

What now for the Black-Arm Band? Aboriginal History after the Apology

Transcript of *The Examiner*-John West Memorial Lecture 2008

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It's a sobering thought to return after all this time. So much has happened in the life of Australia and of course so much has happened in my life. I want to particularly remember Patricia Ratcliff who was obviously so important in beginning the series and who persuaded *The Examiner* to take the risk for bringing this wild, we might say youngish man, down from North Queensland. It wasn't an obvious choice for the first lecture in Launceston and since that time you had a great many very distinguished lecturers, so in some ways it is more of a challenge and more of an honour to give this lecture than it was to give the first one.

As our two previous speakers have mentioned the subject of the first lecture was what I call Tasmania's forgotten treaty. The argument being that George Augustus Robinson as an agent of the government had actually come to an agreement with the Tasmanian Aboriginal people to bring the black war to an end. Now that argument I developed much further in the book *The Fate of the Free People* published in 1995 is, I think, still a controversial view and is by no means universally accepted. It was ridiculed by Keith Winshuttle in his book *Fabrication of Aboriginal History Volume 1- Van Diemen's Land* but it has more recently been supported by James Bryce in his just published book *Van Diemen's Land* in which he said given the quality of evidence on the matter it is surprising that there has been contention about Henry Reynolds' claim in *Fate of a Free People* of the negotiated agreement with the Aborigines. It was the first time that I proposed this idea that there was indeed a treaty but still, as I say, it remains a challenging idea. But there is no doubt in my mind that it is an idea that will continue to be discussed and debated for a long, long time. What I want to do is look back across the years between now and that first lecture and to consider some of the developments that have occurred that I don't think many of us expected or predicted in 1989 and then in the second half of the lecture I will consider the developments in the writing of history in that time. So in terms of the developments I will consider briefly land rights, reconciliation, the stolen generation and the apology and then on to the question of history.

Now, in that first lecture I did talk to some extent about land rights. I looked at the situation as it existed in Tasmania but at the same time looked at the International law and the practice that had taken place in North America, in particular, prior to the settlement of Australia. At the time I was certainly aware that the case of Eddy Mabo was before the courts, but I don't think that many people, including practising lawyers, really expected the High Court to actually find in favour of Mabo and his two other plaintives, and to determine there was indeed a form of property rights which Aboriginal people had and if they had not been extinguished by the Crown still existed. It was indeed a legal revolution. It wasn't expected in 1989. Almost everyone I talked to at that time said there can be no native title in Australia. So the first point I think is that unexpectedly the High Court of Australia redrew the whole position of indigenous people.

They followed that up in 1996 with the so called Wik Judgement. In a sense this was even more of a surprise. Mabo determined that native title rights could be recognised by the common law and if they had not been extinguished they still exist but the radical point about the Wik Judgement was that it related to an enormous area of Australia, something like a quarter of the whole land surface of Australia, which was still held under pastoral lease. These pastoral leases were not leases in the normal sense of the word but merely licenses and therefore did not extinguish native title that still exists in some form.

Now, as you know that caused even more difficulty than the Mabo Judgement. If we look at the history of the pastoral leases we find an unexpected link with Tasmania. After the failure of Wybalenna, George Augustus Robinson took up the position of Chief Protector of Aborigines at Port Phillip. He didn't achieve much there but he became aware that the Victorian Aborigines were being overwhelmed by the explosion of pastoral settlement and he appreciated that as the law stood the tribes had no legal rights to their ancestral lands. In several of his official reports he explained that the Aborigines had no legal right to place the soles of their feet on the contested land. These reports received no response when they were sent to Sydney but it was a different story when they were read in the Colonial Office in London. Senior officials took the situation very seriously. Indeed Earl Grey declared that the Imperial Government had no intentions to dispossess the Aborigines. Pastoralists were to be given no more than the right to use the land. Their rights were to co-exist with Aboriginal rights to live on their own country. Hence the Colonial Office created the Australian pastoral lease. Robinson, then, was the unlikely father of the pastoral lease. If he had not explained the situation in his reports it is most unlikely that any of those events would have taken place. Who would have thought that George Augustus Robinson's most important legacy would only become apparent in 1996 with the Wik Judgement? So there was a link between Tasmania and what had happened in Tasmania and pastoral leases and the Wik Judgement. But there was another one, because what had happened in Tasmania was seen as a warning for the rest of Australia. This was seen as a disaster, but also an expensive disaster, so it seemed important to try and see that events in the rest of Australia did not recapitulate what had occurred in Tasmania.

Now the second development that took place between the two lectures was the whole reconciliation movement. In 1989 there was no indication from the then Federal Government that they would decide to set up a process for reconciliation. There is no doubt that it had something to do with the promises that Bob Hawke had made in 1988 about negotiating a treaty because Robert Tickner the then Minister certainly felt that the ten year process that he set up in 1991 would end up in some sort of agreement or treaty and so the reconciliation movement was born. Now as many of you will know it was a movement that was quite deliberately set up to take ten years. It started slowly but gradually groups were set up all over Australia and I am sure there were groups here in Tasmania. Sometimes these groups were set up in the most unlikely places. I went to a country town in NSW where there had always been an Aboriginal presence, where there had been no contact between people over generations except clandestine meetings of men and women and reconciliation brought these communities together so that underneath the large national process of reconciliation was this extraordinarily interesting local movement of people, both Aboriginal and non Aboriginal, to try and come to an understanding about what had happened in their particular district. But as you know as the decade wore on and as the Government changed, the reconciliation process, although it expanded nationally, and although it culminated in those extraordinary marches, it ended with very little positive achievement and in the end as I remember from the march across Sydney Harbour Bridge, the great demand was for an apology that was not forthcoming. But between the first lecture and this there is no doubt that reconciliation touched large numbers of Australians.

The other important development I think was the results of the so called *Bringing Them Home* report of the Human Rights Commission of 1997. This was a report of the investigation at HREOC, underfunded, given no powers of Royal Commission, dependent

on people appearing voluntarily, having no right to compel witnesses, but nonetheless producing a report that was a best seller, which is not the common result of Government reports. It was large, it was heavy and quite expensive but it had quite literally an electrifying effect on many people in the community. Part report, it also gave an account of the testimony of many, many people. It brought to the notice of many Australians practices that many of them were not aware of. It shocked the community and there is no doubt that of all the events it probably had more emotional impact than either reconciliation or land rights. It was in many ways, for many people, a shocking report. It wasn't just that children were taken away as people have argued again and again. Lots of children were taken away from families over the 20th century, white and black. In many cases children who were taken away in the past would have been taken away today but there was so much more to it than that. There was so much more to it because up to the middle of the 20th century the intention was to try and breed out the colour. There is no doubt about that. It was not an invention. They are the words that are used by contemporaries. There was a deep concern about what people called the half caste problem, it was a national crisis and the answer to it seemed to be to take away mixed descent people, particularly young girls, and bring them up in institutions and marry them into the white population.

Now even in the period after the war in the 1950s the intention wasn't so much to biologically absorb the Aboriginal population, but to absorb them nonetheless. Paul Hasluck, who dominated Aboriginal policy for ten years in the 1950s, made his intentions quite clear. He said in one of his first speeches as Minister for Territories, we have a problem but it is not a great problem because there is no doubt about who will swallow whom. We will absorb the Aboriginal population individual by individual, family by family, until there are no people who still regard themselves as being Aboriginal. Now that intention ran right through the policy of taking children away. There was also the quite deliberate intention that children who were taken away would be taken away forever, not just taken away for a brief time, not just taken away and allowed to maintain their contacts, to be taken away forever and the intention was that siblings would be separated and that there would be absolutely no capacity for parents to maintain contact with their children. It was best if the children were taken away and they were forgotten and the final thing which I think was also scandalous was that the children were taken to the most impoverished, run-down institutions you can imagine: underfunded, with untrained staff, almost no education, poor quality food. Aboriginal children taken away from their families were put into institutional ghettos. Now that also happened to white children but in a sense the taking away of Aboriginal children was quite distinctive and in many ways quite shocking which brings us to the question of the apology.

Now as I remarked, the reconciliation movement eventually came to concentrate on the idea of an apology that was not forthcoming. In the 90s many institutions, churches, local governments and some State Governments indeed apologised. Hundreds of Australians signed sorry books but there was no apology from the Federal Government as we know, but the idea of apology, has to be seen in an international context because the question of reparation and apology had been taken up by the United Nations in the 1990s and linked with this was the whole movement known as the Truth Commission Movement. From the mid 80s to the mid 90s Truth Commissions were set up in many parts of the world: in Eastern Europe, South and Central America and perhaps best known South Africa. Now the idea of the Truth Commission was that as the title would suggest an official or semi-official Commission would set out to discover the truth about historical events and it would call witnesses. As you know in South Africa both black and white appeared before sessions of the Truth Commissions and above all at the end of this process there would

be some sense of apology. Now that is the context of what happened recently in Australia. Apologies have been very common in the last few years. Japan has apologised to China for the horrific events of the 1930s in particular. Tony Blair apologised to the Irish for the famine, Canada has formally apologised to the Indians and the Queen, on her most recent visit to New Zealand, apologised to the Maoris. So the idea of an apology as being an important part of a process of coming to terms with history is very widespread. So it is for this reason that the apology given by Kevin Rudd was, if anything, belated. But as many of you will appreciate it was an apology that was well crafted, an apology that had enormous sincerity about it: "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... For the pain, suffering and hurt of these stolen generations, their descendants and for their families left behind, we say sorry".

The most impressive thing about that day was not the words of the very new Prime Minister but the reaction of the community. Many people had indeed been invited to Canberra. There was an official desire to make this a big public event but what was in some ways a most interesting development was the spontaneous gathering of Australians all over the country. Sometimes in large groups, as in Federation Square in Melbourne or the Parliament House gardens in Hobart, but also in schools and other places where television facilities were available all over the country and there is no doubt that people were deeply moved. There were scenes where people quite despite themselves cried because this was a moving national moment and like all the other developments I don't think that it was something we would have necessarily expected in 1989 when I first delivered this John West lecture. So let me just summarise briefly the first part of the lecture.

In the 19 years since the inaugural lecture there were developments that weren't expected. I don't think anyone really expected the Court to recognize native title. Most of us, I think, expected that if it was to come it would come from politicians and parliaments, but it came from the judges of the High Court, and in some ways that made it more difficult to reverse. I don't think that there is any way back from those critical land mark decisions, and then there was reconciliation. The Australian version of the Truth Commission which I think the HREOC enquiry was, and finally bringing many of these things together, the apology. So much has happened but of course in so many other ways much has stayed the same and the social indicators of Aboriginal deprivation are probably not much better in many areas than they were in 1989. But let me turn to the question of the writing of history since I gave that lecture.

Now there is no doubt that Aboriginal historical questions have been extremely important in historical writing, film, television documentaries, songs, children's books, paintings. Right across the arts there have been great developments in the last 19 or 20 years but there has also, as many of you will know, been great controversy. The controversy which people called the history wars have been of great interest to Tasmanians. Much of the discussion has been about what has been called the black arm band view of history. It was a phrase which Geoffrey Blainey coined, another of your John West lecturers, but he coined it to describe a sort of history that was not just about race but also about class and gender. The black arm referring to mourning not black skins. But over time it came to represent, and came to mean, the history of Aboriginal Australia and as you all know the real focal point of that conflict was about the history of Tasmania. It began with the book *The Fabrication of Aboriginal History* which came out in 2002 and there was the following year a response to that called *White Wash*. This was very much a debate about

Tasmanian history. But in many ways it became more than just a debate among historians, which don't normally become matters of national concern. One of the most interesting developments was the intense interest in the history and the direct involvement of the Prime Minister John Howard. More than perhaps any other Prime Minister John Howard was deeply interested in history. Some of you might recall that one of his speeches to the people was in the debate with Kevin Rudd and at the very end of that debate he said that the achievement he was most proud of was that he had changed the way Australians thought about the past and he repeated that sentiment in his recent speeches in the United States. He gave to Australians a better feeling about their past, so he was deeply interested in the writing of history, the interpretation of history and the way it was taught and as some of you will also know he was seriously considering direct intervention in the curriculum of State Education Departments in order that they would teach the sort of history that he felt appropriate. Now one of the things that he clearly did not think was appropriate was the sort of history that I wrote. He was obviously very uneasy about the idea of frontier conflict.

This was made apparent just recently in an article by the historian John Hirst in the magazine *The Monthly*. John Hirst, a courtier of King John's court, had been given the job of writing a brief history that would be presented to new and potential citizens. This was the certified text which would be the official version that people would have to learn to be able to pass the citizenship test and John Hirst outlined the way the negotiations had taken place between him and members of the government. He thinks probably with John Howard personally involved and one of the things that John Howard was adamant could not be put in was the estimate of a number of Aborigines killed in frontier conflict. It was an estimate that I made in 1981 in *The Other Side of the Frontier* which at the time no one commented on but in the almost 20 years later had become a matter of such concern that it had to be kept out of any official history that would be given to potential citizens. So on the one hand the recent government wanted to keep certain details about the past out of the history but on the other, in some ways the more important aspect, was to emphasise the importance of war.

Now if you go into bookshops you will see very large numbers of books on war. These do not appear by accident. They appear because many are funded by the Federal Government either through the War Memorial or the Department of Veterans Affairs that has become in some ways a propaganda arm of the government. Curriculum material is provided free to every school in Australia as was the television series of *Australians at War* entirely funded by the government. This is the sort of history that children are encouraged to feel is important and never before has there been such emphasis not just on the ANZAC landing but on many other events we had almost forgotten about that are now celebrated.

Now there is no doubt in my mind that this is part of the wider pattern of producing a history that was seen as being necessary for making Australians proud about the past. But some of you may already be able to see that there are enormous paradoxes here. If nations are made and citizens are formed by a consideration of war and conflict and death on the battle field how is it that at the same time we don't want to know about Aboriginal people who died fighting in conflict that was always considered a form of war. How is it that we can have two such totally conflicting standards. Now this was something that exercised my mind a long time ago and I wrote about it in *The Other Side of the Frontier*. At the end of that book I asked, what do we do with the Aboriginal dead? We are not a society that says all that should be forgotten. 'Lest we forget' is the most sacred phrase in the nation. It's on honour boards by the thousand, monuments by the hundred and yet we

say to the Aborigines you people should forget about all this and get on with the future. I can remember soon after I had written this and I had given a lecture in London at the Menzies Centre, which was then promoted and supported by large numbers of prominent Anglo Australian families, literally families who in the 19th century had made money in mining and pastoral industries and gone back to England. They were a pretty 'pukha' lot and this chap came up to me in a tweed coat and very red faced and said "Reynolds, Reynolds, read your book, you know there is one sentence that I can't forget when you said what do we do with the Aboriginal dead", he said "that is the question isn't it". It is still a very interesting question.

Now there is, as we know, debate about the numbers. I suggested 20,000 dead long ago, long before I gave the first lecture and no one seemed to be concerned about it for a long time. Subsequently this has been ridiculed but I believed then, as I believe now, that it was if anything an underestimate, it was meant to be the lowest point and research in the last five or six years in Tasmania, in Queensland and the Northern Territory confirming the view that I had about frontier conflict from the very start. There was a large death toll, so large that it can't be left out of the national history, otherwise what do you say to Aboriginal people. We cherish every single one of our dead soldiers, we go to the far ends of the earth and uncover their bones, we sent plane loads of family and a military detachment to bring them back and we bury them with full military honours, whether they are airmen who have crashed and are at the bottom of the Coral Sea or in the high jungles of New Guinea or people whose bones still lie in the mud of Flanders. We treat the dead with great reverence. I have no problem with that whatsoever but it does seem to me a great paradox when we say we shouldn't talk about the Aboriginal people who died defending their territory and their way of life. Having raised that very difficult question once again, what do we do with the Aboriginal dead? I will summarise to this point and then move on before concluding.

Now there is no doubt in my mind that new research and future research will simply confirm the idea that conflict was ubiquitous, that many people died including some thousands of Europeans and many more Aborigines. But the question that then has to be asked is that of genocide. Now I raise this partly because it was something that was taken up in the HREOC report *Bringing Them Home*. Because one of the five conditions listed in the genocide convention is taking children from one group and giving them to another group. So HREOC and Sir Ronald Wilson very bravely raised the question of genocide. It didn't win them many friends at all. But it is an issue that I don't think will go away. I wrote a book on the subject called the *Indelible Stain* in which I argued that if you really apply the genocide convention then it is improbable that you could argue that what had taken place in Tasmania was genocide. In parts of Queensland you probably could say this. But that is a very contested view and the idea that Tasmania is archetypical, that Tasmania is one of the clearest cases of genocide, does not go away. The Polish Jewish lawyer Raphael Lemkin who coined the word genocide in 1944, who did so much to bring about the genocide convention, had no doubt that Tasmania was one of his examples and that has been generally true of many people when they think about Tasmania. H G Wells when writing *The War of the Worlds* had Tasmania in mind and if there used to be what was called the black myth about the Spaniards in South America there is also the black myth about Tasmania and in very recent times the question has been raised again. James Boyce in *Van Diemen's Land* calls his last section "towards genocide". Ian MacFarlane's book about the north western Aboriginal people and the Van Diemen's Land Company *Beyond Awakening* raises that question of genocide. I have just recently seen the BBC's new production on the history of racism which may or may not ever get here but it begins in Tasmania and ends in the death camps in Germany and there are many

other similar views about Tasmania but the question as I said of genocide above all is a question of intention.

Was there an intention to actually wipe out a people? This is not a new idea. Let me read a view written in 1861 reporting on events in Queensland where there had been a large number of Europeans killed and then a violent period of revenge:

We scarcely take up a foreign newspaper referring to British colonisation, or colonial government, but we find the treatment of the aborigines cast upon our name in the terms of bitter reproach. We, of course, know all the difficulties which environ these subjects, but we fear the evidence is irresistible that the destruction of the blacks is the aim as well as the result of our colonial policy:- that we have undoubtedly acquiesced when we have not participated, and that the guilt of these horrible massacres must finally rest with the Government, which is too weak to prevent because it is unwilling to punish them...We may excuse the settlers on account of the instant provocation, when, according to their reports, some thirty perished but the slaughter of seventy cannot be justified except upon reasons which point to the annihilation of the race.

That was John West writing in the *Sydney Morning Herald* in 1861. So it is not some new idea thought up recently, it is something that had been there for a long time.

So let me conclude by saying that in the period between 1989 and now Aboriginal history has probably become more important and will continue to do so. It will undoubtedly be taught as there is greater emphasis on Australian history, even if it seems students don't necessarily like what they hear, but there have been, as I have remarked, many films and songs and stories, paintings, novels and history books and there is once again a question of conflict and the dread and regret. So let me finish by quoting once again from John West talking about the view from Windmill Hill:

From the Windmill-hill at Launceston whence a wide and beautiful country is visible, the spectator could discern the site of twenty aboriginal murders – settlers, servants, and infants; the aged and the kind had fallen, as well as the base hearted and cruel.

And then he goes on to talk about the departure of the Tasmanians for Flinders Island, maybe as the result of a treaty or agreement:

It was, indeed a mournful spectacle: the last Tasmanian quitting the shores of his ancestors! Forty years before, the first settler had erected his encampment! A change so rapid in the relations of a people to the soil, will scarcely find a parallel in this world's history.

John West, I am sure, would have been there in spirit with Kevin Rudd as he delivered his apology to the Aboriginal people of Australia.