); Keppel Islands (Queensland, 1880s); Battle Mountain (Queensland, 1884); McKinlay River (Northern Territory, 1884); Canning Stock Route (Western Australia, 1906–07); Mistake Creek (Western Australia, 1915); Bentinck Island (Queensland, 1918); Bedford Downs (Western Australia, 1924); Forrest River (Western Australia, 1926); Coniston Station (Northern Territory, 1928).