Debates on 'Genocide' in Australian History

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Article

Historians recreate the past with words. If they don't have a good command of the words they are using, they cannot make good history. One of the most controversial words historians can use is 'genocide'. What is it? When does it apply? All of us writing about history need to think carefully about key words we use.

The United Nations Convention of 1948 defines genocide as any of the following acts committed ***with the intent to destroy***, in whole or in part, a national, ethnic, racial or religious group:
(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.
According to the United Nations' definition, if there is no 'intent to destroy' there is no genocide.

Historians are divided over the meaning of genocide. Some agree with the United Nations' Convention. Others say that the definition is too narrow because it emphasizes 'intent'. They argue that genocide can happen even when genocide is not intended. The outcome matters most to them.
All historians agree that conflict existed between Aborigines and European settlers. There are many documented cases during Australia's colonial settlement when settlers, soldiers or Native Police tried to kill and did kill

Aboriginal groups with guns, poisoned flour or water, or other means. Two such cases include the Waterloo and Myall Creek massacres (discussed below). Aboriginal people also attacked and killed European settlers and destroyed their property. Some historians argue that most people killing Aborigines saw themselves as upholding British law and order, thinking they were acting to protect fellow settlers from attack – by going out and 'punishing', or by 'scaring off' trespassers. Violent episodes were often retaliatory actions for perceived crimes committed by settlers and Aborigines against one another. However, sometimes acts of violence were unprovoked, or caused by a lack of cultural understanding between the two groups. Frontier attacks were sometimes indiscriminate and carried out against the closest settler/Aborigine, rather than targeting the person who had committed the crime in question. This was the case in Tasmania, in 1826, when James Scott was murdered by a group of Aborigines. Scott considered himself to be a friend of the local Aborigines and laughed at the idea that they may harm him. When an Aboriginal woman was abused by a white man, named Dunne, the Aborigines killed Scott as an act of revenge. For a long time incidents like these were considered by many to be an inevitable consequence of white settlement. Others, believed that this form of violence constituted an unofficial war on the Australian frontier.

In these cases of struggles and violence on the Australian frontier, the issue to consider is whether the term 'genocide' only applies to cases of deliberate mass killings of Aborigines by European settlers, or whether the term 'genocide' might also apply to instances in which many Aboriginal people were killed by the reckless or unintended actions and omissions of settlers.

To help you make up your own mind on where you stand on this tricky subject, let's take a closer look at some of the issues. Firstly we'll review evidence about massacres, the numbers of people who died, and the circumstances of their deaths. Then we'll examine commentators' efforts to explain what happened. You will have to work out whether or not it amounted to 'genocide'.

Waterloo Massacre

In September and November 1837, four white servants were murdered by Aborigines at stations on the Namoi and Gwydir rivers, in New South Wales. Local settlers in the area wrote a petition to the government requesting better protection. Major James Nunn, a senior military officer, was despatched to the area with 23 mounted police. He was ordered to 'act according to [his] own judgment, and use [his] utmost exertion to suppress these outrages'.

In January 1838, Nunn and his men killed a large but unknown number of Aborigines. The *Oxford Companion to Australian History* recounts what took place: 'Waterloo Creek massacre was the culmination of a series of attacks by white settlers in the New England district of NSW on the traditional owners, the Kamileroi. The Kamileroi's loss of land and traditional food sources and, more importantly, the alleged kidnapping of their women by white men, prompted their attacks on shepherds, stockmen and stock. The aggrieved pastoralists demanded recognition and protection from the NSW government, which appeased them by authorising an expedition of mounted police in 1838. Its leader, Major James Nunn, instigated atrocious retaliatory measures against the group of Aborigines his party encountered at Snodgrass Swamp (Waterloo Creek) on 26 January. Several days later, the bodies of over 300 men, women and children were found in a nearby swamp -- a number unmatched in other recorded massacres in Australia. They were reputedly killed over a period of three days. The creek was triumphantly named 'Waterloo', recalling Britain [and Prussia's] victory of 1815 [over Napoleon].'

No investigation into the massacre was held until April 1839. The Major and his men were never legally tried.

Myall Creek Massacre

Historian Alexander Yarwood argues that the Waterloo massacre was a vital precedent for the Myall Creek massacre that occurred five months later in the same district. The Myall Creek massacre is described in *Race Relations in Australia: A History*.[1] In May 1838, a group of Aboriginal people was peacefully camped near a hut occupied by two convict workers, Kilmeister and Anderson, at Myall Creek. On 9 June 1838, twelve stockmen murdered

28 of these Aborigines. This event is referred to as the Myall Creek massacre. The Myall Creek massacre was the last in a series of massacres in the area perpetrated by European settlers against Aboriginal people. These massacres originated as acts of revenge for the murder of a white youth far to the west, but had gathered momentum and become a campaign of extermination. The efforts of the police magistrate at Muswellbrook, Edward Denny Day, led to eleven of the twelve murderers being brought to trial. All of these men were convicts or ex-convicts. The twelfth was a 'free man' who fled to Tasmania and was never tried for his participation in the massacre. At the first trial, a jury acquitted all eleven men. Amidst a blaze of controversy, seven men were re-tried and found guilty of murder. Three of these men, Foley, Russell and Oates, were Irish Catholics. The others were English-born Protestants; one of them, John Johnson, was a mulatto [a mixed-descent person emanating from the West Indies] of dark complexion, a native of Liverpool. Their average age at the time of the massacre was twenty-seven and a half years.

In passing sentence of death, Judge William Burton gave a moving description of the awfulness of the crime: 'A party of blacks were seated around their fire, which they had just made up for the night – they were resting secure under the protection of one of you [the prisoners] – they were totally unsuspecting – when they were suddenly surrounded by a band of armed men, of whom you, the prisoners at the bar, were half, and all of whom were equally guilty. The blacks fled to the hut of one of you for safety, but that proved the mesh of their destruction. In that hut, into which they had fled depending for security – in that hut, amid the tears, the sighs, the sobs, and the groans of the unhappy victims, you bound them away a small distance from the hut, where, one and all, with the exception of one woman, met one common destruction.'

Another ugly feature of the massacre was the setting aside of the more attractive Aboriginal women, before they were killed, to satisfy the excited sexual appetites of the murderers. The seven men were hanged at Sydney gaol in December 1838.

The trials brought to the surface a swell of public interest. The idea of hanging white men for killing Aborigines was repugnant to the majority of European settlers; they believed that the prisoners should be acquitted whether guilty or not. A newspaper, called the *Monitor*, commented on the first trial: 'The verdict of acquittal was highly popular! It was with exertion that the Chief Justice could prevent the audience from cheering - such was their delight!' When the seven prisoners were found guilty and hanged, there were 'ill-suppressed murmurings of the rabble' because of the 'hardship of hanging so many white men for the murder of a few black cannibals'. The *Australian* published an interview with one of the jurymen who found for acquittal at the first trial: 'I look on the blacks… as a set of monkies [sic], and the earlier they are exterminated from the face of the earth the better. I would never consent to hang a white man for a black one.'

Another historian, Andrew Markus, has pointed out that settlers were rarely tried for violence against Aborigines.[2] He also argued that historians had not fully understood the significance of the Myall Creek trial. As Markus saw it, that trial showed that impartial administration of the law was the exception rather than the rule. He said that the trial was 'the great exception' - the only one that resulted in multiple executions. The rule, on the other hand, was everywhere to be seen - a general unwillingness to 'treat the murder of Aborigines as a crime.'

How much of this deliberate destruction of Aboriginal people went on? There is a fierce dispute about this question. Some historians argue that up to 20,000 Aboriginal people were killed in raids and reprisals on the Australian frontier. Others say that this figure is an exaggeration. On this account, the number of killings has to be smaller than the 20,000 figure above. On the other hand, no one is able to suggest how many Aboriginal people died due to deliberate acts like poisoning of men, women and children. Take that into account, and the overall number might go up.

When Europeans settled Australia after 1788 the Aboriginal population declined from an estimated 300,000 (or possibly up to one million) people down to 120,000 by the 1920s. There is agreement about one fact: less than 10% of this dramatic decline following European settlement was caused by *deliberate* acts such as shooting or poisoning. Most deaths were caused by disease. Deaths were also caused by the loss of hunting grounds due to sheep and cattle grazing. Aborigines' nomadic lifestyle was suddenly curbed, leading to poor diet and low morale, through the loss of food sources, sacred places and ritual life. These losses often led to further problems – malnutrition, alcoholism, demoralization and despair – all of which took its toll on the Aboriginal population. Some Aboriginal adults were disinclined to bring children into such a world. Sexually transmitted diseases further prevented this occurring through infertility.

Mostly *unintended consequences* caused widespread destruction of Aboriginal societies. Was this genocide? The remorseless pressures of European settlement caused Aboriginal numbers in one location after another to decline rapidly. One result of settlement was the decline in the number of Aborigines and the disintegration of the Aboriginal way of life. Was this genocide?

Some historians argue that this was genocide. They say the *outcome* really should define the word, not the intention. They say the situation created by the new European presence on one Australian frontier was *genocidal* in its effect. Others say we should stick to a definition that emphasizes intent, citing the example of the criminal law where police and prosecutors almost always need to demonstrate beyond reasonable doubt intent to commit an offence. What do you think?

Debating whether the concept of 'genocide' applies to Australian history, here's what four informed commentators think about this difficult question. Much depends on how they view 'intentions' and 'outcomes'. The opinions of our four commentators are also anchored, where possible, around their

analysis of the writings of Reverend Lancelot Threlkeld, a missionary working with Aborigines in New South Wales between 1826-40. Threlkeld is a key source used by historians in reconstructing the past treatment of Aborigines.

Commentator 1: Tony Barta

Tony Barta was born in New Zealand while the power of Hitler's Germany was at its height. His parents had to leave Austria in 1938, leaving their own parents behind. He studied history and politics at Otago University (Dunedin, New Zealand) and the Free University (Berlin, Germany) before coming to Australia in 1969. For many years he taught at La Trobe University in Melbourne. As well as writing about what he thinks was genocide in Australia, he has written about Germany in the twentieth century, and on how historical understandings are created by film, television and video.

Tony Barta's line of argument

Writing in 1986, Tony Barta was one of the first historians to argue that 'Australia … is a nation founded on genocide'. He defined genocide not only as an action designed to kill off a group of people, but also as actions -- regardless of intention -- that have the effect of killing a group of people. Barta argued that if we only emphasise intentions to kill we devalue 'all other concepts of less-planned destruction, even if the effects are the same'. He believes that genocidal outcomes are what matters, not coordinated policies.[3] So, if Europeans bring smallpox to Australia and it wipes out an Aboriginal clan, this is genocide. If pastoralists occupy hunting grounds, not with the intention of starving Aboriginal people, but rather with the intention of feeding their sheep, the outcome (should Aboriginal people starve as a result) also amounts to genocide.

To Barta, the key relationship that all white people in Australia have with Aborigines is 'the appropriation [taking] of the land', somewhere, somehow, sometime. He believes that the taking of Aboriginal land was an act of genocide. Barta argues that governments and governors were not the only ones responsible. He contends that all Australians were and are still

accountable for this act. Barta states that the white settlers' taking of Aboriginal land was'fundamental to the history of the society in which we live'. As he sees it, taking the land was 'fundamental to the type of society, rather than to the type of state'. He sums it up this way: Australia seemed 'a genocidal society – as distinct from a genocidal state'. He has in mind how 'the whole bureaucratic apparatus' which might have been 'officially… directed to protect innocent people' was instead subjected 'to remorseless pressures of destruction' of an entire race, pressures that he thinks were 'in the very nature of [Australian settler] society'. Barta concludes, 'It is in this sense that I would call Australia, during the whole 200 years of its existence, a genocidal society'.

Contrast Tony Barta's view on genocide in Australian history with your interpretation of the rules and definitions in the 1948 UN Convention on Genocide. Report back with arguments and reasons about why you think Barta is right or wrong.

Barta using Threlkeld as evidence

Amongst other evidence used to demonstrate how white Australian society displaced and killed Aborigines 'whether officially sanctioned or not', Barta recounts a story told by Lancelot Threlkeld, a missionary at Bathurst in 1826. Barta sees Threlkeld's account as 'thick with the language of genocide'. He cited this passage from Threlkeld:

'One of the largest holders of Sheep in the Colony, maintained at a public meeting at Bathurst, that the best thing that could be done, would be to shoot all the Blacks and manure the ground with their carcasses[4], which was all the good they were fit for! It was recommended likewise that the Women and Children should especially be shot as the most certain method of getting rid of the race. Shortly after this declaration, martial law was proclaimed, and sad was the havoc made upon the tribes at Bathurst. A large number were driven into a swamp, and mounted police rode round and round and shot them off indiscriminately until they were all destroyed! When one of the police enquired of the Officer if a return should be made of the killed, wounded there were none, all were destroyed, Men, Women and Children! the reply was;-that

there was no necessity for a return. But forty-five heads were collected and boiled down for the sake of the skulls! My informant, a Magistrate, saw the skulls packed for exportation in a case at Bathurst ready for shipment to accompany the commanding Officer on his voyage shortly afterwards taken to England.'[5]

Do you think that Barta's evidence from Rev. Threlkeld supports his view that genocidal outcomes matter more than intentions to kill, what he calls 'coordinated policies'? Why / why not? Which clauses and articles, if any, of the 1948 UN Convention on Human Rights might Barta's evidence from Threlkeld satisfy?

Commentator 2: Henry Reynolds

Henry Reynolds is Professor of History at the University of Tasmania. One of Australia's most influential and widely-read historians, Reynolds' work was crucial to the outcomes of recent Mabo and Wik High Court rulings upholding some Aborigines' customary rights over land. Reynolds was the historical consultant for the ABC's acclaimed TV documentary series, *Frontier*. Born in 1938, once a teacher in Tasmania and an academic historian in Townsville, Reynolds has written many books exploring the Australian history of Aboriginal people's frontier encounters with European settler societies and policies. Reynolds sees history as helping to forge 'reconciliation' with Aboriginal communities in Australia, explaining that many people of his generation believe 'that the version of history taught in schools and communities had been seriously lacking and had hidden many aspects of the relations between the European settlers and the indigenous people'.[6] He thinks that the Australian War Memorial in Canberra, for instance, should have galleries devoted to frontier wars between settlers and Aborigines.[7]

Henry Reynolds' line of argument

While Henry Reynolds acknowledged the difficulty of determining whether genocide had been committed in Australia, he considered that attempts to

destroy a human group in whole or in part, as it is defined in the UN Convention 'can take many forms, not all of them violent'.[8] Reynolds informs us, for instance, that Raphael Lemkin -- the man who invented the word 'genocide' and who helped draft the UN Convention -- considered 'the action of the Tasmanian colonial government in the 1820s and 1830s' as genocide. While Reynolds quotes an Australian parliamentarian in 1949 who thought the 'crime of genocide unthinkable in Australia', Reynolds reminds us that Australian settlers and their descendants frequently used the terms 'extermination', 'extirpation' and 'extinction' in relation to the colonial treatment of Aborigines. Like Tony Barta, Reynolds thinks we should not ignore language like this.

Contrast Henry Reynolds' view on genocide in Australian history with your interpretation of the rules and definitions in the 1948 UN Convention on Genocide.

Report back with arguments and reasons about why you think Reynolds is right or wrong

Reynolds using Threlkeld as evidence

Henry Reynolds[9] emphasises Threlkeld's use of certain words in his annual reports to the government about the Aboriginal people. He wrote: 'Threlkeld detailed the atrocities he had heard about in his official annual reports to the government, particularly in his seventh report, for 1837 and the eighth report, for 1838. In the seventh report he declared that if an inquiry was held into the conduct of some Europeans towards the blacks it would discover that a "war of extirpation" was underway. Anyone who tried to speak about the situation faced intimidation from "lawless banditti" who by combination and cruelty defied British law "to its very teeth"… As with other humanitarians, [Threlkeld] was deeply troubled by the already entrenched tradition of the punitive expedition which by its very nature was likely to be both random and excessive. He has no doubt that murderers, whether black or white, should be executed. "But let it be the Murderer", he cried in anguish, "not his wife, his

children, his friends, his relatives, his race… If the natives did wrong… let them be punished on *Christian principles*"… The missionary's anger at the campaign by Major Nunn along the Gwydir [river] and its tributaries in January 1838 [Waterloo Creek Massacre] runs as a broad thread through his 1838 report. He referred with fury to the "cold hearted, bloody massacres by men called Christians". Then in a direct reference to what he knew of Nunn's behaviour after the campaign he scorned those who could "boast of their exploits in 'popping off a Black the moment he appeared', regardless to his innocence or guilt".

Reynolds was aware of Threlkeld's sympathy with Aboriginal people and their plight on the frontier. He noted that Threlkeld often blamed the Europeans for much of the frontier violence. Threlkeld also indicated, however, that Aboriginal people also acted violently. Many incidents of Aboriginal violence towards Europeans are recorded in police records, newspapers and government reports.

About Threlkeld

Threlkeld believed that much of this frontier violence was in response to Aboriginal people being threatened by Europeans. Cultural misunderstandings were often also involved. Many Europeans who lived on the frontier were unfamiliar with Aboriginal customs. Likewise, many Aboriginal people knew nothing of European society. Often, Aboriginal people stole sheep and cattle for food. Europeans saw this as a direct attack on themselves and their property; Aboriginal people saw it as hunting. Consequently, Europeans often tried to protect their stock from Aboriginal theft by violent means. Aboriginal people and Europeans sometimes died during incidents of stock theft. Neither saw their actions as wrong, but a necessary form of survival or protection.

Threlkeld was concerned with organised or unprovoked violent episodes carried out by Europeans against Aboriginal men, women and children. He believed that European settlers needed to act in a 'civilised' and 'moral'

manner towards the Aborigines. Threlkeld thought that if settlers were kind to Aboriginal people then they would learn to trust Europeans and look upon them as friends, rather than enemies. As a result of this friendship frontier violence would decrease.

Do you think that Reynolds' evidence from Rev. Threlkeld supports Reynolds' view that genocidal intentions to kill were evident in colonial Australian history? Why / why not? Which articles and clauses, if any, of the 1948 UN Convention on Genocide might Reynolds' evidence from Threlkeld satisfy?

Commentator 3: Keith Windschuttle

Originally trained as an historian, Keith Windschuttle is a social scientist who has also written about history in general, and Australian history in particular. He has taught social policy and communications in universities, writing on unemployment and on writing itself. Windschuttle thinks that recent writing on Aboriginal history has too many exaggerations and fabrications. He adheres to an informal group of conservative public intellectuals, 'The Sydney Line', who think that only individuals and communities (not governments) can improve people's lives. This group advocates multiracialism, rather than multiculturalism. They claim that they put empirical facts before theoretical trends. They also reject the notion that 'all cultures are equal'.

Windschuttle's line of argument

To Windschuttle, genocide only refers to premeditated and deliberate mass killing, not violent deaths of people who were killed in 'ones and twos' by colonists in incidents which each had their 'own specific cause'. Windschuttle's way of arguing emphasises intentions, not outcomes. He tries to apply strict standards of evidence. He sees his work as putting things in context. Windschuttle could find no general evil intent in the settlers' colonial Australia: 'Ever since they were founded in 1788, the British colonies in Australia were civilised societies governed by both morality and laws that forbade the killing of the innocent. The notion that the frontier was a place

where white men could kill blacks with impunity [without punishment] ignores the powerful cultural and legal prohibitions on such action. For a start, most colonists were Christians to whom such actions were abhorrent. But even those whose consciences would not have been troubled knew it was against the law to murder human beings, Aborigines included, and the penalty was death. Those on the pastoral frontier knew that there would always be someone likely to report them, as happened at Myall Creek where the alarm was raised by the station overseer. The seven men hanged at the Sydney gallows in 1838 were a grim proclamation of this reality.'

Contrast Keith Windschuttle's view on genocide in Australian history with your interpretation of the rules and definitions in the 1948 UN Convention on Genocide. Report back with arguments and reasons about why you think Windschuttle is right or wrong. Is it possible, or fair, to 'apply strict standards of evidence' when secrecy and a lack of evidence often surrounds frontier incidents?

Windschuttle using Threlkeld as evidence

Windschuttle thinks that historians like Barta and Reynolds were misled in relying on Threlkeld's accounts to support their arguments. Doubting Threlkeld, suspecting that Threlkeld's mission work stood to benefit from exaggerating injustices, Windschuttle believes that, 'Threlkeld had little compunction about fabricating massacre stories and trying to influence government opinion with them. In fact, in his day… Threlkeld gained a reputation as an obsessive inventor of such tales'. Windschuttle believes that Threlkeld 'used stories about white brutality towards Aborigines because of the opportunity they provided to influence policy, in particular the policy of separatism'. Furthermore, Windschuttle claims that 'during his time as a missionary, Threlkeld not only invented the notion of a "state of war" and "a war of extirpation" but many other tales for which he either could not provide any credible support or in which he was actually caught lying'.

Do you think that historian Windschuttle's evidence from Rev. Threlkeld supports Windschuttle's view that genocidal intentions are all-important? Why / why not? Which aspects, if any, of the 1948 UN Convention on Genocide might

Windschuttle's evidence from Threlkeld rule out?

When Threlkeld was asked in a government inquiry about the exporting of Aboriginal skulls [referred to in the excerpt used by Barta], he replied, "It is only necessary to state that investigations did take place both in the Colonial Government and the Imperial Parliament at the proper time, and that now such atrocities can only be referred to as matters of history". Researching the matter, Windschuttle finds that 'no historian, however, has ever found these institutions making any such investigations.' Examining related matters independently, the editor of Threlkeld's papers, Niel Gunson, concluded that 'it would be fair to say that [Threlkeld] was less critical about hearing hear-say accounts of human acts and massacres perpetrated by Europeans. He was almost certainly guilty of exaggerating the details and frequency of unsavoury episodes, although this is now difficult to prove'.[10]

Do you think that Windschuttle's evidence about Rev. Threlkeld undermines Reynolds and Barta's view that Threlkeld offers useful evidence of genocidal outcomes and / or intentions in colonial Australian history? Why / why not?

Commentator 4: Kenneth Minogue

Kenneth Minogue is Emeritus Professor of Political Science in the Department of Government at the London School of Economics. He presented the ideas expressed here at a meeting of the Samuel Griffith Society at the NSW Parliament House in May 1998. Not himself an historian, Minogue opted to discuss the political uses to which arguments about the study of the past may be put.

Minogue's line of argument

Kenneth Minogue does not try to define the word 'genocide'. Rather, he tries to explain why the word has currently come to be used in connection with the treatment of Aborigines in Australia after European settlement. Minogue places current debates in Australia as another part of an international trend re-appraising past 'oppression and exploitation' of colonized indigenous

peoples. As Minogue sees it, writers of history and some framers of public policy in Australia -- attempting first to apologise for, and then to reconcile, past wrongs -- have turned ‘the Aboriginal question’ into something ‘remarkably moralized, leading at the extreme to the accusation that Australia is guilty of genocide’.

While Minogue acknowledges that ‘many Aborigines were shot, women raped and they were often treated with the contempt the powerful have for the powerless’, he thinks that it is taking things way too far to label this as genocide. Minogue distinguishes racism, isolated killings and ham-fisted attempts at assimilation from genocide. He adds that there are many different stories that historians can tell about ‘White’ Australia’s past relations with Aborigines, not just ones ‘of unrelieved gloom’: ‘Some of the settlers behaved well towards Aborigines, and the civic assumption that all are equal before the law was never entirely abandoned’. As an example of the equal administration of justice, Minogue cites the case of the seven men convicted of murder and hanged in 1838 for the massacre of Aborigines at Myall Creek.

Whether in the writing of history or the framing of public policy, Minogue thinks that questions of ‘guilt’ and of ‘genocide’ are self-serving. They only serve to raise moral uncertainties that manipulate the past to suit the present. For Minogue, moral agendas, ‘like all other aspects of human life, [are] subject to misuse or corruption’. He believes that any use today of the concept of ‘genocide’ has been stretched to accommodate Australia in the past or to suit Australia in the present. Instead, Minogue argues that two contemporary purposes are served when historians and political leaders try to inflate, as he sees it, a collective sense of guilt and when they try to stake out moral high-ground about events in the past. On the one hand, Minogue thought that ‘moralizing’ provided a self-serving political platform for changing contemporary policies on land rights and securing financial compensation for some descendants of indigenous peoples. On the other hand, Minogue concluded that it also allowed some self-serving descendents of the supposed ‘exploiters’ to feel morally superior – it gave them the chance to wipe away

their own sense of guilt. By shaming the government into making amends by making the necessary reparation and apologies, Minogue thought that both groups were hoping that the history slate could be wiped clean and that a way might be opened for reconciliation. For Minogue, 'the charge of genocide' is like the idea that 'reconciliation requires a national apology'; both seemed self-serving, and 'flow into Australia on currents of international thought'.[11]

Contrast Kenneth Minogue's views on genocide in Australian history with Barta's Reynolds' and Windschuttle's. Assess whether you think Minogue is right to doubt the value of applying rules and definitions in the 1948 UN Convention on Genocide to Australian history and Australian public policy. Report back with arguments and reasons about why you think Minogue is right or wrong.

Four History Hypotheticals to Discuss

1. Imagine you are an Aboriginal person living on the frontier. Over the past year the government has given European settlers a pastoral lease on your land. They have taken most of your traditional hunting and food gathering lands. As a result, your family and clan suffer from malnutrition, going hungry due to the lack of food. You see sheep grazing nearby on your traditional lands. These sheep could help alleviate the hunger of your relatives. When you go to take the sheep, a settler shoots a gun at you. Do you consider it be murder or self-defence if you speared the European through the chest and he died? Were you justified in taking the sheep? Consider what other sources for food supplies might have been available to you.

2. Imagine you are a pastoralist on the frontier. Over the past two weeks, local Aborigines have stolen fourteen of your sheep. You have invested all of your money into the property; if stock losses continue you will have to give up your lease. What are you going to do to protect your sheep? When and if an Aboriginal person comes near your sheep run, what will you do? Would you use violence to stop Aborigines from stealing your sheep? If you killed an Aborigine trying to steal your property (the sheep) would it be wrong?

3. You and your neighbours know where the local Aborigines are camping. You decide to go to the camp to punish the people whom you think stole your sheep. When you go to the Aborigines' camp, one of your neighbours starts to shoot the Aborigines. Confusion breaks out and people are running everywhere. Caught up in the moment, you start to shoot as well. At the end of the confrontation, five Aboriginal people are dead. Is this act genocidal or is it 'just' murder?

4. Over the next two years you participate in similar attacks on Aboriginal people, choosing them as targets because of their race. Is this act genocidal or is it 'just' murder?

What difference would it / should it make to your writing, telling or showing of local history if:

- you are a lineal descendant of a settler who shot Aborigines in the district in which you may or may not still live
- you are a lineal descendant of an Aborigine who once lived in the district in which you may or may not still live
- you are the director of the local history museum in that district
- you teach history in that district.

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Endnotes

[1] A.T. Yarwood and M.J. Knowling, *Race Relations in Australia: A History,* Sydney, Methuen Australia, 1982, pp. 104-112.

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[2] Andrew Markus, *Australian Race Relations: 1788-1993,* Sydney, Allen & Unwin, 1994, pp. 47-49.

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[3] Tony Barta, 'Relations of Genocide: Land and Lives in the Colonization of Australia', in *Genocide and the Modern Age: Etiology and Case Studies of*

Mass Death, Isidor Wallimann & Michael N. Dobkowski (eds.), New York, Westport, Connecticut, London, Greenwood Press, 1987, pp. 237-251.

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[4] Threlkeld shocks here by purporting to quote colonists using a word that was generally only applied to dead animals, not human beings.

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[5] L.E. Threlkeld, *Australian Reminiscences and Papers*, Niel Gunson (ed.), Canberra, Institute of Aboriginal Affairs, 1974, vol. 1, p. 49.

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[6] Henry Reynolds, *Why Weren't We Told?: A Personal Search for the Truth about our History*, Melbourne, Penguin Books, 2000, Preface to this Edition, p. xii.

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[7] Reynolds, *Why Weren't We Told?*, pp. 174-76.

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[8] Reynolds, *An Indelible Stain? The Question of Genocide in Australia's History*, Ringwood, Viking, 2001, p. 2.

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[9] Reynolds, *This Whispering in our Hearts*, Sydney, Allen & Unwin, 1998.

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[10] Niel Gunson, Threlkeld, p. vi.

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[11] Kenneth Minogue, 'Aborigines and Australian Apologetics', *Quadrant*, (September 1998), pp. 11-20.

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Further Reading

The question of 'massacres' or deliberate killing of Aboriginal people in Australian history is hotly debated. In three articles written for *Quadrant*, Keith Windschuttle has argued that there was only one genuine massacre in Australian history: at Myall Creek in New South Wales in 1838. Parts 1 and 3 consider Thelkeld's story. All three articles can be read at http://www.sydneyline.com:

'The myths of frontier massacres in Australian history, Part I: The invention of massacre stories', *Quadrant*, October 2000

'The myths of frontier massacres in Australian history, Part II: The fabrication of the Aboriginal death toll', *Quadrant*, November 2000.

'The myths of frontier massacres in Australian history, Part III: Massacre stories and the policy of separatism', *Quadrant*, December 2000.

Windshuttle's case has been disputed in turn by Raymond Evans and Bill Thorpe in an article called 'Indigenocide and the Massacre of Aboriginal History', *Overland*, 163 (2001), pp. 15-33. See also, Raymond Evans paper given at the Frontier Conflict Conference in November 2001, 'Across the Queensland Frontier', at:

http://www.nma.gov.au/frontierconflict/welcome_to_frontier_conflict

Richard Broome also delivered a paper at the Frontier Conflict Conference in which he defends the earlier claims that approximately 20,000 Aboriginal people died on the frontier. His article 'The Statistics of Frontier Conflict' can be accessed at:

http://www.nma.gov.au/frontierconflict/welcome_to_frontier_conflict

Tony Barta argues the case for a wider definition of 'genocide', one that includes unintended consequences. He is specifically concerned with what happened to Aboriginal people in Australian history: 'Relations of Genocide: Land and Lives in the Colonization of Australia', in Isidor Wallimann & Michael Dobkowski, *Genocide and the Modern Age*, New York, 1987, Greenwood

Press, pp. 237-251. History teachers may wish to read this essay, but students will find it difficult.
Henry Reynolds' latest book deals with the subject or the question of genocide in Australia's past. See *An Indelible Stain?*, Viking, 2001.

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Internal Hyperlinks

Genocide

The word 'genocide' combines ancient Greek genos, meaning race or tribe, with Latin cide, meaning to kill. Genocide has happened since ancient times. A Polish lawyer called Raphael Lemkin first coined the word in 1943-44. Lemkin wanted to create a term to adequately describe the Holocaust, the systematic persecution (after 1933), registering and rounding-up (1935-41) and murder of Jews (1938, 1941-45) in Nazi-ruled Europe. Even before the German army invaded Poland in 1939, Nazi pressure on Poland led to Lemkin's dismissal from a Polish government job in 1934. Lemkin had to hide in the forest for six months after the surrender to Germany and Russia of the Polish forces in September 1939. Lemkin was lucky; he managed to escape Poland, reaching neutral Sweden in 1940. Since the Second World War, Lemkin's word 'genocide' has been used to describe many other terrible events at other times in history. Drawing on Nazi examples, Lemkin explained as early as 1943-44 how his term 'genocide' has many aspects - political, social, cultural, religious, moral, economic, biological and physical - in:
http://www.preventgenocide.org/lemkin/freeworld1945.htm
You can find out more about Raphael Lemkin (1901-59) in these interesting sites:
http://www.europaworld.org/issue40/raphaellemkin22601.htm
http://huc.edu/aja/Lemkin.htm
http://www.preventgenocide.org/lemkin/

BACK TO TEXT - 'genocide'

BACK TO TEXT - 'Raphael Lemkin

Native Police

The Native Police, sometimes called the Black Police, were corps of Aborigines, generally mounted, employed by the colonial police forces.

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Some historians

Henry Reynolds, *The Other Side of the Frontier*, Ringwood, Penguin, 1990; Richard Broome, 'The Struggle for Australia: Aboriginal-European warfare 1770-1930' in Michael McKernan and Margaret Browne (eds.), *Australia: Two Centuries of War and Peace,* Canberra, Australian War Memorial, 1988; and Robert Murray, 'What really happened to the Kooris?', *Quadrant*, November 1996.

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Others

Keith Windschuttle, 'The Myths of Frontier Massacres, Part II: The Fabrication of the Aboriginal Death Toll', *Quadrant*, November 2000.

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disease

Diseases such as smallpox led to the deaths of thousands of Aborigines. Common diseases suffered by Europeans such as influenza, and even childhood diseases such as chicken pox and measles were also responsible for a sharp decline in the Aboriginal population. These diseases became virulent among a people who had no traditional immunity to them. Venereal diseases spread rapidly producing infertility to slow population recovery.

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Lancelot Threlkeld

Lancelot Edward Threlkeld (1788-1859) was one of a 'new breed' of missionaries sent to infuse life into the Pacific mission stations of the London Missionary Society. During his island experience he discovered that the best

way for communicating Christian beliefs to indigenous people was by immersing himself in their daily lives and learning their languages and concepts. He continued this practice when he came to Australia in 1824. Keith Windschuttle tells us more: 'Lancelot Threlkeld … was born in London and was a Methodist preacher before training with the London Missionary Society in 1814-15. He arrived in Sydney in 1824 after serving seven years in the Society Islands, now Tahiti. In 1825 he put a proposal to Governor Brisbane to establish a mission to the Aborigines. Brisbane agreed and reserved in trust ten thousand acres on Lake Macquarie. The establishment was funded by the London Missionary Society and Threlkeld moved there in 1826. However, by 1828, after ongoing financial mismanagement, the directors in London decided to abandon the mission and to dismiss Threlkeld. By 1831, he had secured a new grant of land and a salary from Governor Darling for another mission in the same district, near present-day Toronto. For the next ten years, Threlkeld administered this organization, though to a progressively declining number of Aborigines. In this period, he continued his ethnographic studies of Aboriginal culture and eventually published three books on Aboriginal language. The mission was finally closed in December 1841'. See also http://www.asap.unimelb.edu.au/bsparcs/biogs/P002673b.htm

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skulls and England

Reports of efforts today by indigenous groups to retrieve skulls and bones in British museums for traditional burial are at: http://www.news.com.au/common/story_page/0,4057,4429558%255E1702,00.html while http://www.hartford-hwp.com/archives/24/171.html discusses the life and fate of Yagan, a Nyungar man who violently resisted the settlement of Perth, was executed, and whose bones were taken away: http://www.greenleft.org.au/back/1997/289/289p12.htm

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ABC's acclaimed TV documentary series, *Frontier*

The TV series, *Frontier*, ABC 1997, was inspired by Henry Reynolds'

research, but written and directed by Bruce Belsham and Victoria Pitt. The site http://www.abc.net.au/frontier/ offers information about the series, available in video and CD-Rom, and offers materials for classroom use and private study. Professor Reynolds has been interviewed recently on ABC TV's *4 Corners* programme on questions of Aboriginal identity in Tasmania: http://www.abc.net.au/4corners/stories/s659114.htm

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Genocide

In *4 Corners*, an ABC TV program on 26 August 2002, Prof. Reynolds commented on the use of the term 'genocide': 'Well I think genocide is a word that's used very, very loosely. If you're going to use it it's got to be used very precisely because it is a word that relates to a very specific crime - and although you can say something is "blue murder" when you mean it's a nuisance, it's using the word in a very loose sense. So genocide is not a word that I think should be used loosely. It's too serious a word.' The full transcript of his comments is at http://www.abc.net.au/4corners/stories/s659114.htm

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'the action of the Tasmanian colonial government in the 1820s and 1830s'

During the 1820s and 1830s Governor Arthur formulated a policy to 'round-up' Tasmanian Aborigines and remove them to designated areas in the colony, away from European settlers. In February 1830, Arthur decreed that rewards were to be paid to anyone who successfully captured Aboriginal people. The rewards were set at £5 per adult and £2 per child. As a result, settlers, soldiers, police and even some convicts, formed roving parties to seize Aborigines. This policy led to violent confrontations between Aborigines and Europeans and resulted in the 'Black War', of October-November 1830. The 'Black War' was an attempt, by Arthur, to force Aboriginal people into the Forestier Peninsula by driving a cordon of 3000 soldiers and volunteers across the island from north to south. Historian, M.J. Knowling stated that Arthur's 'policy of force … brought about an open season for massacres such

as the "Victory Hill" killing of thirty Aborigines, mainly women and children.' (*Race Relations in Australia*, p. 78.)

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'crime of genocide unthinkable in Australia'

Leslie Haylen, Labor Member for Parkes, in the parliamentary debate on Australia's ratification of the Convention on the Prevention and Punishment of the Crime of Genocide, June 1949.

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extirpation

Trees and weeds are 'extirpated'; dug up, pulled out and thrown away.

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Christian Principles

At the Sermon on the Mount, Jesus Christ tried to sum up his Christian teachings to people who had gathered to hear him. The Gospel according to Matthew, chapter 7, verse 7, quotes Jesus preaching his core message, 'Do for others what you would want them to do for you'; earlier, in chapter 5, verses 5 to 7, Jesus delivered another core message, maintaining, 'Happy are the meek: they will receive what God has promised [salvation]!… Happy are those who show mercy to others: God will show mercy to them!' See also the Gospel according to Luke, chapter 6, for another version of this sermon.

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along the Gwydir [river] and its tributaries in January 1838

Keith Windschuttle, by contrast, questions the uncritical use of Threlkeld's testimony by historians. He states: 'No one found 300 bodies in a nearby swamp several days later, or at any other time. No one ever claimed they did. Apart from those directly involved at the time, no one ever found any bodies… It is pure invention. Although one of the troopers involved later said "forty to fifty blacks" might have been killed at the site, the most probable figure for

Aboriginal dead at Waterloo Creek is less than ten, all of them male warriors… [and] they were not killed for the reasons given in this entry.' For the full text of the article, go to Keith Windschuttle's website at http://www.sydneyline.com/Massacres Part One.htm

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About Threlkeld

There are materials about Threlkeld in the websites designed for the ABC TV series, *Frontier* (1997) at http://www.abc.net.au/frontier/education/slavestu.htm

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'The Sydney Line'

Windschuttle's website at http://www.sydneyline.com has many of his recent writings on history, politics and Australian culture. This website includes a selection of his articles criticising historical writing on the frontier.

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multiracialism

Equality of political representation and social acceptance in a society made up of various races.

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multiculturalism

Rather than upholding a single mainstream culture, multiculturalism encourages interest in many cultures within a society.

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the policy of separatism

Separatism refers to policies urging the creation of separate communities for Aboriginal and White Australians. By enforcing physical separation, this policy

was designed to protect both communities from harming each other. A policy like this -- Apartheid -- was once implemented in South Africa, 1948-90.

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Kenneth Minogue
You can sample some of his political ideas at:
http://www.conservativeforum.org/authquot.asp?ID=551

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Key Learning Areas

ACT

High School Band

TCC Knowledge and understanding of people, events and issues that have contributed to the Australian identity and to its changes.
TCC Change and continuity in political, social and economic organisation.
C Identity: individual experience of environments; family and community structures across time and place.
C Social cohesion and cultural diversity: diversity within Australian cultural groups; mainstream cultural values in Australia and elsewhere.
C Aboriginal and Torres Strait Islander societies: the effects of occupation and dispossession of land; impact on cultural traditions of invasion, colonialism, dispossession, missions and oppressive laws; effects of racism and prejudice, and ways to counter it; human rights, their violation, and movements for social justice in a range of countries; values of various groups concerning an issue in the media.
Natural and social systems: Social systems: role of the public in making political choices; basic legal rights, responsibilities and presumptions and the values and beliefs on which they are based; ways in which organised groups may attempt to create change on behalf of individuals and their effectiveness

in achieving their objectives; power relationships between individuals and groups of people within social systems in the public and private domain.

Senior Syllabus

Individual Case Studies.

NSW

Level 4

Focus Issue 4. What has been the nature of colonisation and contact between indigenous and non-indigenous people in Australia?

Level 5

Focus Issue 4: What has been the changing nature of Aboriginal and non-Aboriginal relations in Australia?
Focus Issue 5: How have the rights and freedoms of various gender, cultural, social and economic groups changed?
Topic 1. Australian Social and Political Life to 1914: The Aboriginal Experience.
Topic 3. Australia between the wars: Stolen generations.
Topic 6. Social and Political Issues from the 1970s to the 1990s: Aboriginal issues.
Topic 7. Contemporary Australia: Towards reconciliation.

NT

Level 4

Soc 4.1 Represent and analyse significant events in Australia's past and explain how they have impacted on Australia today. Compare and contrast key features in the heritage of Australia and other nations including colonisation and the impact on Indigenous groups.
Soc 4.2 Research and present the impact of colonisation on Indigenous peoples in Australia.
Soc 4.3 Explain the concepts of prejudice, racism and discrimination and identify the common values inherent in the Declaration of Human Rights.

Soc 4.4 Identify, interpret and explain ways people express their values through their interactions based on age, culture, gender and class, including multiple perceptions of the same historical events. Analyse events which have impacted on developing a sense of identity in individuals, communities and groups, e.g. what it means to be Australian. Judge how differences in culture, gender, race and religion have affected individuals' life chances, e.g. stereotyping, prejudice.

Level 5

Soc 5.1 Evaluate the impact of colonisation on today's society, eg slave trade, dispossession, land rights.
Soc 5.2 Critically analyse information for accuracy, relevance, reliability, bias, racism and paternalism.
Soc 5.4 Examine a range of political ideologies and religious belief systems and their impact on individual societies. Identify a moral or legal issue of significance to the community, gather information from a variety of vested interest groups and recommend a course of action, e.g. genocide and land rights.

Level 5+

Soc 5+.1 Identify and evaluate the way peoples' actions, beliefs and personal philosophies alter their views on events. Examine and explain Australia's changing attitudes towards ethnic and cultural groups.
Soc 5+.3 Examine how legal and political philosophies can segregate or disempower individuals and groups. Investigate specific examples of prejudice, racism and discrimination in order to critically evaluate the circumstances that led to them.

QLD

Level 4

TCC Evidence over time: distinctions between primary and secondary sources of evidence.
TCC Causes and effects: critiques of evidence (stereotypes, silent voices,

completeness, representativeness).
CI Cultural perceptions: perceptions of particular aspects of cultural groups (traditional behaviours, multi-group membership, codes of practice, ethical behaviours).
CI Cultural change: changes resulting from cross-cultural contact on Australian and non-Australian indigenous cultures.

Level 5

TCC Evidence over time: appropriate use of primary and secondary sources (reliability, representativeness and relevance).
PS Human-environment relationships: human perspectives concerning patterns that constitute a region (population, political and geographic patterns).
CI Cultural diversity: aspects of diverse cultural groups including Aboriginal and Torres Strait Islander groups.
CI Cultural perceptions: impacts of particular perceptions of cultural groups held by a community.
CI Belonging: cultural aspects that construct personal and group identity.

Level 6

TCC Evidence over time: cultural constructions of evidence (indigenous views of Australian events).
TCC Heritage: ethical behaviour of people in the past.
CI Cultural diversity: ways various societies inhibit or promote cultural diversity.
CI Cultural perceptions: perceptions of cultures associated with a current issue.

Senior Syllabus

Modern History
Theme 1: Studies of Conflict
Through historical studies in this theme students will understand that important conflicts of the twentieth century have occurred on local, national

and international stages and that they can have military, political, social and cultural causes, effects and repercussions.

Theme 2: Studies in Hope

Through historical studies in this theme students will understand that through progressive movements and other agencies of social, cultural and political change, people have been inspired by hope for change to respond to challenges in ways that promote human and/or ecological well-being, with varying degrees of success.

Theme 3: The history of ideas and beliefs.

Through historical studies in this theme students will understand how ideas and beliefs have [impacted] on history, in local, national and global contexts.

Theme 7: Studies of diversity

Through historical studies in this theme students will understand the historical origins of the diversity of political, racial, ethnic, social or religious groups in a society, nation or region, and the ongoing historical significance of the relationships amongst groups.

SA

Levels 4 & 5

TCC Students investigate the historical origins of current problems or issues. Students make connections between how these problems or issues were addressed by societies distant in time and location, and how they are addressed by societies distant in time and location, and how these are addressed by Australian society today; they consider future possibilities.

TCC Students work cooperatively with others or in a team to discuss points of view and arguments about particular events or issues in order to consider the values associated with them and to explore ways in which future change or continuity can be influenced.

Students evaluate significant events in Australian and world history from a range of perspectives, and discussing the interpretations of causes and consequences.

Senior Syllabus

Australian History: Topic 1, Contact and Resistance: Indigenous Australians and the Colonial Experience, 1788 to the Present.

TAS

Aboriginal History 9/10 AB004 S

Aboriginal History is designed to introduce both Aboriginal and non-Aboriginal students to key ideas, concepts and events related to Australian history and culture.

History 11/12 HS730 B

Section 10 Racism in the Modern World.

VIC

Level 4

Focus: The way in which Aboriginal and Torres Strait Islander peoples of Australia's lifestyle has changed and adapted as a result of European occupation.

Learning Outcomes:

4.1 Demonstrate knowledge about how the organization and lifestyle of Aboriginal and Torres Strait Islander communities have changed over time.

Level 6

Focus: European occupation of Australia. Examines the impact of European occupation of Australia including the perspective of occupation as invasion.

Learning Outcomes:

6.1 Evaluate the impact of colonisation on Aboriginal and Torres Strait Islander communities.

6.3 identify which civil and political rights were denied the Aboriginal and Torres Strait Islander communities.

6.4 explain how the values of particular societies changed as a result of significant events.

VCE Koorie History Unit 1: Sections 1, 2, & 3. Land, Kinship and Culture. The impact of the invasion on Koorie relationships with the land, kinship

structures and identity, and on culture.
VCE Australian History Unit 3: Section 1, The colonial experience to 1850.
VCE Australian History Unit 4: Section 2, Towards a changing society: 1945 - present.

WA

Level 6

C. 6.1 The student understands that contemporary cultures reflect change and continuity in beliefs and traditions. Students explain the consequences of the impact of European settlement on Aboriginal family and kinship systems.
C.6.3 The student understands that core values of a society influence personal, group and cultural identity. Students analyse the beliefs and attitudes of individuals towards groups which are different from the ones to which they belong.
TCC 6.1 The student understands that present-day communities and societies have been shaped by the changing and lasting aspects of significant events, people and ideas from the past. Students describe and explain changes in the rights and freedoms of Aboriginal and Torres Strait Islanders in the 20th century.

Level 7

C. 7.3 The student understands that access to human rights impacts on personal, group and cultural identities. Students examine how the United Nations has influenced human rights issues.
TCC 7.3 The student understands that people's perspectives and actions on issues are based on their version of history. Students account for the occurrence of a contemporary event in view of its historical background. Students identify dominant influences that have contributed to the development of core values in Australia.

Level 8

C 8.1 The student understands that the empathy that exists between different cultures' belief and traditions influences the quality and nature of their

interaction. Students justify the use of the term 'cultural revival' in relationship to contemporary Aboriginal cultures and predict possible outcomes of the reconciliation process.
C 8.2 The student understands that cultures adjust the ways in which they maintain cohesion and allow diversity in order to improve the quality of life and retain a sense of community. Students analyse policies related to minority cultural groups, e.g. Universal Declaration of Human Rights, multiculturalism. Students analyse the impact of successive government policies on Aboriginal people, e.g. civilising and Christianising, segregation, assimilation, self-determination, reconciliation.
C 8.3 The student understands that resolution of moral and ethical issues enhances personal, group and cultural identities. Students evaluate ethical issues raised by interracial adoption of children.
TCC. 8.3 The student understands that different individuals, groups and societies constantly interpret and reinterpret history in different ways. Students explain why and how interpretations of issues, events, ideologies can change over time (release of archival material, new scientific methods in archaeology, changes in contexts, changes in social attitudes).

Year 11 History D 306

Unit 1, Investigating Change: Western Australia.
Section 1.2 Social, economic and political forces bring about change. Students investigate social structures and interactions within society and cultural features of society.
Section 1.5 Change can be understood in different contexts of time, place and culture. Students investigate today's perception and representation of the era and the social memory of individuals and groups in society.

Year 12 History, E 306

Unit 1, Australia in the Twentieth Century: Shaping a Nation, 1900-1945 - 1945-1990.
Section 1.1 The nature of Australian Society reflects its identity - how Australians perceived themselves.

Section 1.5 Australia has been influenced by the social and cultural experiences of its people - Students investigate at least one group, movement or experience.