Mabo and the Humanities

Noel Pearson

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THERE ARE PROBABLY FEW THINGS more disappointing than a former student of history fallen to politics. Indeed I wonder how many people in this audience today frequently shed Frankensteinian tears of regret at their participation in the creation of that clamoring spectacle: the politician who likes to dabble in history with a generous inclination to paint the past with a broad and bold brush. Careless of detail and un-rigorous in scholarship, history in the hands of a politician is indeed a dangerous thing.

Let me tell you that there is probably one thing more foolish than to have participated in the creation of the charlatan undergraduates who now populate the corridors and have gone on to punish the public with their stillborn knowledge of historical truth: and that is to have lowered the drawbridge and invited one of them back to the fold to deliver the W.K. Hancock Memorial Lecture.

To perhaps alleviate the distress that will be felt by those who anticipated a scholarly discussion here, please let me say that it is indeed my sincere privilege to have been invited by the Academy to deliver this year's lecture. Let me especially thank Professor Schreuder whose graceful and enthusiastic teaching of history left me with an appreciation of not only the visions which scholarly analysis of the past can bring to our understanding of the present and our plans for the future, but of the sheer and simple beauty of stories well told.

The decision of the High Court of Australia in Mabo's case and its significance, is the subject of my lecture. Mabo was no small moment and its significance goes beyond the law: its significance goes beyond politics. Its impact on the Humanities is clear, not just on the study of history but on social, cultural and political studies.

I must confess that my concern is not with history as an academic matter. Rather I am concerned with the creation, maintenance and deconstruction of popular belief. Therefore I am concerned with the space where history meets society (and indeed individuals) and I am concerned with the political interest in that space.

Let me first say that coming to this lecture I chose to read Robert Hughes' recent book *Culture of Complaint*, which had been widely discussed in the media at the time of its release.[1] I came to the book with a critical eye and a gut felt opposition. Having read the book I must say that it has been the most invigorating book of ideas and arguments that I have read in recent times. Portrayed simplistically in public reports as leading the charge against political correctness, Hughes' book is in fact amongst the most important contributions to the Humanities in the past decade. It is particularly instructive when trying to grapple with the legacy of Mabo and its meaning for the study and teaching of history and the Humanities generally in Australia.

One is increasingly aware that history is as much a political tool as it is an art form or a science. This atmosphere of suspicion has found expression in the post structuralist position that the innately political nature of every utterance makes truth unapproachable. Though the route to this extreme stance is understandable, as Robert Hughes points out, the position itself is an authoritarian dead end.[2] If oppressed peoples cease to take responsibility for remembering their past they will only play into the hands of the mighty who know better than to abdicate the power of definition.

It is impossible to imagine a society without history. Jan Larbalestier, in a discussion of Jeannie Gunn's *We of the Never Never,* makes the point that:

> The past is not simply another time and place but is part of the present as a symbol, as ideology and as part of a continuity and transformation of social practices.[3]

This is certainly so. It is human to almost reflexively look to the past, real or mythical, for precedent and justification. What has gone before and, more to the point, our perceptions of it, can be an obstacle to change. However, it has also been shown that history can equally be a great source of inspiration and support for change. It depends on how and where we look. In the words of Robert Hughes, we need to discover both the real historic frontier behind the mythic one and to study the history of the mythic frontier.[4] We need to learn to read between the lines of our history in order to discover the real structure of Australia.

The certitude with which history and the Humanities generally have proclaimed the myth of *terra nullius*, meant that the legal invisibility of Aboriginal people and a steadfast belief in our inhumanity was embedded into popular belief.

The social Darwinism inherent in Australian teaching of the Humanities is now well understood in contemporary tertiary studies. However, its removal from popular belief is yet to occur throughout, particularly remote Australia. Only three years ago I witnessed an Aboriginal friend of mine being engaged in a discussion by a local pastoralist whose permission we had

sought to hunt on his leasehold. During the conversation the pastoralist emphatically and unacrimoniously asserted that Aboriginal people were innately mentally inferior to whites due to our smaller cranial capacities, and he pointed to old cloth bound books on the shelf for confirmation. All of this with no malice and by a person in an apparently affectionate relationship with my people. Popular belief in racial inferiority is still widespread and our study and teaching of the Humanities in the past has contributed to this.

We do well to ponder Robert Hughes, who advises:

> The reading of history is never static. Revise we historians must. There is no such thing as the last word. And who could doubt that there is still much to revise in the story of the European conquest of North and South America that we inherited? Its scheme was imperial: the epic advance of Civilization against Barbarism: the conquistador brings the Cross and the Sword, the red man shrinks back before the cavalry and the railroad. Manifest Destiny. The white American myth of the nineteenth century. The notion that all historians propagated this triumphalist myth uncritically is quite false: you have only to read Parkman or Prescott to realize that. But after the myth sank from the histories deep into popular culture, it became a potent justification for the plunder, murder and enslavement of peoples and the wreckage of nature.[5]

In 1930 the historian in whose honour I speak, described the Australian people as:

> a product of the blending of all the stocks and regional types which exist within the British Isles, nourished by a generous sufficiency of food and breathing space and sunshine.[6]

It is a peculiar image which says more about the history of this country than the author may have intended. One might protest that Hancock is overlooking something rather significant, a large proportion of the population perhaps whose ancestry could not be tied to the British Isles. But one might also be justified in agreeing with Hancock's myopic view, because during the 1930s this was the true composition of Australia's citizenry. Aboriginal people may have been 'part of this country as completely as the eucalypt'[7] but it was commonly held, well into the 1960s and probably later, that we were separated from social adulthood by 'a gulf of evolution'. In 1963 Marjorie Barnard wrote that this evolutionary gap could not be bridged 'by legislation or good will or anthropology'.[8] The best she could hope for was that:

> Gradually we may become one people. The most practical thing that those who criticize native policy could do would be to marry an aboriginal, bring up their half caste children to marry white again and so assist nature's remedy of assimilation.[9]

That this opinion now sounds ludicrous to most thinking people, may be an indication of the momentum gathered behind a great paradigm shift, a profound renegotiation and reassessment of Australian culture and history.

To return to W.K. Hancock's 'Australia' it might also be observed that the Anglo-Celtic population which he describes is not the Australia we now know. Marjorie Barnard's 'teeming millions' are on their way. I regret to advise that our Anglo-Celtic racial integrity is now under serious threat. We have entered an era of multiculturalism, a word which Robert Hughes defines as asserting:

> That people with different roots can coexist, that they can learn to read the image-banks of others, that they can and should look across the frontiers of race, language, gender and age without prejudice or illusion, and learn to think against the background of a hybridized society. It proposes—modestly enough, that some of the most interesting things in history and culture happen at the interface between cultures. It wants to study border situations, not only because they are fascinating in themselves but because understanding them may bring with it a little hope for the world.[10]

I believe the emphasis in this analysis is on communication and the willingness to both give and to receive on a footing of equality. The extent to which successful multiculturalism has been achieved in Australia is currently an area of some debate, to which I shall return somewhat later. The point to be made at this stage is that the Australia of the 1990s bears little outward resemblance to the Nation described by W.K. Hancock in 1930. And in its internal structure, its fibre, its psyche, there is some healthy turmoil. In its soul, there is the beginning of a search for the truth about a complex history which has too often been complacently simplified to suit the expediency of situation.

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In 1938 an Aboriginal man named William Cooper wrote to the then Prime Minister, Mr Lyons. In his letter Mr Cooper observed:

> I have addressed numerous letters to the editor of the

various news papers and find my pleas for better conditions are, in nine cases out of ten, 'pigeon holed'.

In spite of this fact we live in the hope that some day the news papers will begin to publish the truth concerning Aboriginal affairs so that the public, being informed, will see that the great evils from which we are suffering are remedied . . .

We Aborigines are a 'protected' people. I understand that the correct meaning of the word 'protector' is:– 'One who protects from injury—one who protects from oppression; a guardian; a regent; one who rules for a sovereign'. It would please us greatly to have a protector over our people who would live up to that standard, but how do our protectorates work? . . . Take for instance the policeman who was appointed as a protector of the Aborigines in Central Australia. He went out one day to arrest a native who was reputed to have killed a white man.

He stated in his evidence that he shot 17 natives and later shot another 14 and a so called 'Justice of the Peace' officially, without a trial, justified the constable for shooting these 31 people. Now . . . do you think that this Justice of the Peace could justify the Constable before God?

Do you think that he could justify his own judgment before the king?. . . The whole thing is contrary to British Justice and cannot be justified even before a much lower tribunal, the white people (if they knew the facts) and of these you are one!

History records that in the year 1771 white men first landed on the shores of what is now called Botany Bay. They claimed that they had 'found' a 'new' country—Australia. This country was not new, it was already in possession of and inhabited by, millions of blacks, who, while unarmed, excepting spears and boomerangs, nevertheless owned the country as their God given heritage.

From the standpoint of an educated black who can read the Bible upon which British constitution and custom is founded, I marvel at the fact that while the text book of present civilization, the Bible, states that God gave the earth to man, the 'Christian' interferes with God's arrangement and stop not even at murder to take that

which does not belong to them but belongs to others by right of prior possession and by right of gift from God . . .

The time is long overdue when the Aborigines should be considered as much and as fully under the protection of the law as any other citizen of the Empire . . .

This more particularly in view of the fact that history records that in the commission originally given to those who came from overseas the strict injunction was given that the Aborigines and their descendants had to be adequately cared for . . . The taking of rightful belongings has not yet ceased . . .

Will you, by your apathy tacitly admit that you don't care and thus assume the guilt of your fathers?'[11]

More than 50 years later, this letter highlights many issues that remain topical to the relationship between black and white Australians, questions of guilt, responsibility, of access to the media, of colonial justice and of clashing interpretations of history. The life of William Cooper itself is a lesson in Australian history . . . a life spent in pressuring the democratic system in the belief that a potential for justice for Aboriginal people existed within it.

Cooper's success in lobbying the Australian Government at that stage may have been limited, but recent developments indicate that his premises may not fundamentally have been at fault. Australia does contain the potential for justice for Aboriginal people and the traditions and psychology of this country are ultimately intolerant of inequity. The shame is that Mr Cooper, like so many other people who have struggled for Aboriginal rights, did not live to see his good faith returned.

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Our understanding of the term 'history' has shifted many times over the centuries. In early usage the word could simply be used to mean story or narrative. Later the idea that history should equate with truth about the past has become accepted. Over recent decades, with increasing awareness of the power which historical justification confers, monopolies of historical definition have been challenged. From being regarded simply as the study of great men and great battles, history is now thought of as a discipline which should have regard to the full spectrum of human experience.

In his 1968 Boyer lecture, the distinguished anthropologist Emeritus Professor W.E.H. Stanner provided a review of literature which purported to have the history of Australia and Australian affairs as their subject. Stanner commented that most of these books, all written by white Australians, should

have been given the title 'My Australia'[12] and that they fit into a tradition of deliberate navel gazing which has dominated Australian society for at least the previous fifty years. There is a general and peculiar silence among the greater number of these publications, on a certain subject, at which Professor Stanner concludes:

> . . . inattention on such a scale cannot possibly be explained by absent-mindedness. It is a structural matter, a view from a window which has been carefully placed to exclude a whole quadrant of the landscape. What may well have begun as a simple forgetting of other possible views turned under habit and over time into something like a cult of forgetfulness practiced on a national scale . . . the great Australian silence reigns; the story of the things we were unconsciously resolved not to discuss with them or treat with them about . . .[13]

The popular, Anglo-Celtic story of Australia's past has been seriously distorted by such 'significant omissions' and by some straight out fictions, such as the proposition of 'peaceful settlement'.

In a recent discussion of Jeannie Gunn's *We of the Never Never* and *Little Black Princess*, Jan Larbalestier examines the ways in which this fiction has been perpetuated and reinforced by another fiction, that 'the possibility of Europeans living in amity and kindness with the original occupiers of the land was realized in the pastoral regions of Australia's north'.[14]

Larbalestier argues that the concept of 'colonization by means of friendship and benevolence is a profound contradiction' and that the work of Jeannie Gunn, which was intended to portray the realization of such a possibility, inadvertently betrays the opposite. Underlying Gunn's work is an echo of violence, images of blacks scattering in fear at the sound of a rifle salute while white men laugh jovially at their foolishness. Gunn describes a world in which everyone is safe and happy as long as they know their place and do not step outside their allotted roles. When the mission educated Charlie confronts Mrs Gunn to demand tobacco, she pulls a revolver on him. He makes a rapid and fearful retreat which she again finds highly amusing, observing that his bad behavior was due to him being contaminated by a mission education:

> That was the first and last time I had to take my revolver to a blackfellow, but Charlie was supposed to be civilized you see. You cannot change a blackfellow into a white man; if you try, you only make a bad, cunning, sly old blackfellow.[15]

That Jeannie Gunn's work has been so popular is indicative of the eagerness with which its assumptions and constructions have been received. It filled a need for reassurance among white Australians and perpetuated some convenient ideologies which are central to the pioneer legend on which the exclusive national mythology relies.

The great affection and defensiveness with which white Australia has regarded its colonial heritage has until recently proved to be a barrier to proper dialogue on the matter as much as it has been an obstacle to the inclusion of Aboriginal experience as part of the recognised history of this country.

A review of our national past needs to be undertaken by all Australians because it is only with some reconciliation of such views that any reconciliation between peoples can be possible. Jan Larbalestier concludes this article on the role of Jeannie Gunn in the creation of the great Australian myth, on an optimistic note:

> Idealized images of our history, omissions, fictions, and concern over the reputation of the settlers should be laid to rest. The realities of Australia's colonial past need to be understood, not obscured. For the present and future it is important that the contradictions of liberal democracy, whereby the idea of equality is expounded amid the reality of inequality and domination are being resolved.[16]

Until very recently there were old people still living at my community who told of massacres of their people on their land. Testimony to a brutal past is written on the landscape of my homeland: places such as Battle Camp and Police Lagoon and Hell's Gate.

Aboriginal stockmen mustering at Cape Melville in the 1950s found the bones of their people littering the landscape. This is not a thing of the distant past, it is a reality which is still fresh in the minds of their children and grandchildren. Whatever else can be said for this country, and I would argue that there is much to be said for a country in which justice can be approached through revision and through negotiation, we have a violent past.

As a correspondent pointed out in response to an article by Professor Blainey in the *Herald* in the height of the native title debate last year:

> These terrible things happened. It is not 'black arm-band history' to acknowledge them, as the High Court has done (in the Mabo decision).[17]

Blainey had argued that the High Court's finding in Mabo rested on 'prejudice and misguided research'[18] and that these horrors that I have spoken of are not a significant aspect of Australia's history.

Despite the use and abuse of historical argument in the battlefield of politics, where competing definitions of the past are often fired with little regard to the truth, there is still room for good history. To revise history is not to do so for the purpose of raising self esteem or lowering overweening pride. Rather, as Robert Hughes asserts:

> Self-esteem comes from doing things well, from discovering how to tell a truth from a lie, and from finding out what unites us as well as what separates us.[19]

The problem of achieving objectivity about the past is real, not only for those who have a conscious agenda, but for the most conscientious and thorough historian. By conscientious, I mean an historian who seeks truth, because I shall argue, and on this I am persuaded by Hughes: the truth must be sought. This is partly because history is important in its ability to explain present inequalities in terms of past injustice.

Pastoralists in this country have been the first to forget the fact that the industry developed using Aboriginal slave labour and Aboriginal land. And as Professor Stanner observed, pastoralism easily 'wins the laurels' for murder and dispossession of Aboriginal people. He also observed that at the height of pastoralist savagery against Aboriginal people came a corresponding violence in moralistic justifications for dispossession.

> This was the time of greatest talk about the law of progress and the survival of the fittest.[20]

In the wake of Mabo, landed Australia have been the loudest in their protests now, that this is all in the past, because they want to disavow how they came to be where they are. It is ironic that they have often been quick to promote the idea of Aboriginal people as bludging and lazy when it was our parents' and grandparents' sweat that watered the soil of their plantations and our parents and grandparents who built prosperity for strangers on their own land.

So clearly it is necessary to keep dragging the dead cat out of the cupboard, because the history of this country explains current disadvantage and inequality and because we must not allow either you or ourselves to forget that history.

The challenge for Aboriginal people and for all Australians today, is to be able to remember, for our ancestors, ourselves and for future generations, without allowing our awareness of the past to prevent us from engaging for the future. We must never allow obsession with the past to prevent action in the present but we must certainly look to the past to inform future actions.

The fact that people experience and understand things differently needs to be taken into account here, but it does not present an insurmountable

problem for the development of a healthy national identity.

On previous occasions I have broken the historical complexities of this country down into three generalized phases, a pre-1788 phase which was defined by us, the original inhabitants of the country, a post-1788 phase dominated by an Anglo-Celtic world view, and a third phase in which immigrants of diverse origins are becoming Australians and in many ways expanding the horizons of what has been a fairly insular society. To this last point I shall need to return later.

The question now arises as to whether it is possible to have a reconciled history of Australia, within which all Australians can locate themselves. In considering this one must accommodate both the positive and negative aspects of our past and the ways in which that past has been and is being manipulated.

There is heated debate going on in Australian education departments as to the approach which ought properly be taken toward the teaching of the history of this country to the coming generations. After two centuries of teaching that Australia was settled peacefully, the current shifting of paradigms, the ideological sands beneath our feet, has encouraged a re-evaluation and a reaction. It is now argued by many that we should be teaching that Australia was invaded rather than settled.

The 'settlement' theory of Australia's history is an exclusive one in which Aboriginal people can't locate themselves. Firstly, because their suffering, their endeavors and interactions with 'settlers', their very existence, is disregarded by it. Secondly, there is simply too great a discrepancy between this national mythology and the reality of Aboriginal experience.

However, it is also argued that an invasion view of Australia's history will breed a generation of guilt-ridden white Australians who feel they have no right to live in the country to which they were born.

The rightwing pamphleteer Frank Devine, who by sheer force of language compels me to regularly read his contributions in the *Australian*, recently exclaimed that, in promoting contemporary white guilt, the 'guilt industry' is predicating reconciliation on what he called 'a dangerous and unstable base', one which will not be conducive to national unity and the maintenance of one sovereign Australia. Putting aside his tired invocation of the spectre of black separatism, Devine gave expression to widely shared reservations about reconciliation: why should white Australians be asked to concede that there is nothing but shame in 200 years of colonial 'achievement' and will this not result in some children growing up with 'a nasty burden of self-loathing'.

At the height of the native title debate in 1993, in a speech to the Endeavour Foundation, the then Leader of the Federal Opposition, Dr John Hewson remarked:

> A divisive debate over issues long gone should never be preferred to a unifying search for common ground.[21]

This is a point which we would now do well to consider further. Why should the burden of guilt for past sins fall on the shoulders of a generation of children who had nothing to do with the massacres and dispossessions of those days gone by?

Firstly there is the fact of violence in our past. Another problem is that dispossession is not relegated to the past. This legacy of colonialism is very much a thing of the present. Colonialism is still working policy and Aboriginal people continue to struggle for their rights and property.

I would argue that it should not be necessary for the truth to be distorted in order for white Australians to be able to live with themselves. Dr Hewson appears to suggest that the truth about the past should suffer in the name of a united Australia. The situation is entirely the reverse. The psychological unity of this country depends upon our taking responsibility for the future by dealing with the past. Anything less is simply evasion of reality and arguably,we have all suffered enough of this.

So, having observed that the past can no longer be evaded, allow me to say that there is now every indication that Australia is mature enough to deal with it. But how do we explain the past to our children? How do we locate ourselves as Australians in relation to the diverse traditions and experiences that comprise our combined heritage?

How do we as Indigenous people, respond to the legacy of colonialism and that brutal, troubled, culture by which we are dispossessed? Do we reject it outright and furthermore, do we require Anglo-Celtic Australians to spurn their origins in the name of penance and of solidarity with us?

I would argue that such a response to our history is quite inappropriate, now when at last we may be approaching a state of 'live and let live' in this country. It is a reactionary stance which is at odds with the quest to discover 'what unites us' as well as 'what separates us'. There is an extent to which I agree with Hughes when he writes:

> The need for absolute goodies and absolute baddies runs deep in us, but it drags history into propaganda and denies the humanity of the dead: their sins, their virtues, their efforts, their failures. To preserve complexity and not flatten it under the weight of anachronistic moralizing, is part of the historians task . . . [22]

We need to appreciate the complexity of the past and not reduce history to a shallow field of point scoring. I believe that there is much that is worth preserving in the cultural heritage of our dispossessors, much that I for one

would be loath to repudiate and much that has also become ours, not necessarily by imposition but by appropriation.

Contrary to the propaganda of colonialism, which justifies our dispossession through neo-Darwinian arguments that Aboriginal cultures were doomed to extinction due to our innate inability to 'progress', our cultures are resilient and adaptable. We have taken from you and we should not belittle ourselves by contending that we have had no choice in the matter. The actions and eloquence of William Cooper and many others are a testimony to our ability to learn the white man's game and to play it with grace. The reverse is also of course true. You have taken from us, not just our land and not just all of the icons of indigenous Australia, but some of our ways of approaching things have become an inescapable part of Australia's national mythology. This cultural interface has not been entirely woeful.

As William Cooper supposed, the Australian Anglo-Celtic inheritance contains as much competence for justice as for brutality. There is a strong tradition of reform. The oxymoronic nature of such an assertion is quite appropriate as contradiction is as much a part of a nation's psychology as it is of individuals. This 'reform tradition' is a significant legacy which must be fostered, rather than thrown out with the dirty water of painful experience.

Henry Reynolds has argued persuasively that Aboriginal people should use history as a lever in making their claims for justice within Australian social democracy, rather than completely rejecting it. The colonial conflation of sovereignty with land ownership, for example, exacerbated dispossession. Its separation was ammunition for scaremongers from the Right who warned of all horrors ranging from the loss of back yards to the threat to national security of a communist infiltrated black state. Such claims were made as recently as last week by the Leader of the National Party Opposition in Queensland, and I was slated as the chief Black Bolshevik in the creation of this 'nation within the nation'.

The search for historical precedent for a just society could well be made in the repudiation of colonialism and reconstruction of our national identity. Reynolds' histories show that Australia has a rich but largely unexploited alternative history.

Jan Labalestier mentions for example, evidence given by F.J. Gillen, who was Sub-Protector of Aborigines in 1889, before a Select Committee of the South Australian parliament. Gillen had suggested that there should be a clause in the Crown Lands Act which would ensure the right of Aboriginal people to have access to their water sources and a clause in the leases which would give them right of access to any other part of their land which might be included in a cattle run. Gillen was informed by the Committee that this was already the case at which he expressed surprise because, he said, in many areas 'blacks are driven away'.[23]

Henry Reynolds mentions other examples of the settler's desire for justice. The editor of the *South Australian Gazette* complained that:

> the Aborigines had received 'but a miserable installment of the debt of justice we owe them'. The settlers had met them upon the footing of British subjects—their claims of property in the soil distinctly recognised by our sovereign and the parliament of England.[24]

and in September 1838 an Adelaide Quaker, Robert Cock, made his feelings known in a letter to the Protector. He wrote:

> Sir,
> Please receive herewith the sum of 3 pounds -16 -6 being the interest at the rate of 10%, on one fifth the purchase money of the town lands purchased by me on the 27th of March,1837.
>
> This sum, in accordance with the pledge given by the Colonization Commissioners for this province, and in accordance with the principles therein signified in their first annual report, wherein it was stated they were to receive one fifth of the lands to constitute a permanent fund for the support and advancement of the natives; I beg leave to pay the above sum for that purpose, seeing that the Commissioners as yet have neither fulfilled their pledge in this respect to the public, or carried out the moral principle signified. Under these circumstances it is impossible to let the question rest; and until that be done, I feel it my duty to pay to the proper authorities for the use of the natives this yearly rent.
>
> I disclaim this to be either donation, grant or gift; but a just claim the natives of this district have on me as an occupier of those lands.[25]

Humanitarianism and reform have certainly had their exponents in the story of land rights in Australia. As well as those more humble settlers who did not allow greed and prejudice to cloud their sense of justice, there are many more prominent figures such as Earl Grey, Governor Gawler of South Australia, Gillies, Charles Sturt, who is famous in popular Australian history for his exploration, and nearer our times, intellectuals such as Combes and Professor Stanner and Henry Reynolds.

It is this tradition of humanitarian reform which needs to become the central tradition in this country.

The point at this stage is that a sense of justice is of no use to those

requiring justice unless the sense becomes reality. Reconciliation and a truly successful multicultural society will only be possible as a result of the sharing of justice and of information, in a society in which all are equal before the law. In this respect Australia has some ground to make but there is every indication that the will is there and that the artificial state of denial induced by reactionary scaremongering against Aboriginal interests, ultimately will be overcome. This state of denial has been deeply wounding to both the Aboriginal people and to the conscience of the nation.

The decision of the High Court of Australia in Mabo and the subsequent native title legislation is the beginning of the sharing of justice and citizenship in this country. The legal commentator Michael Detmold is not wrong when he says that Mabo is the citizenship decision for indigenous Australians.[26] Detractors of the Mabo decision, such as Geoffrey Blainey, charge it with exacerbating inequality by giving Aboriginal people rights which others do not possess. Those who maintain such arguments have failed to examine their premises. As old William Cooper pointed out in 1938, Australia belonged to Aborigines by right of prior possession recognised by English law.

What Mabo does is to finally and publicly admit the inescapable: that Aboriginal people were in possession of this continent before the arrival of Europeans. The opposite premise, that which would be required for the construction of Blainey's argument, is obviously untenable. It should be plain as day that Aboriginal people have the same rights to own property as any other Australian citizen. The application of the *terra nullius* doctrine to Australia was founded on racial discrimination. The Mabo decision and the national legislation which has subsequently been developed finally recognise the existence of Aboriginal people and so provides a reasonable starting point for further debate and development.

It seems that the days are now passing when the despair of Aboriginal people can be 'pigeon-holed'.

When William Cooper observed to Mr Lyons that the newspapers were refusing to publish his letters he made the point that this was shameful on two counts:

> Failure to publish letters which seek to lay before the public the truth concerning aboriginal conditions is as unfair to the public as it is to the aborigines. Additionally it is very inconvenient to the Aborigines who are forced to seek other channels to get information through to sympathetic white friends. The whites are starved for want of the facts on the subject. The blacks suffer through this starvation. Thus the news papers contribute to the plight of both parties.[27]

For many years Aboriginal people were denied access to the media and other tools with which they might positively define themselves. The colonial power structure has, until very recently, monopolized the definition of Aboriginal people. The newspapers and TV have told us and the world that we are lazy, helpless, doomed, simple, ugly, treacherous, drunken, childish and primitive. Books published about us by both the malicious and the well-intentioned have often tended to support these stereotypes.

Now this situation is changing with increased access of Aboriginal people to the media, with the understandable result that Aboriginal people are now seeking to take over the long held Anglo-Celtic monopoly on definitions of Aboriginality. Despite the fact that this is an understandable reaction, I would argue that it is self defeating if it is a question of smothering discourse. It is as unjustifiable to refuse a voice to a non-Aboriginal Australian wishing to engage in the discourse on Aboriginality today as it was to refuse a voice to Mr Cooper in 1938.

As Hughes observes in *The Culture of Complaint*, there is a fundamental difference between word and deed which should not be forgotten. What distinguishes us as human, one could argue, is the ability to work out rather than always needing to act out.

Restrictions on the use of words are often justified on the grounds that the words are threatening or insulting, but if one removes a person's ability to use words (manipulate symbols) then the only recourse left to that individual is inactivity or physical action.

Furthermore, what distinguishes a democracy from a totalitarian state is the potential for negotiation and change. This potential for negotiation is currently being exercised in relation to land rights in the development of national legislation and challenges being heard in the courts. It is also being manifested in the development of discourse on the matter, leading, I would argue, to a heightened sense of social responsibility and morality. I would not throw away the wisdom and sensitivity of commentators on Aboriginal affairs such as Stanner and Reynolds for anything. It is largely due to the ability of such people to convey their ideas that we can finally approach reality in this country and at last begin to treat the deep malaise at its heart. Again, as Hughes observes, it is very difficult to draw a line which is more than personal between good and bad censorship.

Of course some would argue that negotiation will always be compromised and change will never go far enough toward redressing the injustices of the past, but if we close down the channels of negotiation and the channels of complaint we will ultimately not gain. Close down the channels of communication and we will ultimately have no voice because we will cease to be heard. Keeping these channels of communication open requires that we are able to listen and not just to speak.

We now need to engage for the future in good faith, on the assumption that those differences which can not be reconciled, can be dealt with in a graceful manner.

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At this juncture it seems appropriate to return to an important question which I have raised earlier in this lecture. Whether or not it is possible to have a reconciled history of Australia, in which all Australians can locate themselves.

Whatever the merits of the Anglo-Celtic system of democracy which operates in this country, one of its atavistic features is that it is founded on racist assumptions. As we have seen, this has been a definite setback to the development of a cohesive Australian society, counting against both the first owners of this country and subsequently, against its more recent members. Arguably the major institutions of this country have been forged to the exclusion of these two groups. Measures, however sincere, to remedy this fact often face public criticism.

A point of debate at the moment is whether or not government support for cultural development programs of minorities is encouraging multiculturalism or separatism. Funding for Aboriginal schemes has provoked a similar reaction in the past.

Hughes observes that multiculturalism has been a bureaucratic standard in Australia for the best part of twenty years and 'that its effects have been almost entirely good'. He argues that initiatives such as SBS may have had the effect of helping to cement Australian society 'through mutual tolerance and curiosity'.[28]

What happens, though, when one group begins to feel that its interests are being ignored in favor of another? Is the possibility of backlash something which should be considered in framing policy? More to the point, I would argue, is whether throwing money at various community cultural programs is more cosmetic than constructive. Again, from the perspective of Aboriginal affairs I feel qualified to argue that such a reaction can often be a way of masking an avoidance of issues more fundamental and meaningful.

The latest immigrants to Australia have no connections with our colonial past and are unlikely to be drawn into the romance of pioneer mythology. Many of them have had life experiences which might make them a little cynical about our relatively naive and opulent little world. It is a challenge for the future that the reality of of the many and various experiences which are gathered on this continent should be mutually recognised and appreciated.

If the pioneer mythology has little resonance with new Australians, then

what about the Aboriginal experience? New Australians, many of them escaping their own horrors to find refuge in this country, cannot be expected to feel responsible for our dispossession, even though they now might wish to share in our land and take part in our society. They might however be persuaded to empathize with our cause. The same could be said of our relationship with Anglo-Celtic Australia.

None of us, victims and victors alike, have a monopoly on justice or injustice. We are bound to share good fortune with those who come in need and all those who consider this their home but we require a commonality on which to do the sharing and we require recognition of the fundamental facts of our various histories. Australia will need to become that truly multicultural society with the ability to see across frontiers 'without prejudice or illusion'.

* * *

The decision in Mabo was a compromise between a great fear of change and an awareness that to evade the truth any longer would make Australian justice look ridiculous. Because of Mabo, this country need no longer suffer in contradiction. White Australians need no longer resort to Orwellian doublethink in order to justify their luck, their security and wealth. An opportunity was provided for reality to illuminate policy: this is what is meant by the rejection of *terra nullius*. In Mabo the High Court returned Australian law to a recognition of reality from which it had been divorced since the defeat of the first Australian land rights movement in the 1830's. The question remains as to how far the courts and the majority of Australians are willing to push the old paradigms at this stage.

The Wik claim which is currently before the Federal Court presents a further challenge to our commitment to reality and to reconciliation. The evidence which this case raises presents a surprising alternative view of Australia's history which has been largely overlooked in the construction of our national lie. What is emerging is a story of struggle between idealism and cynicism in colonial affairs in which cynicism ultimately triumphed to the extent that reality was lost in a general amnesia which has prevailed ever since. Reality had to be sacrificed because Anglo-Celtic Australians were, by and large, not willing to accept cynicism as a formative aspect of their history. This is not to say Australia has retained no models of idealism, only that realism in Aboriginal affairs has struggled against a great current of denial. Sixteen years ago Professor Stanner suggested that Australia's record on Aboriginal affairs was less than wonderful and that:

> Development over the next fifty years will need to change its style and its philosophy if the outcome is to be very different. I have begun to allow myself to believe that

there is now a credible prospect of that happening. A kind of beneficial multiplier could be starting to have effect.[29]

If the beneficial multiplier has been at work it has been operating incrementally but at this stage I find myself desiring to share in Professor Stanner's cautious optimism. However, William Cooper's final question to Prime Minister Lyons still hangs in the air without yet having received an adequate reply:

> Will you, by your apathy tacitly admit that you don't care and thus assume the guilt of your fathers?

Notes

1 Hughes, Robert, *Culture of Complaint: The Fraying of America*, (London: Harvill, 1994).

2 Ibid., p. 105.

3 Larbalestier, Jan, '"Amity and Kindness" in the Never Never: Ideology and Aboriginal-European Relations in Northern Territory' in *Writing Australian Culture*, ed. by J. Marcus (Adelaide: University of Adelaide, 1990), pp. 70-82, p. 70.

4 Ibid., p. 106.

5 Ibid., p. 100.

6 Hancock, W.K., *Australia*, 1930.

7 Barnard, Marjorie, *A History of Australia* (Australia: Angus and Robertson, 1978), p. 648.

8 Ibid., p. 666.

9 Op. cit.

10 Ibid., p. 73.

11 William Cooper, from a letter to the Prime Minister, 31st March 1938, in Andrew Markus, *Blood From a Stone*, (Sydney: Allen and Unwin, 1988), pp. 85-92.

12 W.E.H. Stanner, *The 1968 Boyer Lectures: After the Dreaming*, (Australia: New Century Press, 1969), p. 24.

13 Ibid., p. 25.

14 Ibid., p. 70.

15 As quoted, ibid., p. 76.

16 Ibid. p. 82.

17 G.D. Woods QC, *Sydney Morning Herald*, 17 November 1993.

18 G. Blainey, *Sydney Morning Herald*, 10 November 1993.

19 Ibid., p. 128.

20 Ibid., p. 34.

21 Dr J. Hewson, *Sydney Morning Herald*, 2 December 1993.

22 Ibid., p. 104.

23 Ibid., p. 81.

24 H. Reynolds, *The Law of the Land* (Penguin, 1987), p. 120.

25 Op. cit.

26 Michael Detmold, 'The New Constitutional Law', *Sydney Law Review*, 1994.

27 Ibid., p. 86.

28 Ibid., p. 77.

29 Ibid., p. 28.